

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
3RD DAY OF FEBRUARY, 1998 AT 5:00 P. M.**

On the 3rd day of February, 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 Bronaugh
Don Boyd
Percy Simond
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Bob Flournoy
Atha Stokes
Keith Wright
Kenneth Williams

Mayor
Mayor pro tem
Councilmember, Ward No. 2
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
City Engineer
Director of Public Works

being present, and

Betty Jones

Councilmember, Ward No. 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by Kevin Roy, Educational Minister, Denman Avenue Baptist Church.

2. Mayor Bronaugh welcomed visitors present and recognized Lufkin High School government students Roberto Lopez and Archie Taylor.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of January 20, 1998 be approved as presented. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF RECERTIFICATION CERTIFICATE - CITY SECRETARY
ATHA STOKES**

Mayor Bronaugh presented a Certificate of Recertification from the Texas Municipal Clerks Certification Program to City Secretary Atha Stokes.

5. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT -
LOCAL BUSINESS - STEVE SPANGLER - CIRCLE S MOTORS - 1110 S. CHESTNUT
STREET**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to grant a Special Use Permit as requested by Steve Spangler of Circle S Motors, on behalf of Peco Oil, Inc. on property zoned "LB" Local Business to allow for a used car sales lot located at 1110 S. Chestnut Street and generally located at the northwest corner of the intersection of Chestnut Street (Hwy. 58) and Denman Avenue (Hwy. 69).

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Ordinance to grant a Special Use Permit on property zoned "LB" Local Business to allow for a used car sales lot located at 1110 S. Chestnut Street and generally located at the northwest corner of the intersection of Chestnut Street (Hwy. 58) and Denman Avenue (Hwy. 69) as requested by Steve

Spangler of Circle S Motors on behalf of Peco Oil, Inc. be approved on Second and Final Reading with the following stipulations: (1) The number of vehicles to be sold on the property shall be limited to no more than thirty (30) at any given time; and, (2) A steel pipe barrier shall be erected on/or inside the property line so as to block any vehicles from entering or exiting the two paved entrances nearest the intersection of Chestnut Street and Denman Avenue. The barrier shall be constructed the entire length of the property starting from the north end of the south curb cut along Chestnut Street and the north end of the south curb cut along Denman Avenue to prevent the applicant from parking any vehicles in the right-of-way. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - RESTRICTING COMMERCIAL MOTOR VEHICLES ON RESIDENTIAL STREETS

Mayor Bronaugh stated that the next item for consideration is the Second Reading of an Ordinance restricting commercial motor vehicles on residential streets.

City Manager Maclin stated that this is the Second Reading of an Ordinance that was approved at the last Council meeting and defines a commercial vehicle as a vehicle with three or more axles.

Wendell Addington, who lives at 1904 Howard Street, stated that the two areas that he is concerned about are 1907 and 1909 Howard Street. Mr. Addington stated that Howard Street is a narrow street and this morning one of the trucks was parked with all three rear tires sitting on the pavement. Mr. Addington stated that Howard Street is on the school bus route and there are two or three school buses that pass each morning and this becomes a safety factor. Mr. Addington stated that at a previous meeting he presented a picture of the truck to the City Council.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance restricting commercial motor vehicles on residential streets be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. SITE PLAN - APPROVED - SHOPPING CENTER - COMMERCIAL DISTRICT - RICK FREEMAN - MICHAEL COONTZ - WEINGARTEN REALTY - S. JOHN REDDITT DRIVE

Mayor Bronaugh stated that the next item for consideration is the request of Rick Freeman on behalf of Michael Coontz of Weingarten Realty for site plan approval of a shopping center located on S. John Redditt Drive (Loop 287) west of Angelina Village Shopping Center and located within a "C" Commercial District.

City Manager Maclin stated that included in the Council packet is an explanation from the Planning Department. City Manager Maclin stated that the Planning & Zoning Commission by unanimous vote recommends approval of this request with three conditions: 1) The final driveway locations and design on S. John Redditt Drive (Loop 287) shall be approved by TxDOT prior to the issuance of a building permit 2) The site plan shall comply with the provisions of the Drainage Criteria Manual before issuance of any building permits, and 3) The sign located along S. First Street (Hwy. 59) shall be consistent with the signage for the existing businesses.

In response to question by Councilmember Bowman, Rick Freeman stated that there is access from the existing shopping center into this new development and it is north of the theatre.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that site plan for a shopping center located on S. John Redditt Drive (Loop 287) west of Angelina Village Shopping Center and located within a "C" Commercial District requested by Rick Freeman on behalf of Michael Coontz of Weingarten Realty be approved with the following conditions: 1) The final

driveway locations and design on S. John Redditt Drive (Loop 287) shall be approved by TxDOT prior to the issuance of a building permit 2) The site plan shall comply with the provisions of the Drainage Criteria Manual before issuance of any building permits, and 3) The sign located along S. First Street (Hwy. 59) shall be consistent with the signage for the existing businesses. A unanimous affirmative vote was recorded.

8. ORDINANCE - TABLED - ZONE CHANGE - DUPLEX TO CENTRAL BUSINESS - BILLY S. LEE - SHEARER ADDITION - 105 N. CHESTNUT STREET

Mayor Bronaugh stated that the next item for consideration is the request of Billy S. Lee to change the zoning from "D" Duplex to "CB" Central Business at 105 N. Chestnut Street and described as Lot 6, Block 3 of the Shearer Addition and being located north of Lufkin Avenue, south of Margaret Street and east of Vann Street.

City Manager Maclin stated that this item was originally on the Council agenda two meetings ago and at the request of the applicant was tabled until today's meeting. City Manager Maclin stated that included in the Council packet is the explanation of the request from the Planning Department. City Manager Maclin stated that this request comes to the City Council with a recommendation from the Planning and Zoning Commission on a 3-2 vote for denial of the requested zone change to Central Business.

Mike Bieniek of the Planning Department stated that the Planning & Zoning Commission members in favor of the request made the observation that there was no opposition from any of the residents in the area and that they felt that the area needed to be non-residential since it was directly adjacent to the Albertson's Shopping Center and was a few blocks away from Central Business zoning. Mr. Bieniek stated that staff in their staff report agreed with the comment that it did not need to be residential, however, they felt that Central Business with the list of uses including a billboard was not appropriate for that site. Mr. Bieniek stated that on the other side of the argument from the Planning & Zoning Commission, the response to the fact that there were no property owners in opposition, one of the Commissioners stated that the property owners list (Attachment 4-a) shows that there is one property owner within most of the property and that property is rental, so none of those residents were recipients of a mailed notification. Mr. Bieniek stated that the other argument that was made was the fact that one of the Commissioners felt that a billboard directly adjacent to residential property probably would be very detrimental and would block the view as well as sunlight.

Billy Lee stated that this is just one project and will enhance the property and will help Lufkin as a prospering community. Mr. Lee stated that he had recently purchased this lot and had it cleaned up and had contracted for beautification of the lot with 40 rose bushes. Mr. Lee stated that the view of the billboard will be much better than the view from the back of the shopping center and the garbage cans that are across from these houses.

Councilmember Gorden stated that he would like to see Council reverse P&Z's decision on this zone change request. Councilmember Gorden stated that he had spoken with Mr. Abraham about his concerns. Councilmember Gorden stated that here is another example of how the P&Z dictates to the Council what is not a simple majority of what the Council wants, but where the Council has to have six votes. Councilmember Gorden stated that in this case especially they had two members absent. Councilmember Gorden stated that the other signs in that area are in very close proximity and that, in his opinion, the Master Plan of the City and the ongoing use of property in the City should allow this sign to be placed there. Councilmember Gorden stated that he would like to see Council reverse the P&Z decision on this item.

In response to question by Mayor Bronaugh, City Manager Maclin stated that it would require six out of seven Council votes to approve this item and there are

only six members present tonight so it would take a unanimous vote in support of the request.

Councilmember Bowman stated that he would have to recuse himself from voting on this item in that he buys a lot of billboard advertising and does not feel that this is an issue he needs to be voting on. Councilmember Gorden asked if, under those circumstances, would it be agreeable to wait until Councilmember Jones is present. City Manager Maclin stated that this item could be tabled until the next meeting if the applicant is agreeable in hopes that seven out of seven Councilmembers will be present.

In response to question by Mr. Flournoy, Councilmember Bowman stated that he had recused himself because he has a client who has an interest in buying billboards in this area and the client may be a customer of Mr. Lee's.

Councilmember Boyd stated that Councilmember Gorden mentioned that there were other signs a stone's throw away from this request, but there are no residences close to these signs on Frank Street. Councilmember Boyd stated that he would hate to walk out of his house and the first thing he would see is a billboard. Councilmember Boyd stated that even though this is rental property it is still somebody's home, and if the houses were not there he wouldn't have a problem with the billboard.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "D" Duplex to "CB" Central Business at 105 N. Chestnut Street and described as Lot 6, Block 3 of the Shearer Addition and being located north of Lufkin Avenue, south of Margaret Street and east of Vann Street be tabled until the next Council meeting. A unanimous affirmative vote was recorded.

Councilmember Gorden stated that when there was a move a while ago for a Sign Ordinance and restricting signs in the City, he was part of that and he has totally changed his mind since then. Councilmember Gorden stated that there are people in business who need those signs. Councilmember Gorden stated that at the height of this, Walmart was in the process of being built, and he would like for someone from the City to contact them and see if they would like to have a better sign. Councilmember Gorden stated that, in his opinion, there was no basis for P&Z to require Walmart to put up a "postage size" sign in the rezoning of that property. Councilmember Gorden stated that this may not be the forum to do this but it has been on his mind for some time. City Manager Maclin stated that he would ask the Planning Department to visit the Walmart manager and go back and revisit the minutes of that meeting and see what was approved and what would be required for Council to amend the site plan to allow a larger sign. City Manager Maclin stated that they may say that they have plenty of business with the present sign.

Councilmember Simond stated that he was looking at the TML magazine about recusing yourself from voting. Mr. Flournoy stated that this is basically State law and he was not sure that the City had any local Ordinance regarding this procedure. City Manager Maclin stated that the Planning & Zoning Commission has a specific notation in the P&Z Ordinance about recusing yourself and if you have a legitimate reason that's fine but if you do not then you have to vote. Councilmember Bowman stated that at the last Charter Amendment the section on recusing yourself was revised. City Manager Maclin stated that a little more definition was provided through the Charter Amendment. Councilmember Simond stated that the TML magazine article says "officials may decide to abstain from deliberation regarding a matter even though they do not have a statutory conflict of interest." Councilmember Simond stated that it appears to him that the Assistant General Counsel for TML is saying that you can abstain from voting on any matter if you want to. Mayor Bronaugh stated that the original Charter addressed this matter and said that for those persons who wished not to vote it was recorded as a positive vote. Mr. Flournoy stated that the prohibition about being involved says that "no

member of the Council shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration which is paid to the City treasury"; Mr. Flournoy stated that that is not involved in this situation. City Manager Maclin stated that at the bottom of page 9 of the Charter it states: " A member of Council shall not vote upon the consideration of any matter involving his/her own conduct where his/her financial interest is involved, in which event such member shall give his/her reasons for not voting and such reasons shall be entered upon the minutes of the Council. Financial interest shall be construed to mean ownership or contractual right to 1% or more of the assets or profits of one or more of the entities directly affected by the action of the Council, or if the member of the Council receives at least 5% of his/her salary from one or more of the entities. Minutes of all meetings of the Council shall be taken and recorded and such minutes shall constitute a public record." City Manager Maclin stated that this statement was approved in the May 7, 1994 Charter Amendment election.

Councilmember Weems stated that page 9 of the Charter under Section 11 refers to four votes. Mr. Flournoy stated that this applies to anything except where there is a recommendation by the Planning & Zoning Commission and the Zoning Ordinance specific requirement that for the Council to over ride their recommendation requires a 5/6 vote specifically on zoning matters. Councilmember Gorden stated that the Planning Commission can have four members vote on something and the Council has to have six votes to over ride their recommendation. Councilmember Gorden stated that this needs to be changed. Councilmember Simond stated that he has always had a problem with the 5/6 vote.

Mayor Bronaugh requested that Mr. Flournoy bring back a report to Council at next meeting on the article in the TML magazine.

9. ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - POLLING PLACES - SETTING ELECTION DATE

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election.

City Manager Maclin stated that included in the Council packet is an Ordinance for consideration that designates the election date as Saturday, May 2, 1998, the positions up for election in 1998 are Ward 1 and Ward 3, and the Ordinance designates polling places as the Museum of East Texas for Ward 1 and Herty School for Ward 3.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Ordinance providing for the calling of a City election, establishing polling places and setting a date for the election be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - CITY ORDINANCE NO. 403 REVISED - REGULATION OF GREASE TRAPS

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance to revise City Ordinance No. 403 regulating grease traps for discharge from food service establishments; repealing all inconsistent ordinances; and providing an effective date.

City Manager Maclin stated that included in the Council packet is a proposed revision to the Grease Trap Ordinance. City Manager Maclin stated that these recommendations come from the City Attorney in order to provide some clarification to areas for clear, definitive enforcement and more specifically to provide for separator trucks and the ability to use separator trucks. City Manager Maclin stated that when this Ordinance was first drafted four years ago the separator trucks were not included because they were not at that point permitted through

TNRCC. City Manager Maclin stated that it is his understanding that within the next couple of months TNRCC will be permitting separator trucks, and in essence a separator truck is a grease removal truck that goes to a grease trap, removes the grease trap, separates the water or liquid from the grease and solids, and then under this provision would allow the separator truck to put back into the grease trap grey water that meets the 100 milligrams per liter, which is the City's requirement for the maximum amount of grease and oil. City Manager Maclin stated that it is also his understanding that trucks that are permitted by TNRCC will be permitted only up to the 100 milligrams per liter, which is consistent with the City's Ordinance. City Manager Maclin stated that since these separator trucks are going to be licensed and permitted by TNRCC and our Ordinance did not clearly address them, staff felt that now was the appropriate time to update the Ordinance for clarification and inclusion of separator trucks.

In response to question by Councilmember Boyd, City Manager Maclin stated that the Ordinance gives the City the opportunity to make sure that all State permits are in order and in compliance. In response to question by Councilmember Boyd, City Manager Maclin stated that the City has local jurisdiction as long as our rules are not any more lax than TNRCC, and if the City wants to make the requirements stricter than TNRCC we have that ability but we cannot make the requirements less strict than TNRCC.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the Ordinance does not include an insurance clause.

In response to question by Councilmember Gorden, Mr. Flournoy stated that the only two changes are in Section 5 (b) and a definition that has been added under Section 2.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that Ordinance to revise City Ordinance No. 403 regulating grease traps for discharge from food establishments; repealing all inconsistent ordinances, and providing an effective date be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - 1997 HOME PROGRAM GUIDELINES ADOPTED

Mayor Bronaugh stated that the next item for consideration is a Resolution adopting the 1997 HOME Program guidelines.

City Manager Maclin stated that included in the Council packet is the proposed program guidelines for the 1997 HOME Program guidelines. City Manager Maclin stated that each year when the City is successful in receiving HOME rehabilitation grant funds we are required to provide guidelines and these are similar to the program guidelines that the City has had in recent years. City Manager Maclin stated that these guidelines come to Council as a recommendation through the City's HOME Program committee and staff.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution adopting the 1997 HOME Program guidelines be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - PARTICIPATION IN THE COOPERATIVE PURCHASING PROGRAM

Mayor Bronaugh stated that the next item for consideration was a Resolution for participation in the Cooperative Purchasing Program.

City Manager Maclin stated that this program is through the General Service Commission in Austin. City Manager Maclin stated that the City has participated in this program in the past and it is now time for renewal of our Resolution. City

Manager Maclin stated that this gives the City an opportunity to take advantage of the General Services Administration bid out contract for a variety of items.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Resolution for participation in the Cooperative Purchasing Program be approved as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - AMENDING AUTHORIZED REPRESENTATIVES FOR TEXPOOL

Mayor Bronaugh stated that the next item for consideration was a Resolution amending the authorized representatives for TEXPOOL.

City Manager Maclin stated that included in the Council packet is a Resolution to update the signatures of the eligible employees for transaction with TEXPOOL. City Manager Maclin stated that basically this is adding Linda Farish, the Asst. Director of Accounting, to the signature card.

Councilmember Weems stated that he would like to add Mr. Gorden's name under item #3 as a limited representative. Councilmember Weems stated that Mr. Gorden will just receive a copy of the monthly statements.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Resolution amending the authorized representatives for TEXPOOL be approved as presented, and that Councilmember Gorden's name be added as a limited representative to receive copies of monthly statements. A unanimous affirmative vote was recorded.

14. ANNUAL MUNICIPAL COURT REPORT

Mayor Bronaugh stated that the next item for consideration is the annual Municipal Court report by Judge John Sloan.

Judge Sloan stated that this year has been a very difficult year for Municipal Court. Judge Sloan stated that the City lost an outstanding employee and supervisor, and they lost a friend and co-worker. Judge Sloan stated that unfortunately the untimely death of Mary Watts turned their Department upside down. Judge Sloan stated that the Department is recovering from that and with adversity sometimes there is challenge and circumstances can allow people to develop who might not otherwise develop in the shadow of a strong leader. Judge Sloan stated that fortunately Municipal Court has people who were able to quickly recover and meet the challenge. Judge Sloan stated that what has happened in Municipal Court is proof that with good people positive things can happen when circumstances are at their very worse.

Judge Sloan stated that Christine James, the Court's senior member, or maybe the person with the most longevity in the Department, demonstrated a maturity and worked to keep things in balance during that trying time. Judge Sloan stated that Christine's husband is retired and she plans to retire in two years to have more time with her family. Judge Sloan stated that Christine made the unselfish decision to support Sylvia Crain in Sylvia's bid for Mary's position, and not apply for that position herself. Judge Sloan stated that Christine realized that due to her imminent retirement it would be best for the Department not to have a turnover in the position of Department Head, and that she could best serve the Department by providing support and assistance. Judge Sloan stated that he appreciated her maturity demonstrated by her steady, dedicated work to the City and by putting the best interest of the Department ahead of any personal ambition.

Judge Sloan stated that Sylvia Crain, who has taken the position of Department Head, has made an overnight metamorphosis from just an employee to a responsible supervisor, and takes her responsibilities quite seriously. Judge Sloan stated that

she has a new maturity and he believes that she will further develop and be a key person to the City in the future. Judge Sloan stated that her increased efforts and renewed dedication are certainly appreciated.

Judge Sloan stated that Municipal Court's newest member is Yolanda King. Judge Sloan stated that Yolanda is developing her proficiency and he thinks she will continue to improve and become even a better asset to the City. Judge Sloan asked Yolanda to stand so that Council could see her best asset, her smile. Judge Sloan stated that because of her personality Yolanda is a pleasure to work with and he can assure each Councilmember that the City is well presented in her dealings with the public.

Judge Sloan stated that although not a member of Municipal Court, Rheabeth Choate helped tremendously when she was not occupied with her other duties with the Police Department. Judge Sloan stated that Rheabeth retired last week and her assistance is missed and the staff members hope that her replacement will be as valuable to the City as Rheabeth.

Judge Sloan stated that as indicated the Department is recovering from their loss but there is work yet to be done and to strengthen their Department they are taking certain steps. Judge Sloan stated that one thing they are doing is occasionally there is a before hours meeting with the staff to have uninterrupted time to address problems in the Department, discuss new ideas, and try to smooth out their operation. Judge Sloan stated that they are also continuing with training of the staff to be more proficient in every area of the Department and are working on a Standard Operating Procedure Manual. Judge Sloan stated that if the Department can develop this program it will basically be a step-by-step description of each duty in the Department and is a description of the job and not a job description. Judge Sloan stated that hopefully, by this method they can minimize errors in their processing of their documentation and it is hoped that a new person or a temporary person could step into a position with a minimum amount of lost time. Judge Sloan stated that they are also working on cross training with each person in the Department so that each position can be staffed should there be a vacancy in that position. Judge Sloan stated that their experience taught them that there were certain things in the Department that only Mary Watts handled and they were at a complete loss when she was not there to take care of them.

Judge Sloan stated that as far as current business of the Court he would like to make the observation that when he was much younger he thought the Legislature should be a full time position, and now he thinks they spend entirely too much time in Austin. Judge Sloan stated that they are always tinkering with the laws and making changes that they have to live with. Judge Sloan stated that every two years they basically have to retool the Court in so far as the documents they use, make adjustments in the laws and adjustments in the Court costs, and basically their changes seem to add to their work rather than make things simpler. Judge Sloan stated that another thing they are more involved with for the past year and will be more involved in is working with the Lufkin Independent School District and the problems they have in the classroom. Judge Sloan stated that, in his opinion, there are more officers on campus and more charges are being filed so there are more cases for the Court to handle. Judge Sloan stated that one consequence of that is that they are having more community service volunteers, in fact there are more volunteers than they have the ability to place these people. Judge Sloan stated that hopefully the City will take steps to better utilize community service people in the future.

Judge Sloan stated that also in the last year they have implemented Night Court and he thinks that it is working well for the Police Officers and the citizens who can appear in Court and not miss any lost time from their jobs. Judge Sloan stated that Night Court does create some long days for their personnel.

Judge Sloan stated that the computers for his Department are still where it was last

year, and there seems to be a long story about that that someone else could better relate.

Judge Sloan stated that in the every day business they continue to have a high volume of paperwork, and a high volume of citizens they talk to. Judge Sloan stated that overall he would have to admit that Municipal Court is not as good as they were but they are getting there. Judge Sloan stated that if they will learn from the events of the past year, they have the opportunity of being better than they were before.

Councilmember Simond stated that this is the first time since he has been on the City Council, since 1980, that he ever heard a Department Head come in and extol the virtues of his staff. Councilmember Simond stated that this speaks highly of the staff.

15. BID - APPROVED - FILE SERVER - LUFKIN CONROE COMMUNICATIONS - CAPITAL CITY LEASING

Mayor Bronaugh stated that the next item for consideration was bids for a file server for the Data Processing Department.

City Manager Maclin stated that when Council approved the 1996-'97 budget there were some provisions for increased capacities of the data processing system and today staff would like to recommend the bid from Lufkin Conroe Communications in the amount of \$21,351.35. City Manager Maclin stated that staff is also recommending, for financing of this equipment under a lease purchase as it was proposed in the budget, Capital City Leasing at an interest rate of 6.26%.

In response to question by Councilmember Boyd, City Manager Maclin stated that staff received a couple of proposals for this item, but this is the only one that met all the City's requirements for both service, installation and hardware.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the bid of Lufkin Conroe Communications in the amount of \$21,351.35 be approved as submitted and financing with Capital City Leasing with an interest rate of 6.26%. A unanimous affirmative vote was recorded.

16. AUTHORIZATION - APPROVED - FRONT END LOADER GARBAGE TRUCKS - SIDE LOADER GARBAGE TRUCKS - HGAC

Mayor Bronaugh stated that the next item for consideration is authorization to purchase two (2) front end loader garbage trucks and two (2) side loader garbage trucks through HGAC.

City Manager Maclin stated that included in the Council packet is the recommendation identifying the price for each of the vehicles less the trade-in. City Manager Maclin stated that under the HGAC program, the local Volvo dealer will be the actual supplier. City Manager Maclin stated that the staff recommendation for the front end loaders is a bid of \$139,380.81 each for a total of \$278,761.62 less trade-in allowance of \$80,000 for a net bid of \$198,761.62. City Manager Maclin stated that the two side loaders are bid out at \$124,683.60 each, which amounts to \$249,367.20 minus a \$40,000 trade-in, for a total net of \$209,367.20. City Manager Maclin stated that this is well within the budgeted allocations in the Depreciation Budget for 1997-'98.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that authorization be granted to purchase two (2) front end loader garbage trucks for a net total of \$198,761.62 and two (2) side loader garbage trucks for a net total of \$209,367.20 through HGAC as submitted. A unanimous affirmative vote was recorded.

17. AUTHORIZATION - APPROVED - REPLACEMENT TRUCK CAB - RECYCLING DEPARTMENT - CONRAD NELSON

Mayor Bronaugh stated that the next item for consideration is authorization to purchase a replacement truck cab for the Recycling Department.

City Manager Maclin stated that included in the Council packet is a letter from the Superintendent of Solid Waste and Recycling, Dennis Webster. City Manager Maclin stated that several months ago this Department had a unit that was damaged when it was wrecked, and staff has been looking for an acceptable solution for replacing this vehicle, which was basically a haul truck for Recycling. City Manager Maclin stated that a brand new replacement was just under \$100,000, and the repair of the other vehicle would have been quite expensive, and may or may not have been a long term solution. City Manager Maclin stated that proposals were sought from area truck dealers and a proposal from Conrad Nelson for a 1978 International Truck in the amount of \$11,500 is being presented for Council consideration. Photographs of the proposed truck were passed around to Council. City Manager Maclin stated that since this was a non-budgeted item there are two options: the Insurance Property Loss Fund that has been used on previous occasions for a wrecked vehicle, or the Solid Waste Contingency Fund, which began the year with \$50,000 and there have been no expenditures from that fund to date.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that authorization be granted to purchase a 1978 International Truck in the amount of \$11,500 from Conrad Nelson as presented, and that fund for the replacement be taken from the Solid Waste Contingency Fund. A unanimous affirmative vote was recorded.

18. ORDINANCE - APPROVED - FIRST READING - QUIT CLAIM CLOSURE AND SALE - APPROVED - ALLEY BOUNDED BY BYNUM STREET - MOORE AVENUE - BLEDSOE STREET - FRANK AVENUE

Mayor Bronaugh stated that the next item for consideration is a request for quit claim closure and sale of an alley bounded by Bynum Street, Moore Avenue, Bledsoe Street and Frank Avenue.

City Manager Maclin stated that included in the Council packet is a memo from the Engineering Department basically saying that this is a request from the potential property owner predicated on their eventual purchase of the property surrounding this alley. City Manager Maclin stated that there is also a letter from Mr. Cochran in the Purchasing Department designating appraised value of the tract at \$8,750. City Manager Maclin stated that the City does not have any need in continuing to retain this particularly if the potential property owner who is Eckerd's Drug and wants to put a new store at this property. City Manager Maclin stated that staff recommendation is to grant the request for quit claim, closure and sale of this property at \$8,750 of this property as appraised.

In response to question by Mayor Bronaugh, Keith Wright, City Engineer, stated that there are four lots that the City will offer for sale to adjacent property owners.

Councilmember Gorden stated that he would question the price that the City is considering selling the property for, and would suggest that for the other property owners it should be two different prices. Councilmember Gorden stated that there is a significant difference in the value of the property. City Manager Maclin stated that Council has the option, as we have done on other occasions, to hire an appraiser. In response to question by Councilmember Gorden, Mr. Wright stated that the developer is in a hurry to close the deal.

Mike Bieniek stated that this will require a zone change so there will be some time lag involved. Mr. Wright stated that Council can approve the sale of the alley

property and can come back at next meeting with an official appraisal.

City Attorney Bob Flournoy stated that it would require an Ordinance to close the alley.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance for closure and sale of an alley bounded by Bynum Street, Moore Avenue, Bledsoe Street and Frank Avenue be approved on First Reading as presented. A unanimous affirmative vote was recorded.

19. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:11 p.m. and entered into Executive Session at 7:05 p. m. Mayor Bronaugh stated that Council had discussed attorney-client matters, and that no decisions were made.

20. COMMENTS

Councilmembers agreed that they were glad to see the Mayor return.

It was the consensus of Council that a Called Meeting be held on Wednesday, February 18 at 10:00 a.m. to address capital needs of the City to include the follow-up on the Drainage Study that was presented in November, and would also be a time when staff would be prepared to present information relating to asbestos in the water and recommended remedies for that situation. City Manager Maclin stated that he had confirmation from Mrs. Jones that she would be available on that date.

21. There being no further business for consideration, meeting adjourned at 7:05p.m.



Louis A. Bronaugh
Mayor

ATTEST:



Atha Stokes - City Secretary