MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF MAY, 1998 AT 5:00 P. M.

On the 5th day of May, 1998 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
Jack Gorden, Jr.	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Stephen Abraham	Director of Planning
Kenneth Williams	Director of Public Works

being present when the following business was transacted.

1. Meeting was opened with prayer by Andy Salagaj, Associate Pastor, First Assembly of God Family Church.

2. Mayor Bronaugh welcomed visitors present and recognized LISD government students: Michelle Moors, John Loving, David Ginter, Adrian Ford, Slumencio Constanto III, Cornelius Houston, Derrick Henderson, Theresa Murphy, Marcus Jones, Jerry Lynch, Tanike Johnson and Nick Horace.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones that the minutes of the Regular Meeting of April 21, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. **OATH OF OFFICE - R. L. KUYKENDALL, COUNCILMEMBER WARD 1 - BETTY JONES, COUNCILMEMBER WARD 3**

Mayor Bronaugh administered the oath of office to R. L. Kuykendall, Councilmember of Ward 1 and Betty Jones, Councilmember Ward 3.

Mayor Bronaugh stated that Percy Simond was unable to be present at tonight's meeting, and Council would recognize him at the May 19 meeting.

5. **ELECTION - MAYOR PRO TEM - JACK GORDEN, JR.**

Mayor Bronaugh stated that the next item for consideration was the election of a Mayor pro tem.

Mayor Bronaugh stated that as the City's Charter states, each year after the election Council will consider the election of a Mayor pro tem. Mayor Bronaugh stated that at a Council meeting a year ago Councilmember Don Boyd was elected for one year for Mayor pro tem. Mayor Bronaugh stated that tonight it is time to elect a Mayor pro tem.

Councilmember Weems stated that since starting the rotation last year, with Mr. Simond declining and Mr. Boyd served last year as Mayor pro tem, he would like to ask Mrs. Jones if she would serve as Mayor pro tem. Councilmember Jones stated that she appreciated the consideration, but due to the illness of her husband right now she would not be able to take on any additional duties, so she would decline for this time.

Councilmember Weems asked Councilmember Bowman if he would be willing to serve as Mayor pro tem. Councilmember Bowman stated that he preferred not to serve at this time.

Councilmember Weems asked Councilmember Gorden if he would be willing to serve as Mayor pro tem. Councilmember Gorden stated that he would serve if elected.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Jack Gorden, Jr. be elected as the Mayor pro tem for the next year.

Councilmember Boyd stated that the Mayor has said that Council has to vote for Mayor pro tem every year because it is in the Charter, and he did not see it anywhere in the Charter. Councilmember Boyd stated that it has been in the past that the oldest member in tenure will serve as Mayor pro tem, and the Mayor said last year that it was time to change because other cities were changing. Councilmember Boyd stated that he could quote from an article in a newspaper in Freeport where it says that a lot of cities were going back to where tje City Councilmember with the longest continuous service would be the Mayor pro tem. Councilmember Boyd stated that when Mayor Bronaugh first came on the Council the statement was made that the policy was that the oldest serving member serve as Mayor pro tem. Councilmember Boyd stated that he was elected to serve as Mayor pro tem but withdrew so that Pat Foley could serve as the Mayor pro tem. Councilmember Boyd stated that he said that when his time came (to serve as Mayor pro tem) for the Mayor not to "mess over him", and he said he would not. Councilmember Boyd stated that now the Mayor wants to change and he wanted to know why. Mayor Bronaugh stated that he wanted to pass the Mayor pro tem around to other Councilmembers to be able to serve in this capacity. Councilmember Boyd stated that maybe the Mayorship should be passed around, too, for others to serve as Mayor. Mayor Bronaugh stated that the constituents would elect the Mayor. Councilmember Boyd stated that maybe the Council should be allowed to elect the Mayor. Councilmember Boyd stated that since the Mayor wanted to put term limits on the Mayor pro tem, perhaps term limits should be put on everybody.

Mayor Bronaugh asked that the City Attorney review the Charter provisions for Mayor pro tem. Mr. Flournoy read from the Charter: "The Council shall by election designate one of its members as Mayor pro tem who shall serve in such capacity during the pleasure of the Council. The Mayor pro tem shall act as Mayor during the absence or disability of the Mayor and shall have power to perform every act the Mayor could perform." Councilmember Boyd stated that the Charter does not say that the term of Mayor pro tem is limited to a certain degree. Councilmember Boyd stated that heretofore it has always been the oldest member in tenure who served as Mayor pro tem, and now you (the Mayor) wants to change it.

The following vote was recorded:

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

Motion carried with six affirmative votes.

6. AMENDMENT TO DOWNTOWN PARKING ORDINANCE - TABLED

Mayor Bronaugh stated that the next item for consideration was a request of Sheriff Kent Henson for an Amendment to the Downtown Parking Ordinance.

City Manager Maclin stated that Judge Joe Berry had called this afternoon and specifically requested some additional time for research and review of this item, and that the item be tabled at this time and brought back at a future meeting.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the request of Sheriff Kent Henson for an Amendment to the Downtown Parking Ordinance be tabled and brought back at a future meeting. A unanimous affirmative vote was recorded.

7. <u>REHEARING REQUEST - APPROVED - ZONE CHANGE - MOORE STREET BETWEEN BYNUM AND BLEDSOE - SHELBY & ESTUS - ECKERD'S DRUGS</u>

Mayor Bronaugh stated that the next item for consideration was the request of Shelby & Estus for a rehearing of the Eckerd Drugs zone change case located on Moore Street between Bynum and Bledsoe Streets.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department indicating that the applicant has requested reconsideration, along with a letter from Shelby & Estus indicating that they believe that the opposition to the zone change has been removed.

Mr. Flournoy stated that the Council now needs to vote on whether or not to bring this request up again. Mr. Flournoy stated that the request failed to pass by four affirmative votes when it was before Council previously, therefore, it was not a vote against it, it simply did not pass. Mr. Flournoy stated that the request is still "alive" and can be brought back up and should be brought back at the pleasure of the Council. Mr. Flournoy stated that if Council votes to reconsider the request it can be placed on the next agenda and does not have to go back to the Planning & Zoning Commission.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that the request for a rehearing of the Eckerd Drugs zone change case located on Moore Street between Bynum and Bledsoe Streets be approved for the May 19th Council agenda. A unanimous affirmative vote was recorded.

Councilmember Jones stated that she would like to comment that apparently Mr. Simond's and her reluctance to pass this request last time was that it seemed to work a hardship on some citizens, which she now understands has been resolved. Councilmember Jones stated that with that taken care of she sees no problem with the request.

8. <u>ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY DISTRICT TO SINGLE FAMILY/MIXED USE DISTRICT - ROSIE TEEL ET AL. - LUBBOCK & HODGE STREETS - LONG & WOOD AVENUES - WARREN STREET</u>

Mayor Bronaugh stated that the next item for consideration was the request of Rosie Teel et a. to change the zoning on approximately 84.54 acres of land generally bounded by Sunrise Avenue on the north, Lubbock and Hodge Streets on the east, Long and Wood Avenues on the south and Warren Street on the west, from a "RS" Residential Small Single Family District to a "SF/MX" Single Family/Mixed Use District.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department that provides a detailed explanation of this request. City Manager Maclin stated that over a period of months the Planning Department had several requests for consideration for a Single Family/Mixed Use zoning district at several different locations within the subject area. City Manager Maclin stated that the Planning Department, after thorough review of the area, felt like for the majority of the residents in the area it would be an appropriate form of housing in that community. City Manager Maclin stated that the request comes to City

Council with a unanimous vote of approval from the Planning and Zoning Commission that the zone change be approved as submitted.

In response to question by Councilmember Jones, Mr. Abraham stated that he did not have a map identifying the exact locations but the streets on which the other requests were on were Addie, Robin, Sunrise, Holland, and Knight Streets. Mr. Abraham stated that these were the streets that the Planning Department had specifically done work on. Mr. Abraham stated that he would agree with Councilmember Jones that the size of the requested area is large, but looking at the existing conditions, the existing Single Family on the east side, the existing Single Family/Mixed Use that is on Stark, this gives a place to try and fill in. Mr. Abraham stated that the Planning Department has had a policy that when this district was created that they would try and keep the Single Family/Mixed Use off the major travel corridors (Lufkin Avenue and Paul Street), so they started looking at logical boundaries. Mr. Abraham stated that the previous request was quite a large area as well, but due to the different configurations of the lots, lot orientations, and the lack of a street system there, the Planning Department thought it was cumbersome. Mr. Abraham stated that there are some existing mobile homes in the area which assimilate into the area nicely. Mr. Abraham stated that the problem with picking one street over the next was that all streets were similar in character, but they felt it was prudent to take this area which was all similar in nature and figure out its future now rather than having six or seven zoning changes. Mr. Abraham stated that the Planning Department did not start out looking for an area as large as they could get, but felt these were logical boundaries. Mr. Abraham stated that on the west side the Georgia-Pacific plant is zoned Heavy Manufacturing.

In response to question by Councilmember Jones, Mr. Abraham stated that this particular zoning would not allow for a mobile home park.

Councilmember Boyd stated that approval of this zone change will be an asset to the area since some people could not afford to build a house where they could afford a manufactured home.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Ordinance for a zone change on approximately 84.54 acres of land generally bounded by Sunrise Avenue on the north, Lubbock and Hodge Streets on the east, Long and Wood Avenues on the south and Warren Street on the west from a "RS" Residential Small Single Family District to a "SF/MX" Single Family/Mixed Use District be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. **REQUEST - WITHDRAWN - ZONE CHANGE - PLANNED UNIT DEVELOPMENT TO LOCAL BUSINESS - TULANE DRIVE & S. MEDFORD DRIVE (LOOP 287) - PERRY B. HALL OF BAKER REALTY GROUP, INC. - DAVID MILES**

Mayor Bronaugh stated that the next item for consideration was the request of Perry B. Hall of Baker Realty Group, Inc. on behalf of David Miles to change the zoning from "PUD" Planned Unit Development to "LB" Local Business on approximately 28.75 acres of land located approximately one half block southeast of the intersection of Tulane Drive and S. Medford Drive (Loop 287).

City Manager Maclin stated that the applicants have withdrawn this request.

10. **REQUEST - WITHDRAWN - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - HARMONY HILL DRIVE - TULANE DRIVE BETWEEN HARMONY HILL DRIVE AND BROWN ROAD - DAVID MILES - JOAN FINLEY**

Mayor Bronaugh stated that the next item for consideration was the request of David Miles on behalf of Joan Finley to change the zoning from "RL" Residential

Large Single Family to "LB" Local Business on approximately 3.16 acres of land located at 400 Harmony Hill Drive and generally located east of Tulane Drive between Harmony Hill Drive and Brown Road.

City Manager Maclin stated that this item, too, has been withdrawn by the applicant.

11. **REQUEST - DENIED - ZONE CHANGE - RESIDENTIAL MEDIUM SINGLE FAMILY TO LOCAL BUSINESS - J. L. QUINALTY SURVEY - ATKINSON DRIVE AND EVERETT STREET - ANA GUILLEN - ELVIRA RAMOS**

Mayor Bronaugh stated that the next item for consideration was the request of Ana Guillen on behalf of Elvira Ramos to change the zoning from "RM" Residential Medium Single Family to "LB" Local Business on Tract 21, Abstract A-40 of the J. L. Quinalty Survey, and generally located at the southwest corner of the intersection of Atkinson Drive and Everett Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department that provides a detailed overview of this area and this request. City Manager Maclin stated that the memorandum references the Comprehensive Plan that this area remain Residential. City Manager Maclin stated that this request comes to Council from the Planning & Zoning Commission on a 6 to 1 vote that the zone change be denied.

Mayor Bronaugh stated that for the Council to override the decision by the Planning & Zoning Commission it would take six affirmative votes.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the request of Ana Guillen on behalf of Elvira Ramos to change the zoning from "RM" Residential Medium Single Family to "LB" Local Business on Tract 21, Abstract A-40 of the J. L. Quinalty Survey and generally located at the southwest corner of the intersection of Atkinson Drive and Everett Street be denied.

Sid Clary stated that he was one of the partners in the proposed business. Mr. Clary stated that if the City Council denies this request, he wants to understand why. Mr. Clary stated that the property is facing a State highway and right across the street is a commercial building. Mr. Clary stated that he and his partners own the land out right and own a very nice building (which would be moved to this location if the request is approved). Mr. Clary stated that the building was formerly located at 102 White House Drive and, in his opinion, would be an asset to the community. Mr. Clary stated that you can walk 200' and be at a mechanic's shop. Mr. Clary stated that there are two residential houses between this property and Timberland Drive. Mr. Clary stated that the lot on the opposite corner is vacant, and he has talked to the neighbors on both sides of the property and they are not opposed to the zone change. Mr. Clary stated that the one opposition they had was from a lady who does not live in the community, but owns property three houses from his property. Mr. Clary stated that the tenants residing in this rent house do not oppose the request. Mr. Clary stated that he walked two blocks in either direction and talked to everyone he could and no one seemed to be opposed. Mr. Clary stated that having this business will provide jobs for four people. Mr. Clary stated that he did not think that this type business would offend anyone.

Mr. Clary stated that he has been told that this would be "spot zoning", and he does not understand since the building across the street has been there for 30 years and it is a commercial building on the same street directly across from his property. Mr. Clary stated that in that same block across the street the zoning is all Commercial all the way to Timberland Drive. Mr. Clary stated that there are only two residences on the other side of the street and asked "What is wrong with this side of the street?" Mr. Clary stated that there is no honest, real, decent reason why he couldn't put his beautiful building up and get this business started and be a plus for the City and provide four jobs.

Mr. Clary stated that there was no discussion about this request at the Planning and Zoning Commission meeting until after the meeting had adjourned. Mr. Clary stated that after the fact, the only thing the Commission members could find wrong is that this would be "spot zoning". Mr. Clary stated that if anything is "spotted" in this area, it is the two houses, the rest of it is business.

Mr. Abraham stated that generally the discussion at the last Planning & Zoning Commission meeting was that this would be "spot zoning" because the Comprehensive Plan recommends that the non-residential location be oriented towards Timberland. Mr. Abraham stated that this particular location goes beyond the first street east of Timberland, and, therefore it is hard to connect it up - it cannot have its orientation towards Timberland. Mr. Abraham stated that the orientation is not an "apples to apples" comparison. Mr. Abraham stated that the Comprehensive Plan specifically talks about Atkinson and the recommendation is that the area west of Atkinson is an area in transition, however, Atkinson Drive east of Timberland should remain residential. Mr. Abraham stated that in all comprehensive planning there are existing uses that perhaps should not have been zoned that way in the first place, and the comprehensive plan specifically states that. Mr. Abraham stated that what the applicant was referring to is after the Public Hearing there was a statement made that perhaps the Comprehensive Plan could be looked at and the non-residential moved over a couple of blocks so that this would not be "spot zoning". Mr. Abraham stated that P & Z Commissioners came to the conclusion that as this case stands now, it is "spot zoning".

Mr. Abraham stated that the Planning staff's recommendation for denial of this request was based on previous zone changes. Mr. Abraham stated that, it is his opinion, that the Comprehensive Plan should not be amended in this case.

Councilmember Jones stated that there are any number of businesses on Atkinson Drive. Mr. Abraham stated that the professional planners who wrote the Comprehensive Plan stated that Lufkin does have cases along Adkinson that are non-residential, and they are saying "Do not expand those areas," because of the stability of the neighborhood. Councilmember Jones stated that, being a little bit familiar with that area, she could not see that in this particular instance that business would present a problem to the neighborhood.

Mr. Abraham stated that the Planning Department's recommendation of denial is not based on the operation of the business, it is the zoning. Mr. Abraham stated that the Planning Department agrees that this is an attractive building and that Mr. Clary would run a good operation.

Mr. Clary stated that he could not understand how this could be considered "spot zoning" when directly in front of where they propose to put this building there is a business that has been there since he was a boy - 30 years. Mr. Clary stated that he is just a guy who has invested his money with some more nice people and they are trying to put in a business. Mr. Clary stated that Atkinson Drive is a State Highway, a main corridor, it is one of the original crossroads of this town - it is a traffic corridor, it is not a residential area. Mr. Clary stated that this is a run down, deteriorated neighborhood; you won't build a new home in this area, because there are businesses all around. Mr. Clary stated that when he went in to apply for this zone change he was told that the Planning Department did not want him to do this and that they would fight him and they have done that, but it is not fair. Mr. Clary stated that neighbors that adjoin this property are not opposed to this zone change. Mr. Clary stated that if he does not get this zone change, he has been treated bad by his community. Mr. Clary stated that half of his business is Hispanic and he will depend on them to support this business. Mr. Clary stated that these people can't speak English and don't want to speak English.

Mr. Kuykendall stated that he could understand everything that Mr. Clary said, and the reasoning and it does tend to make some kind of sense. Mr. Kuykendall asked when do we decide that "spot zoning" is not "spot zoning", is it a case of changing the Comprehensive Plan when we get individuals who say that this is what we would like to have and we have no opposition against it. Mr. Kuykendall stated that if that is true, this could go on forever, and he would venture that the City does not need a Planning & Zoning Commission. Mr. Kuykendall stated that this is a case of, are we going to recognize zoning at all times, or are we going to change it for different reasons, or just because.

City Manager Maclin stated that the Planning Department will always consistently recommend what the Comprehensive Plan is. City Manager Maclin stated that the Comprehensive Plan was done years ago by a group of citizens and consultants at the direction of the City Council, and this becomes the rule book for the Planning Department. City Manager Maclin stated that the Comprehensive Plan can be updated but when you update it, you have to update all of it and not just one lot. City Manager Maclin stated that the principle of the Comprehensive Plan being a reflection of community desires when it was done in 1987, and that is the recommendation of the Planning Department and the Planning & Zoning Commission.

The following vote was recorded:

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

Motion carried with six affirmative votes.

12. <u>RESOLUTION - APPROVED - SUBMISSION OF GRANT - HOME PROGRAM APPLICATION - TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS - OWNER OCCUPIED HOUSING ASSISTANCE</u>

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing the submission of a HOME Program Application to the Texas Department of Housing and Community Affairs for Owner Occupied Housing Assistance.

City Manager Maclin stated that included in the Council packet is a letter from Jonie Craig, Grant Consultant with Gary Traylor & Associates, and a Resolution in support of this application. City Manager Maclin stated that this is to apply for the 1998 Program, which the City has participated in for several years. City Manager Maclin stated that this application will be for $200,000 grant funds and would require a $25,000 match from the City, which if approved by Council would be included in next year's budget.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Resolution authorizing the submission of a HOME Program Application to the Texas Department of Housing and Community Affairs for Owner Occupied Housing Assistance be approved as presented. A unanimous affirmative vote was recorded.

13. <u>EXCESSIVE FORCE RESOLUTION - APPROVED</u>

Mayor Bronaugh stated that the next item for consideration was approval of an Excessive Force Resolution.

City Manager Maclin stated that included in the Council packet is the Resolution along with a cover memo from the Chief of Police. City Manager Maclin stated that a Resolution of this nature is an essential element of the grant application process. City Manager Maclin stated that this has been a practice of the Department but a specific Resolution worded according to grant regulations in order to include with our grant application requests for Texas Department Development Funds was needed.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Excessive Force Resolution be approved as presented. A unanimous affirmative vote was recorded.

14. **RESOLUTION - APPROVED - CHROMIUM CORPORATION - QUALIFIED BUSINESS - ENTERPRISE ZONE PROGRAM**

Mayor Bronaugh stated that the next item for consideration was a Resolution nominating Chromium Corporation as a qualified business under the City of Lufkin's Enterprise Zone Program.

City Manager Maclin stated that included in the Council packet is a letter of request from Bobby Marshall, Operations Manager of Chromium Corporation, along with a memorandum from the Director of Planning discussing the qualified business eligibility under the City's Enterprise Program, which includes the creation of at least 10 new jobs with at least 25% of the new employees being residents of the Enterprise Zone or otherwise economically disadvantaged individuals. City Manager Maclin stated that as a result of becoming a qualified business, Chromium would then be eligible for a waiver of the City's development fees and a one time refund of State tax franchise tax up to $5,000, and a reduced electric utility rate from TU Electric. City Manager Maclin stated that this is one of the economic development incentives that the City is able to offer to an applicant who proposed to develop in the City's Enterprise Zone, which is predominantly based on the north side of Lufkin. City Manager Maclin stated that this is a way the City can encourage growth and creation of jobs and development in that area. City Manager Maclin stated that it would be the staff recommendation that the qualified business application be approved.

Councilmember Bowman stated that he would like to commend Chromium on its investment, and that they have been a good citizen. Councilmember Bowman stated that he was delighted to see their expansion.

Bobby Marshall stated that he would like to thank the Mayor and City Council for the assistance they received all along, and the abatement programs that have helped to facilitate their continued growth. Mr. Marshall made a brief statement as far as the status of what they have been able to achieve over the past year and a half towards this goal as part of the abatement program: They started with 80 full time employees and had hoped to add 50 jobs at that time. Currently, they have 133 employees. Mr. Marshall stated that he feels confident that as their growth continues, as their facility continues to expand, that they will be able to add an additional 10 jobs, permanent positions, to meet the requirements of a qualified business.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that a Resolution nominating Chromium Corporation as a qualified business under the City of Lufkin's Enterprise Zone Program be approved as presented. A unanimous affirmative vote was recorded.

15. **RESOLUTION - APPROVED - PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing publication of notice of intention to issue certificates of obligation.

City Manager Maclin stated that as previously discussed, this is the first step in the process for the issuance of debt that will be a combination of tax and revenue fund, meaning both the General Fund and the Utility Fund. City Manager Maclin stated that this will include improvements or extensions to the water and sewer facility, street improvements, drainage improvements, fire station facility, and equipment. City Manager Maclin stated that the drainage improvements will also include acquisition of property, and finally, a Solid Waste facility. City Manager Maclin stated that if this step is approved, then staff will be coming back to Council in the middle of June for the actual bond sale, at which time there will be additional Ordinances for approval at that time.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution approving and authorizing publication of notice of intention to issue certificates of obligation be approved as presented. A unanimous affirmative vote was recorded.

16. **HOME PROGRAM GUIDELINES ADOPTED**

Mayor Bronaugh stated that the next item for consideration was the adoption of the HOME Program Guidelines.

City Manager Maclin stated that included in the Council packet is the proposed HOME Program Guidelines for the upcoming application previously approved earlier this evening. City Manager Maclin stated that this defines all the rules of eligibility, applicant approval and responsibility, improvements and expense, inspections and construction payments, files and records, project close out, grievance procedures, etc. City Manager Maclin stated that this is similar to the HOME Guidelines the City has had in the past that have had input from the local committee as well as the City's grant consultant.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the HOME Program Guidelines be approved as presented. A unanimous affirmative vote was recorded.

17. **FORFEITED FUNDS BUDGET APPROVED**

Mayor Bronaugh stated that the next item for consideration was approval of the forfeited funds budget.

City Manager Maclin stated that included in the Council packet is a cover memo from the Chief of Police regarding a proposal for utilization of a forfeited funds budget for 1998. City Manager Maclin stated that the primary item of need that is discussed on the cover sheet is a new portable building for property and evidence storage, and a few other items to include furniture and surveillance equipment.

Chief Collins stated that the only item he proposes to buy under this budget is a portable building. Chief Collins stated that the Department has a need to move a lot of their evidence and property that they are now keeping in this building to a separate building because they sometimes bring in contaminated clothing and have to dry it in this building and have been advised that they is not good for health and safety. Chief Collins stated that this building will replace a smaller portable building that is at the back of the City parking lot.

Chief Collins stated that the other items are there in the event there is a desperate need for them. Chief Collins stated that, at this point, there are no plans to purchase any of the other items on the budget.

In response to question by Councilmember Boyd, Chief Collins stated that currently there is approximately $45,000 in this budget.

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

18. **BID - APPROVED - FIRE STATION NO. 6 - LANGSTON CONSTRUCTION CO.**

Mayor Bronaugh stated that the next item for consideration was award of bid for Fire Station No. 6.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this project. City Manager Maclin stated that there were five bidders and the staff recommendation is to award the low bidder of Langston Construction for the base bid, plus alternates 1, 2 and 4, for a total of $285,040.

City Manager Maclin stated that for Council information, the alternates which are the insulation under the second floor, the emergency generator, and an escape ladder are items that were needed, but staff decided to place them as alternate additions so that they could price shop and get good, competitive bids.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the bid of Langston Construction Company (with alternates 1, 2 and 4) in the amount of $285,040 for Fire Station No. 6 be approved as submitted. A unanimous affirmative vote was recorded.

19. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:03 p. m. to enter into Executive Session. Mayor Bronaugh reconvened Regular Session at 7:13 P. M. and stated that Councilmembers had discussed attorney/client matters and appointments to Boards and Commissions.

20. **APPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - JAMES FEARS**

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Jack Gorden, Jr. that James Fears be appointed to serve as a member of the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

21. **APPOINTMENT - APPROVED - FINANCE COMMITTEE**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that R. L. Kuykendall be appointed to the City of Lufkin's Finance Committee. A unanimous affirmative vote was recorded.

22. **COMMENTS**

Councilmembers welcomed Mr. Kuykendall to the Council.

City Manager Maclin stated that the Council retreat will be held Tuesday, May 12th at 11:45 a.m. at Pine Island Lodge. City Manager Maclin stated that there is an emergency item for Council consideration that cannot wait timing wise for the next Council meeting, and that is regarding a grant application that staff has been working on. City Manager Maclin stated that this would be for an infrastructure grant for affordable housing whereby the City would be able to have a grant that would pay for streets, water and sewer, and down payment assistance. City Manager Maclin stated that the City would be working in coordination with Pineywoods Home Team on this application. City Manager Maclin stated that the TDHCA may be considering this application on the 18th of May, so we would need a Resolution of support for this application prior to that time. City Manager Maclin stated that Council has the option of formally considering this at the Retreat, or we can have a called meeting for just this one item next week. Consensus of opinion was the Resolution would be considered at the Retreat.

23. There being no further business for consideration, meeting adjourned at

7:18p.m.

Louis A. Bronaugh
Mayor

ATTEST: Atha Stokes

Atha Stokes - City Secretary