

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
7TH DAY OF FEBRUARY, 1995 AT 5:00 P. M.**

On the 7th day of February, 1995 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
Percy Simond
Don Boyd
Larry Kegler
Tucker Weems
Ron Wesch
Darryl Mayfield
Bob Flournoy
Atha Stokes

Mayor
Councilman, Ward No. 1
Mayor pro tem
Councilman, Ward No. 3
Councilman, Ward No. 6
Asst. City Manager/Public Works
Asst. City Manager/Finance
City Attorney
City Secretary

being present, and

Bob Bowman
Jack Gorden, Jr.
C. G. Maclin

Councilman, Ward No. 4
Councilman, Ward No. 5
City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by City Attorney Bob Flournoy.
2. Mayor Bronaugh welcomed visitors present and recognized Boy Scout Scott Hunter and Mario Canizares, SFA Intern.

3. **APPROVAL OF MINUTES**

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that minutes of Regular Meeting of January 17, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - ADULT DAY CARE CENTER - SALVATION ARMY - ELSIE STREET - SOUTH SECOND STREET - CENTRAL BUSINESS ZONING DISTRICT**

Mayor Bronaugh stated that the first item for consideration was Second Reading of a Special Use Permit for an Adult Day Care Center located at the southeast corner of Elsie Street and South Second Street within a Central Business Zoning District as requested by the Salvation Army.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE, COMMERCIAL AND HEAVY MANUFACTURING TO HEAVY MANUFACTURING - LOOP 287 BETWEEN LOOP LANE AND HOMER ALTO ROAD - BOB SMITH CORPORATION**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning on approximately 10.43 acres located on the inside of Loop 287 between Loop Lane and Homer Alto Road from a mixture of Residential Large, Commercial and Heavy Manufacturing zoning districts to a single zoning classification of Heavy Manufacturing as requested by the Bob Smith Corporation.

Motion was made by Councilman Tucker Weems and seconded by Councilman Larry Kegler that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. SEXUALLY ORIENTED BUSINESSES ORDINANCE - SCHEDULED FOR FEBRUARY 21 MEETING

Mayor Bronaugh stated that the next item for consideration was to review an Ordinance regulating sexually oriented businesses within the City of Lufkin.

Asst. City Manager Ron Wesch stated that the City staff, City Planner and City Attorney have been working on this Ordinance since last May. Mr. Wesch stated that basically this is a regulatory type Ordinance that attempts to regulate these types of business within the corporate limits of the City. Mr. Wesch stated that recently some East Texas cities have experienced problems in these areas, and staff felt that it was in the best interest of the citizens of the City to be proactive in presenting an Ordinance to Council that restricts, licenses, and outlines what can and cannot be done regarding these types of business within our community. Mr. Wesch stated that staff realizes that this is a very lengthy issue and it has been placed on the agenda as an item to be discussed. Mr. Wesch requested that City Planner Stephen Abraham give a brief overview of the Ordinance.

Mr. Abraham stated that he would like to point out that this Ordinance is not intended to take away anybody's Constitutional rights, or limit their free expression. Mr. Abraham stated that this is simply an Ordinance that recognizes that sexually oriented businesses have impacts on surrounding properties that are unique to those types of businesses. Mr. Abraham stated that there are several studies in cities throughout the country that have been summarized in this Ordinance that have indicated the impact on residential property in proximity to sexually oriented businesses. It also notes that there is an increase in crime throughout the country in proximity to sexually oriented businesses. Mr. Abraham stated that when these businesses are concentrated together, the increase in crime is even greater. Mr. Abraham stated that this Ordinance is designed as a protection of property values and is trying to stay one step ahead of those things that have been proven to increase crime. Mr. Abraham stated that this does not prohibit any activity in the City, it just places a locational restriction on the businesses, which is much the same locational restriction that the City has with alcohol in private clubs. Mr. Abraham stated that the City allows private clubs in certain zoning districts, however, even within that zoning district these enterprises must be a certain distance from other uses. Mr. Abraham stated that this Ordinance requires that all sexually oriented businesses be 800' from churches, synagogues, or regular places of religious worship, public or private elementary or secondary schools, a boundary of a residential district, a public park, a lot devoted to residential use, and a licensed day-care center. Mr. Abraham stated that one unique thing that was provided in the summaries from the Austin Ordinance was that the trade area for these type of uses are not particularly satisfying a demand that is within that neighborhood. Mr. Abraham stated that typically the trade area is from other neighborhoods coming from another city into this area, and they do have unique impacts on property. Mr. Abraham stated that it is the intent of this Ordinance to make sure they stay in Commercial districts and to make sure that those locations are far enough from residential districts so that there will protection for the residents.

In response to question by Councilman Kegler, Mr. Abraham stated that the age of 18 is the age of majority, and it is typical of all the Ordinances he has seen including the alcohol beverage license.

Councilman Simond stated that he was reasonably sure that this Ordinance would be passed by the Council, but since it was a very lengthy item he would like to request more time for reading over the material.

Mr. Abraham stated that if the Councilmembers have any questions he would ask that they write them down and get them to him before the next Council meeting and he would make the questions and answers available to all the Councilmembers prior to the meeting.

City Attorney Flournoy stated that this is a very comprehensive Ordinance and there has been a tremendous amount of time and effort in developing it. Mr. Flournoy stated that staff had spent a lot of time looking at it from a constitutional side to make certain that it will pass there. Mr. Flournoy stated that the Ordinance is restrictive, and is not prohibitive. Mr. Flournoy stated that the Ordinance covers a number of things other than just the location, i.e., display of sexually explicit material to minors. Mr. Flournoy stated that a number of years ago the City passed a similar Ordinance on display of sexually explicit material and was almost immediately sued by Penthouse Magazine. Mr. Flournoy stated that the City went to Federal District Court in Tyler and the Ordinance was upheld. Mr. Flournoy stated that this would indicate that the City can control the display of this type of material as it affects minors. Mr. Flournoy stated that, in his opinion, this is the commitment of this Council, and of this community.

Mayor Bronaugh requested that this item be placed on the February 21st agenda for First Reading.

7. GRAFFITI ORDINANCE - SCHEDULED FOR FEBRUARY 21 MEETING

Mayor Bronaugh stated that the next item for consideration was to review a proposed Graffiti Ordinance.

Asst. City Manager Wesch stated that Parks & Recreation Director Don Hannabas put together this Graffiti Ordinance with some assistance by the Angelina Beautiful/Clean organization. Mr. Wesch stated that this, too, is a type of regulatory Ordinance, and will identify those areas where graffiti is now placed. Mr. Wesch stated that the Ordinance will put the burden of responsibility on the property owner to insure that he or she takes care of their property regarding the graffiti that may be seen from the street or on any public right-of-way. Mr. Wesch stated that this Ordinance will be enforced by the Code Enforcement Office.

Mr. Wesch stated that there is a provision in the Ordinance where a property owner may request and be provided with free paint and/or labor. Mr. Wesch stated that it is the staff recommendation that this Ordinance be approved as presented.

Mr. Hannabas stated that this Ordinance came about as a result of a letter that was sent to the Mayor and City Council by Mr. Gig Langston with the clean-up committee of AB/C. Mr. Hannabas stated that serving with Mr. Langston on that committee are Steve Spencer (Juvenile Probation), Kenneth Williams (Code Enforcement Officer), and James Nowak, Lufkin Police Department. Mr. Hannabas stated that the Ordinance was assigned to him because at the time he was working on a landscape ordinance that had to do with beautification and with the research that he did it was easy for him to obtain information from the Texas Innovation Group and from Office Nowak.

Mr. Hannabas stated that Code Enforcement Officer Kenneth Williams has reviewed the Ordinance and feels that it is something that he can enforce. Mr. Hannabas stated that the Clean-up Committee, Steve Spencer and the City Attorney have also reviewed the Ordinance. Mr. Hannabas stated that the Ordinance does provide for not penalizing the victim of this graffiti. Mr. Hannabas stated that because there are more gang related activities now within the City, this will be more than a "beautification" Ordinance. Mr. Hannabas stated that AB/C is willing to work with the City to develop tools that the Code Enforcement Office can use to see that this job is done.

Mr. Hannabas stated that Brenda Jones with Teen Court has also committed to enforcement of the Ordinance.

AB/C members present in support of this Ordinance were: Yana Pounders-Bullock (Executive Coordinator), Elma Alexander, Jerry Huffman, Don Hannabas, Gig Langston, David Miles, Johnnie Jones, Robert Austin, Larry Hanell, Nancy Chancellor, Donna Parish, Henry Holubec, Ellen Temple, Rufus Duncan, Jr., Dennis Webster, Dawn Glover, Steve Spencer, County Judge Joe Berry and Donn Sapp.

Mayor Bronaugh requested that this item be placed on the February 21st agenda for First Reading.

8. AMENDMENTS - APPROVED - FIRST READING - ANIMAL CONTROL ORDINANCE

Mayor Bronaugh stated that the next item for consideration was First Reading of Amendments to the existing Animal Control Ordinance.

Asst. City Manager Wesch stated that on the Council table is a copy of an amended Ordinance. Mr. Wesch stated that the first item this Ordinance addresses is the use of a wireless fence. Mr. Wesch stated that, based on the experience of the Animal Control Department, the wireless fence has not been found to be reliable. The second item for consideration is raising of fees; these items were addressed in an Ordinance passed in 1988 and have not been changed since that time. Mr. Wesch stated that the third item is the board fee which is being proposed at \$5.00 per animal per day as opposed to \$3.50 per animal per day based upon the food and operation and maintenance of the animal shelter. Mr. Wesch stated that the fourth proposed change (Section 5-95), indicates the multi-pet ownership program (spaying and neutering of all animals), and issuance of a permit based upon \$5.00 per animal versus \$5.00 per permit. Mr. Wesch stated that this Section of the Ordinance would be highly restrictive for the AKC owner/breeder. Mr. Wesch stated that he is recommending passage of the Ordinance excluding Section 5-95, which will be included in another Ordinance and brought back to Council at a later date.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that First Reading of Amendments to the Animal Control Ordinance be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - DARE PROGRAM - GRANT APPLICATION

Mayor Bronaugh stated that the next item for consideration was a Resolution for a DARE Program grant application.

Asst. City Manager Wesch stated that basically passage of this Ordinance is a continuation of the DARE Program. Mr. Wesch stated that staff is applying for the Grant along with the school districts in the County. This is a 75/25 match, and the City's contribution is to supply a vehicle, which is already in place. Mr. Wesch stated that this is the second year of a four-year program. Mr. Wesch stated that the officer the City is supplying will be reimbursed to the City under the Criminal Justice Division Grant. Mr. Wesch stated that staff is recommending approval of the Resolution.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that Resolution be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - GREENBELT CORRIDOR PRESERVATION

Mayor Bronaugh stated that the next item for consideration was Resolution for the preservation of a greenbelt corridor in Lufkin, Texas.

Asst. City Manager Wesch stated that this Resolution has been drafted by the AB/C Beautification Committee and is to encourage greenbelt development within the confines of a particular area where a developer or contractor is preparing to build a building. The Resolution provides for leaving a corridor of 10% of the mature trees on the property. Mr. Wesch stated that the Ordinance simply encourages builders and developers to comply with the Resolution; it is not a requirement nor does it have any enforcement power.

Mr. Wesch stated that the Resolution provides for developing a brochure to encourage and educate land users of the intent of the Resolution. Mr. Wesch stated that a handbook will be created to provide guidance in planning and preserving the environment, landscapes and urban forest.

Mr. Hannabas, Chairman of the Beautification Committee, stated that the landscape and urban forest Resolution was a combination of a previously developed urban forest Resolution that Ellen Temple had worked diligently on some years ago. Mr. Hannabas stated that the Winnie Berry Animal Shelter and the Farmers Market are a couple of areas of examples of quality development. Mr. Hannabas stated that AB/C's commitment to Council is that they will continue to educate children and the general public of the need for a clean environment. Mr. Hannabas stated that the Beautification Committee also commits to writing a brochure and a handbook that will guide developers, realtors, engineers and architects as they develop the City. Mr. Hannabas stated that AB/C appreciates the efforts of the City Council in supporting their organization through the Tree Board, the water bill donation program and recycling program.

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

11. RESOLUTION - APPROVED - GRANT APPLICATIONS - COMPOSTING - MULTI-FAMILY RECYCLING - DETCOG

Mayor Bronaugh stated that the next item for consideration was a Resolution to DETCOG for the submission of two grant applications for composting and multi-family recycling.

Asst. City Manager Wesch stated that the City of Lufkin Recycling Department is requesting permission to submit two applications to DETCOG. The first grant is for composting/yard trimmings management to help assist with asphalt for the source separating compost site at the Regional Recycling Center in the amount of \$4,133. The second grant is for the purchase of 50 eight (8) yard containers to be used in the expansion of the multi-family recycling program in the amount of \$25,000.

Mr. Wesch stated that the grant request of \$4,133 for the hard surface at the Recycling Center is a small amount of a total amount that is actually needed. Mr. Wesch stated that he will be coming back to Council for another grant application to TNRCC for approximately \$130,000 to finish the hard surface area.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - GRANT APPLICATION - SOLID WASTE ENFORCEMENT ASSISTANCE PROGRAM - TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Mayor Bronaugh stated that the next item for consideration was a Resolution to the Texas Natural Resource Conservation Commission for the submission of a grant application for a Solid Waste Enforcement Assistance Program.

Asst. City Manager Wesch stated that this is the continuation of the grant application the City has applied for and received the last two years (TNRCC Solid Waste Enforcement Grant). Mr. Wesch stated that this is for the position that Mr. Tim Hale occupies, and the grant will be for monetary assistance for his position. Mr. Wesch stated that this Resolution provides for a request not to exceed \$35,000.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

13. **RESPONSIBLE PET OWNER PROGRAM - APPROVED**

Mayor Bronaugh stated that the next item for consideration was the adoption of the responsible pet program.

Asst. City Manager Wesch stated that Cathy Clark, Director of the Animal Control Program, has developed a pet offender program. Mr. Wesch stated that basically this is a first offender program where an individual within the City limits receives a citation for a violation of the Animal Control Ordinance. Mr. Wesch stated that the Judge could offer the pet offender the opportunity to attend the pet responsibility program. Upon proof that they have attended the program, the Judge could waive the fee. Mr. Wesch stated that first time offenders who take advantage of the program would pay a fee of \$25 to the Animal Control Department to attend the class. Mr. Wesch stated that this program is similar to the defensive driving class.

In response to question by Councilman Boyd, Mr. Wesch stated that this is a two-hour class that is offered once a month.

Mr. Wesch stated that staff is recommending approval of this program.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that the Responsible Pet Owner Program be approved as presented. A unanimous affirmative vote was recorded.

14. **AGREEMENT - APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION/CITY OF LUFKIN - AZALEA TRAIL ENHANCEMENT PROJECT**

Mayor Bronaugh stated that the next item for consideration was an Agreement between the Texas Department of Transportation and the City of Lufkin for the development of the Azalea Trail Enhancement Project.

Asst. City Manager Wesch stated that this Resolution depicts the amount of funding the City will receive from the Texas Department of Transportation through the ISTEPA Program. Mr. Wesch stated that the total grant is for \$476,300 with \$333,410 in federal funds and the City's 30% match of \$142,890. Mr. Wesch stated that a corrected document had been placed before the Councilmembers to replace the original memorandum sent by Ms. Walker. Mr. Wesch stated that he would like to point out that the City's part of \$150,200 will not come from the City's budget but will be funded in part by the Parks and Wildlife Department, the TLL Temple Foundation and the Grace Dunn Richardson Foundation.

Mr. Wesch stated that staff is recommending approval of this Resolution.

In response to question by Mayor Bronaugh, Ms. Walker stated that the volleyball courts were considered a recreational activity which is an ineligible cost. Ms. Walker stated that in the process of developing the round of enhancement agreements this past summer, the Department has chosen to waive the indirect costs. Ms. Walker stated that in the previous legislature the Department was directed to pass indirect costs on to the City or County participants on their various

projects. Ms. Walker stated that the Executive Director of this Agency, however, felt that this would be a confusing issue to the cities/counties, and rather than to charge the indirect costs, they increased the percentage of State administrative costs to 10%. Ms. Walker stated that the way the project is set up, the City had enough funds available to exceed the minimum match requirements and that helped in the scoring. This was basically a 80/20 match but the City had the funds available through other resources to fund the project at a 70/30 match. Ms. Walker stated that if the City chooses to put in the volleyball courts, and would like it to be accomplished through this Contract, the City will pay 100% of those costs. Ms. Walker stated that it is her recommendation that the City not include the volleyball courts in the Contract because it will tie up the money for a longer period of time.

Mr. Hannabas stated that there will be a volleyball court.

Motion was made by Councilman Tucker Weems and seconded by Councilman Don Boyd that Resolution entering into an Agreement with TxDOT for the Azalea Trail Enhancement Program be approved as presented. A unanimous affirmative vote was recorded.

15. AGREEMENT (PROPOSED) - APPROVED - ANGELINA COUNTY/CITY OF LUFKIN - EXCHANGE OF SERVICES

Mayor Bronaugh stated that the next item for consideration was to review a proposed agreement between Angelina County and the City of Lufkin for exchange of services.

Asst. City Manager Wesch stated that during the budget process staff and Council discussed the possibility of providing a full time animal control officer to Angelina County. Mr. Wesch stated that this issue has been discussed at length with Judge Joe Berry and the County has now agreed to the exchange of services.

Mr. Wesch stated that the agreement basically provides that the City will provide animal control services to the County 40 hours per week and the Angelina County Sheriff's Department will provide a deputy to the Recycling Center with prisoners on a daily basis.

Mayor Bronaugh stated that this is another example of the cooperative effort between the County and the City.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that Agreement for the exchange of services of a deputy at the Recycling Center for animal control services in the County be approved as presented. A unanimous affirmative vote was recorded.

16. ANIMAL CONTROL AGREEMENT - APPROVED - RENEWALS - CITY OF HUDSON - CITY OF GROVETON

Mayor Bronaugh stated that the next item for consideration was approval of renewal of the Animal Control Agreements with the Cities of Hudson and Groveton.

Asst. City Manager Wesch stated that currently the City has Animal Control agreements with five cities (Hudson, Huntington, Groveton, Diboll & Hemphill). Mr. Wesch stated that these are renewal agreement and there are no changes.

Motion was made by Councilman Tucker Weems and seconded by Councilman Don Boyd that Animal Control Agreements with the Cities of Hudson and Groveton be approved as presented. A unanimous affirmative vote was recorded.

17. LAND ACQUISITION - APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - LOOP 287 AT OLD UNION ROAD

Mayor Bronaugh stated that the next item for consideration was land acquisition as required for Texas Department of Transportation highway widening at Loop 287 and Old Union Road.

Asst. City Manager Wesch stated that under the City's agreement with TxDOT within the corporate limits of the City, we are responsible for providing right-of-way for any improvements that might be needed along the State highway system. Mr. Wesch stated that at an earlier Council meeting it was requested that staff be in touch with TxDOT to see if they would consider a free right turn lane off Old Union Road, southbound on Loop 287. Mr. Wesch stated that a letter was dispatched to David Justice and they have agreed that the turn lane is needed. Mr. Wesch stated that he has negotiated with the land owner and they have arrived at a selling price of \$8,000 for this piece of property. Mr. Wesch stated that it is staff's recommendation that this property be purchased and that the amount of \$8,000 be taken from the Contingency Fund.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that land acquisition at Loop 287 and Old Union Road in the amount of \$8,000 be approved as presented, and that this amount be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

18. BUDGET (PROPOSED) - APPROVED - POLICE DEPARTMENT - FORFEITED FUNDS ACCOUNT (1995)

Mayor Bronaugh stated that the next item for consideration was a proposed budget for the Lufkin Police Department Forfeited Funds Account for 1995.

Asst. City Manager Wesch stated that a budget prepared by Chief Collins is included in the Councilmembers packets. Mr. Wesch stated that it is staff's recommendation that the budget be approved as presented.

Councilman Simond stated that he had seen on the news where cities across the nation are selling confiscated guns. In response to question by Councilman Simond, Chief Collins stated that if the confiscated guns are legal and serviceable, the Department has a gun sale every five years and sells them. If they are illegal and non-serviceable the guns are taken to Texas Foundries and they are melted down. Councilman Simond asked when the Council is made aware of the gun sale. Chief Collins stated that two and a half years ago the Department went together with the Sheriff's Department and had a joint sale at the National Guard Armory. Councilman Simond stated that as a City Councilman he would like to be informed when the gun sales take place.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that proposed budget for the Lufkin Police Department Forfeited Funds Account for 1995 be approved as presented. A unanimous affirmative vote was recorded.

19. HAUL TRUCK PURCHASE - APPROVED - TEXAS SURPLUS PROPERTIES - WATER UTILITIES DEPARTMENT - STREET DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was the purchase of a haul truck from the Texas Surplus Properties for the Water Utilities and Street Departments.

Asst. City Manager Wesch stated that at the current time the Public Works Department has a tractor rig that pulls heavy equipment around on a lowboy trailer, identified as a 1979 White Road Boss II. This vehicle has approximately 300,000 miles on it and needs to be replaced. Mr. Wesch stated that M. D.

Scarborough and Billy Ratcliff visited Texas Surplus Properties in Houston and found a fleet of used military tractor units. Mr. Wesch stated that he is requesting that his Department be allowed to purchase a 1979 Kaiser Jeep military tractor unit with 1,600 miles and is virtually a new piece of equipment. Mr. Wesch stated that the cost of the vehicle is \$9,300, and would be split between the Water Utilities and Street Departments.

Mr. Wesch stated that Mr. Ratcliff has checked around and found that there are several locations in Texas where the City can buy parts for this vehicle. Mr. Wesch stated that if he is allowed to purchase the vehicle he will replace the rag top with a hard top and the vehicle will be painted.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that purchase of haul truck in the amount of \$9,300 be approved as presented. A unanimous affirmative vote was recorded.

20a. BID - APPROVED - INCINERATOR - ANIMAL CONTROL DEPARTMENT - MOORE BROTHERS CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was an incinerator for the Animal Control Department.

Asst. City Manager Wesch stated that this item was discussed during the budget process. Mr. Wesch stated that since this item was last discussed the City has received a TLL Temple Foundation grant in the amount of \$16,000, and a portion of the grant will be used to purchase the incinerator.

Mr. Wesch stated that the bid of Moore Brother Construction in the amount of \$15,400 is the best bid.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that bid of Moore Brothers Construction in the amount of \$15,400 for an incinerator for the Animal Control Department be approved as submitted. A unanimous affirmative vote was recorded.

20b. BID - APPROVED - SALE OF LOTS 3 & 4 OF BLOCK 5 IN DOWNTOWN LUFKIN - BILL DAVIS

Mayor Bronaugh stated that the next item for consideration was the sale of Lots 3 and 4 of Block 5 in downtown Lufkin.

Asst. City Manager Wesch stated that this is the location of the former Ethan Allen building which burned several years ago. Mr. Wesch stated that the original property owner was unable to comply with the demolition after the fire and deeded the property to the City in lieu of tearing it down. Mr. Wesch stated that it was felt that in the best interest of the downtown merchants, this item be placed for bids. Mr. Wesch stated that Bill Davis of Ultrafit submitted the best bid in the amount of \$5,003. Mr. Wesch stated that the low bidder was furnished a set of specifications for rehabilitation and/or new construction in Lufkin's Central Business District in the event he decides to build on the property.

Councilman Weems stated that, in his opinion, the IRS should be advised of the sale of the property.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that bid of Bill Davis in the amount of \$5,003 for the purchase of Lots 3 and 4 of Block 5 in downtown Lufkin be approved as submitted. A unanimous affirmative vote was recorded.

20c. BID - APPROVED - TRAILER MOUNTED PATCHER - STREET DEPARTMENT - CONLEY LOTT NICHOLS

Mayor Bronaugh stated that the next item for consideration was bids for a trailer mounted patcher to be used in the Street Department.

Asst. City Manager Wesch stated that this is the second of two patch machines for the Street Department. Mr. Wesch stated that the low bid had been received from Conley Lott Nichols in the amount of \$48,775. Mr. Wesch stated that \$49,000 has been budgeted for this item. Mr. Wesch stated that staff recommendation is to accept the low bid.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that bid of Conley Lott Nichols in the amount of \$48,775 for a trailer mounted patcher to be used in the Street Department be approved as submitted. A unanimous affirmative vote was recorded.

21. REAPPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - R. L. KUYENDALL

Mayor Bronaugh stated that the next item for consideration was the reappointment of a member of the Planning & Zoning Commission.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that R. L. Kuyendall be reappointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

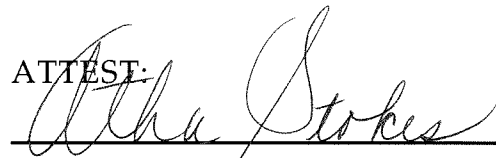
22. COMMENTS

In response to question by Councilman Boyd, Personnel/Civil Service Director Kerry Little stated that 50 people had taken the Civil Service test and 35 people passed.

Asst. City Manager Ron Wesch reminded Councilmembers of the Bond Issue-Street Improvements Workshop on Monday, February 13 at 11:00 a.m.

23. There being no further business for consideration, meeting adjourned at 6:30 p.m.

ATTEST:



Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor