MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16th OF APRIL 2002

On the 16th day of April 2002 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
Dennis Robertson	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Stephen Abraham	Director of Planning

being present when the following business was transacted.

1. Rev. Polly Goodier, First Christian Church, opened meeting with prayer.

2. Mayor Bronaugh welcomed visitor's present and recognized Dalton and Dillon Goodier from Boy Scout Troop 134.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of April 2, 2002 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall. A unanimous affirmative vote was recorded.

4. **FAIR HOUSING MONTH PROCLAMATION**

Mayor Bronaugh stated that the first item for consideration was a Proclamation setting the month of April as Fair Housing Month and is a requirement of the City's HOME Program. Mayor Bronaugh signed the Proclamation and presented it to Raymond K. Vann of Raymond K. Vann & Associates.

5. **ORDINANCE – APPROVED – FIRST READING – CANCELLATION OF GENERAL ELECTION – MAY 4, 2002**

Mayor Bronaugh stated that the next item for consideration was an Ordinance canceling the General Election of May 4, 2002.

Mayor Bronaugh stated that since neither Councilmember (Gorden or Robertson) was being opposed, there was no need to hold an election this year.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Ordinance canceling the General Election of May 4, 2002 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE – TABLED – CITY OF LUFKIN, TEXAS, TAX AND WATERWORKS AND SEWER SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION**

Mayor Bronaugh stated that the next item for consideration was all matters incident and related to the issuance and sale of "City of Lufkin, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Series 2002", including the adoption of an Ordinance authorizing the issuance of such Certificates of Obligation.

City Manager Maclin stated that this is in relationship to the City moving forward with the issuance of bonds for the Capital Improvements Program as well as the Street Bond Election Program. Mr. Maclin stated that it was at the advice of our Bond Counsel that staff recommends to Council today that this item be tabled until April 24th when there will be a Called Meeting to award bids for bond issuance. Mr. Maclin stated that staff found out from the City's legal counsel, Fulbright and Jaworski, that there were several bond sales to take place today and it was the opinion of Mike Byrd that if we will wait until next week we would get more and better bids. Mr. Maclin stated that in anticipation of being lost in the numbers today, staff is requesting that Council table this item until next Wednesday, April 24th, at which time we would open bids and have a recommendation and consider approval of the Ordinances necessary.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Dennis Robertson that adoption of an Ordinance for the issuance and sale of "City of Lufkin, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Series 2002" be tabled and rescheduled for a Called Meeting on April 24, 2002. A unanimous affirmative vote was recorded.

7. **RESOLUTION – APPROVED – EXEMPTION OF CERTAIN TRAVEL TRAILERS FROM AD VALOREM TAX – TAX APPRAISAL DISTRICT**

Mayor Bronaugh stated that the next item for consideration was a Resolution for the exemption of certain travel trailers from the ad valorem taxes as requested by the Tax Appraisal District.

City Manager Maclin stated that included in the Council packet is a letter from Keith Kramer, the Chief Appraiser, and some explanations from sections of State law and a proposed Resolution. Mr. Maclin stated that the explanation given staff on this was that the voters last November had on the ballot an item that was to provide exemption of travel trailers from ad valorem taxes but apparently there was some mis-wording and incorrect nomenclature that created a different effect that what it was originally intended. Mr. Maclin stated that there have been numerous articles in newspapers quoting the Governor as saying that this was not what the intent of the legislature was. Mr. Maclin stated that basically this is in the status where each community's taxing entity can choose whether to exempt or not to exempt travel trailers from ad valorem taxes. Mr. Maclin stated that in discussion with the Chief Appraiser, it was his opinion that the nominal value that could be added to the tax roll from the travel trailers would not be worth the effort and energy and time and expense necessary to inventory the travel trailers and appraise them, so he recommended that the City exercise their option to waive the right to taxation of travel trailers and that is what the Resolution provides today.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Resolution for the exemption of certain travel trailers from the ad valorem taxes be approved as presented.

Councilmember Dennis Robertson recused himself from voting.

Motion carried with six affirmative votes.

8. **<u>ZONE CHANGE REQUEST – TABLED – PLANNED UNIT DEVELOPMENT TO LOCAL BUSINESS – LAWRENCE A. CATES & ASSOCIATES, INC. – TULANE DRIVE BETWEEN LOOP 287 AND HARMONY HILL DRIVE</u>**

Mayor Bronaugh stated that the next item for consideration was a request by Lawrence A. Cates & Associates, Inc. to change the zoning classification on approximately 28.75 acres of land located on the east side of Tulane Drive, between Loop 287 and Harmony Hill Drive, from "Planned Unit Development No. 3109" zoning district to a "Local Business" zoning district.

City Manager Maclin stated that this item was tabled by the Planning & Zoning Commission at their last meeting until their next meeting, which is Monday, April 22nd. Mr. Maclin stated that the P&Z Commission is seeking some input from TxDOT as it relates to the transportation improvements of State highways in that area. Mr. Maclin stated that since there was no recommendation coming from the P&Z Commission it would be appropriate for Council to table this item until such time as they have a recommendation from the P&Z Commission.

Councilmember Gorden stated that he would encourage the P&Z Commission to take a closer look at how they may or may not do approvals and the conditions that they set on that process. Councilmember Gorden stated that he hoped that the development community would not look upon this as too negative a process. Councilmember Gorden stated that he appreciated the P&Z Commission's concerns but he was afraid that they had gotten a little beyond the scope of their authority on this. Councilmember Gorden stated that, in his opinion, their concerns were rightly placed but beyond their jurisdiction.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that request of Lawrence A. Cates & Associates, Inc. to change the zoning classification on approximately 28.75 acres of land located on the east side of Tulane Drive, between Loop 287 and Harmony Hill Drive from "Planned Unit Development No. 3109" zoning district to a "Local Business" zoning district be tabled. A unanimous affirmative vote was recorded.

9. **<u>AMENDMENT – APPROVED – ARTICLE XXVII – ZONING ORDINANCE – SIGN, PERMANENT BULLETIN BOARD</u>**

Mayor Bronaugh stated that the next item for consideration was an Amendment to Article XXVII of the Zoning Ordinance as it pertains to the definition of "Sign, Permanent Bulletin Board".

City Manager Maclin stated that included in the Council packet is a memorandum from the Director of Planning explaining the purpose and providing these definitions for institutional use – "Business" and "Off-premise" signs. Mr. Maclin stated that this comes to Council as a clarification of the existing issues relating to signs and permanent bulletin boards. Mr. Maclin stated that this comes with a unanimous vote recommending adoption of this definition as a permanent bulletin board sign as submitted.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that First Reading of the Amendment to Article XXVII of the Zoning Ordinance as it pertains to the definition of "Sign, Permanent Bulletin Board" be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. **<u>GRANT ADMINISTRATION CONTRACT – APPROVED – RAYMOND K. VANN & ASSOCIATES</u>**

Mayor Bronaugh stated that the next item for consideration was approval of a Grant Administration Contract with Raymond K. Vann & Associates.

City Manager Maclin stated that included in the Council packet is a letter of transmittal from Raymond K. Vann along with a professional management services agreement. Mr. Maclin stated that this also includes the scope of services in terms of what would be provided as well as the professional management services payment schedule, and terms and conditions. Mr. Maclin stated that the City has recently been notified of our receipt of a grant in the amount of $250,000 for replacement of water lines in the Winston Park neighborhood area. Mr. Maclin stated that staff is seeking approval of this grant administration contract for Mr. Vann to be the City's consultant to assist us in this process.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Grant Administration Contract with Raymond K. Vann & Associates be approved as presented. A unanimous affirmative vote was recorded.

11. **APPOINTMENT – APPROVED – KURTH MEMORIAL LIBRARY BOARD OF DIRECTORS – LYNN TORRES**

Mayor Bronaugh stated that the next item for consideration was the appointment of Councilmember Lynn Torres to the Kurth Memorial Library Board of Directors.

City Manager Maclin stated that included in the Council packet is a letter from Walter Borgfeld, Chairman of the Kurth Memorial Library Board, recommending Mrs. Torres to fill a vacancy. Mr. Maclin stated that Council is required, by our agreement with the Board, to confirm or deny any recommendations from the Board for appointment to their Board.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that the appointment of Councilmember Lynn Torres to the Kurth Memorial Library Board of Directors be approved as presented.

Councilmember Torres recused herself from voting.

Six affirmative votes were recorded.

12. **BID – APPROVED – WALK-THRU METAL DETECTOR – B & D SECURITY**

Mayor Bronaugh stated that the next item for consideration was bids for a walk-thru metal detector.

City Manager Maclin stated that included in the Council packet is a letter of explanation from Kenneth Williams, the City's Emergency Management Coordinator, along with bid tabulations. Mr. Maclin stated that staff is recommending the low bid of B & D Security Services in Lufkin in the amount of $12,213.

Kenneth Williams, Director of Public Works, stated that staff has been looking at some of the City facilities around town to come up with ways to protect against terrorist type incidents. Mr. Williams stated that fencing and cameras have been installed at the Water Treatment Plant. Mr. Williams stated that the entrances to City Hall have been identified as places for the walk-thru metal detector in cases of heightened security such as the events of September 11th. Mr. Williams stated that the metal detectors would be placed at the entrance doors at the atrium and at the entrance to the Police Department. Mr. Williams stated that the detectors would also be used in non-heightened emergency times in Municipal Court on trial days.

In response to question by Councilmember Robertson, Mr. Williams stated that it would require that a person be present when the detector is in use especially if the alarm goes off to check the person who set off the alarm.

In response to question by Councilmember Robertson, Mr. Williams stated that the frequency of use would depend upon what happens. Mr. Williams stated that with the current war on terrorism the City receives different conditions of alert and if conditions picked up we could use the detector quite often. Mr. Williams stated that the detector could be moved around to different City facilities if needed for different events.

In response to question by Mayor Bronaugh, Mr. Maclin stated that the person who mans the detector would go through training. Mr. Maclin stated that staff would prefer to use law officers, but does not think that it is required by law.

In response to question by Councilmember Gorden, Mr. Williams stated that he did not know if this would help us to gets fund from the Homeland Security but he is in the process of rewriting the City's Emergency Management Plan which he will have to do to be eligible for the Homeland Security funds. Councilmember Gorden asked if this purchase could be postponed and wait and see how the Homeland Security goes in hopes that this would be covered. Mr. Williams stated that this detector would be purchased out of the security fund through Municipal Court. In response to question by Councilmember Gorden, Mr. Williams stated that currently there is $28,000 in the security fund.

Mr. Williams stated that a terrorism class was held at the College last week and it was an eye-opening experience to what is currently going on and what could possibly happen in the United States.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that bid of B & D Security in the amount of $12,213.00 for three walk-thru metal detectors be approved as submitted. A unanimous affirmative vote was recorded.

13. **BID – APPROVED – REPAIR OF WATER WELL #12 – WEISINGER WATER WELLS**

Mayor Bronaugh stated that the next item for consideration was bids for repair of Water Well #12.

City Manager Maclin stated that this is an emergency repair and staff is recommending the low bid of Weisinger Water Wells in the amount of $60,200.

Keith Wright, City Engineer, stated that a few months ago a portion of this was approved in order to clean the well and video it to inspect the actual well casings and screens, and this part has been completed. Mr. Wright stated that the pump and the system has been pulled out and evaluated, and basically he is recommending going back with a complete new pumping system into the well. Mr. Wright stated that this would include the column pipe, the well shaft, the impellors that are pumping the water and the pump bowls. Mr. Wright stated that this price includes installation of the system.

Mr. Wright stated that he is hoping to cover this cost with some electrical savings he is expecting. Mr. Wright stated that if the City does not receive the electrical savings as expected, he would come back to Council at the end of the fiscal year and ask for a budget amendment.

In response to question by Councilmember Gorden, Mr. Wright stated that Weisinger is ready to start and it should take 30 days to complete the work.

In response to question by Councilmember Boyd, Mr. Wright stated that repairs of this type are no longer included in the budget in anticipation of a problem. In response to question by Mayor Bronaugh, Mr. Wright stated that the City has a depreciation fund that this cost could be taken from.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the bid of Weisinger Water Wells in the amount of $60,200 for repair of Water Well #12 be accepted as submitted. A unanimous affirmative vote was recorded.

14. **AUTHORIZATON – APPROVED – SALE OF 1.298 ACRES – J. M. SOTO SURVEY – MICHAEL K. MYERS – PATRICK D. SLOAN**

Mayor Bronaugh stated that the next item for consideration was to sell 1.298 acres in the J. M. Soto survey to Michael K. Myers and Patrick D. Sloan.

City Manager Maclin stated that included in the Council packet is an appraisal of the property from Jake Lyons. Mr. Maclin stated that under State law the City is eligible to sell this to contiguous or adjacent property owners at appraised value. Mr. Maclin stated that the City Engineer has determined that this property is surplus and is not required or needed for any other City utilities, so therefore, staff is following up on the citizens' request to purchase the property at appraised value.

Mr. Wright stated that this is the old water plant site on Airport Road in Burke.

In response to question by Councilmember Gorden, Mr. Wright stated that, in his opinion, the City would never have a need for the land, and the reason they had that much land is for a buffer around the water well. Mr. Wright stated that the City would never drill a well in this area. Mr. Wright stated that the City has other land that they acquired from the Burke System that is being used for pipe storage on Highway 59.

In response to question by Councilmember Robertson, Mr. Wright stated that the City is keeping 0.35 acres of the original tract. Mr. Wright stated that the well has been plugged, which was a requirement of TNRCC when the City took over the Burke Water System.

In response to question by Councilmember Robertson, Mr. Wright stated that this site could be used for a water tower but that it is probably not at the right elevation. Mr. Wright stated that the existing Burke water tower is located at the cemetery. Mr. Wright stated that as far as long term planning and improving the Burke system, what they have anticipated doing is moving further south toward Diboll and building a small plant in that area and moving the elevated tank in the cemetery so another pressure zone could be improved. Mr. Wright stated that right now as far as that site and how close it is to Lufkin, it wouldn't be needed to increase pumping or storage facilities there. Mr. Wright stated that possibly as we get further south towards Diboll, we may want to build a plant down there and utilize some of that old material.

In response to question by Councilmember Gorden, Mr. Wright stated that we are not required to keep the old well site and he is just keeping it right now because it has the storage tanks and the ozinnation system, some towers and some equipment we might want to use in the event we build another water plant somewhere. Mr. Wright stated that the City would never use the ozinnation system but could take the tanks down and relocate them.

In response to question by Councilmember Robertson, Mr. Wright stated that we are saving this .035 acres because of the existing equipment on it and we would have to take it down and move it or sell it as a whole. Mr. Wright stated that unless you are a water system or water supplier it doesn't have a lot of value. Mr. Wright stated that, in his opinion, it is more valuable to the City to keep and possibly relocate one of the storage tanks in the future than it would be to sell it for scrap.

In response to question by Mayor Bronaugh, Mr. Wright stated that there is no more liability for the City with the well because it is plugged in accordance with TNRCC specifications and as far as they are concerned, that well no longer exists.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that authorization be approved to sell 1.298 acres in the J. M. Soto Survey to Michael K. Myers and Patrick D. Sloan. A unanimous affirmative vote was recorded.

15. **FINANCE COMMITTEE REPORT**

Mayor Bronaugh stated that the next item for consideration was a report from the Finance Committee. Mayor Bronaugh stated that Mr. Kuykendall, Mr. Robertson and Mr. Gorden all volunteer their time to serve on this Committee.

Councilmember Gorden stated that the Finance Committee had met this afternoon. Mr. Gorden stated that, in his opinion, the citizens of Lufkin and the Council should be proud of the way the finances of the City of Lufkin are being handled. Mr. Gorden stated that Moody's and Standard & Poor's visited Lufkin last week and some of the Committee was able to meet with their representatives. Mr. Gorden stated that Standard & Poor is going to raise the City's bond rating from an A- to an A+, which is really good for a city our size. Mr. Gorden stated that Moody's currently has the City at an A2 and we may or may not get an upgrade from them. Mr. Gorden stated that over the past several years, the Council as a group, and the management of the City and the financial staff, has worked real hard to get these bond ratings increased and improved. Mr. Gorden stated that this is the fourth time that there has been an improvement in the rating and it speaks highly of the people working for the City and efforts being made and the Council itself because they have approved policies and instructed in general the staff that we do want to do the things that cause those increases. Mr. Gorden stated that he was very proud to work with the Council and staff and appreciated all their efforts.

Councilmember Robertson stated that he attended a training session that Dick Long, the City's financial consultant, conducted yesterday at the Civic Center and he was very impressed with his ability to deal with City finances. Mr. Robertson stated that the City is well represented by Mr. Long in his capacity to advise us on our financial arrangements. Mr. Robertson stated that we are looking toward more favorable interest rates than we have in the last few months.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman to accept the Finance Committee Report as presented. A unanimous affirmative vote was recorded.

16. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 5:42 p.m. to enter into Executive Session. Regular Session reconvened at 6:25 p.m. and Mayor Bronaugh stated that the Council had discussed attorney/client and real estate matters, and that no decisions were made.

17. **CALENDAR COMMENTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER**

City Manager Maclin stated that tomorrow at 12:15 p.m. there is a Chamber of Commerce Board meeting to review the CD produced by a committee through the Chamber with technical assistance by the City of Lufkin staff.

Mr. Maclin stated that Thursday evening at 6 p.m. will be the Public Hearing for the downtown improvements plans and specifications which the City saw jointly with the Main Street Board a couple of weeks ago.

Mr. Maclin stated that on next Wednesday, April 24th, there is a Called Council meeting at 3 p.m. to open bids and sell the City's bonds and approve the Ordinances for issuance of debt.

Mr. Maclin stated that the next day on the 25th at 9:30 a.m. there would be a dedication service for the Dunbar School Nature Trail at Jones Lake Dam. Mr. Boyd stated that he and Mr. Kuykendall received a call from Mrs. Cindy Akroyd from Dunbar School stating that the children wanted to do something with this area and invited them to come to the school and visit with the children about their plans. Mr. Boyd stated that he advised her to write a letter to Mr. Maclin explaining what they wanted to do. Mr. Boyd stated that he also told her she would have to get with Mr. Hannabas.

Mr. Maclin stated that Thursday, the 25th at 11 a.m., is the DETCOG meeting at the Center Country Club.

Mr. Maclin stated that the next day on the 26th is the DETDA meeting with State Comptroller Carole Rylander as the speaker at 10 a.m. at Crown Colony, followed by the Texas State Arbor Day celebration at 1 p.m. at the Ellen Trout Park lakeside area.

Mr. Maclin stated that Wednesday, May 1st is the second part of the Public Funds Investment seminar and on Thursday, May 2nd is the National Day of Prayer and this year the Mayor will have a Prayer Breakfast at the Holiday Inn beginning at 7 a.m. that everyone is invited to attend followed by the National Day of Prayer City-wide event that will be on the west steps of City Hall at 12 noon.

Mr. Maclin stated that on Friday, May 3rd is First Friday with Anon Card speaking on the Lufkin Alumni.

18. There being no further business for consideration, meeting adjourned at 6:28 p.m.

Louis Bronaugh
Mayor

ATTEST:

Atha Stokes Martin
Atha Stokes Martin - City Secretary