

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
17th DAY OF APRIL 2001 AT 5:00 P. M.**

On the 17th day of April 2001 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

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| Louis Bronaugh | Mayor |
| R. L. Kuykendall | Mayor pro tem |
| Don Boyd | Councilmember, Ward No. 2 |
| Lynn Torres | Councilmember, Ward No. 3 |
| Bob Bowman | Councilmember, Ward No. 4 |
| Dennis Robertson | Councilmember, Ward No. 6 |
| C. G. Maclin | City Manager |
| James Hager | Asst. City Manager/Finance |
| Atha Stokes Martin | City Secretary |
| Bob Flournoy | City Attorney |
| Keith Wright | City Engineer |
| Kenneth Williams | Director of Public Works |
| Stephen Abraham | Director of Planning |

Being present, and

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| Jack Gorden, Jr. | Councilmember, Ward No. 5 |
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Being absent when the following business was transacted.

1. City Manager Maclin opened meeting with prayer.
2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that minutes of the regular meeting of April 3, 2001 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE – APPROVED – FIRST READING – ZONE CHANGE
RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE –
ALLENDALE DRIVE - LOOP 287 – KEITH L. GREEN – BILLIE SUE BROOKS**

Mayor Bronaugh stated that the next item for consideration was the request of Keith L. Green on behalf of Billie Sue Brooks to change the zoning from "Residential Large" to "Restrictive Professional Office" on approximately 3.0 acres of land located on the inside of Loop 287 approximately 475 feet north of Allendale Drive and has approximately 600 feet of frontage along the Loop 287.

City Manager Maclin stated that the memorandum of explanation from the Planning Department was included in the Council packet. Mr. Maclin stated that this request comes to the City Council with a recommendation, by unanimous vote by the Planning & Zoning Commission, that the zone change be approved as submitted.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that Ordinance changing the zone from "Residential Large" to "Restrictive Professional Office" on approximately 3.0 acres of land located on the inside of Loop 287 approximately 475 feet north of Allendale Drive and has approximately 600 feet of frontage along the Loop 287 as requested by Keith L. Green on behalf of Billie Sue Brooks be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. TXDOT REQUEST - APPROVED - US 59 SOUTH NEAR TERM IMPROVEMENTS

Mayor Bronaugh stated that the first item for consideration was a request by TxDOT for Council participation by State law in the 10% acquisition costs of property relating to the US 59 South near term improvements.

City Manager Maclin stated that included in the Council packet is a letter of request from John Evans, the Right-of-Way Administrator for the Lufkin District of TxDOT, along with an agreement for contribution of funds. Mr. Maclin stated that at a recent Council meeting the U. S. 59 near term improvements were discussed with the Loop down to Brentwood being the first project to be completed with the widening and control access freeway to be completed in that area. Mr. Maclin stated that there would be ultimately numerous acquisitions necessary as a part of this project. Mr. Maclin stated that apparently there was some opportunity for some funds on this particular piece of property (Shrimp Boat Manny's) and TxDOT is coming to the City, in accordance with State law, to ask for 10% contribution. Mr. Maclin stated that for the City that would be approximately \$65,000 based on the appraised value of the property.

City Manager Maclin stated that staff would recommend that since this was not budgeted in the City's operating budget this year that it be taken from the Street Department's Capital Improvements program. Mr. Maclin stated that obviously as staff looks to the next few years' budgets, we would need to include several million dollars over the next three to five years in terms of the City's 10% cost of the right-of-way acquisition. Mr. Maclin stated that staff has further investigated the TxDOT infrastructure loan bank and there are varying regulations on that in terms of number of years for pay back and the interest rate, which is running at 4 to 4.25% interest rate at this time, with anywhere from five to 30 years to pay it back. Mr. Maclin stated that Mr. Evans has provided him the names of the administrators of that program in Austin and he will be visiting with them in the near future to examine those options and compare them with other options that the City has for issuance of debt and see what is the most cost advantageous to the citizens.

In response to question by Councilmember Boyd, Mr. Evans stated that there are approximately 70 to 80 parcels of land on the two projects that will go from the Loop down past FM 819.

In response to question by Councilmember Torres, Mr. Evans stated that the first projects will start at the Shrimp Boat Manny's/UPS area and come north to the Loop and back around to almost Tulane. Mr. Evans stated that they have a public workshop meeting on the 26th at the College regarding this first portion of the project.

Mayor Bronaugh asked if there was anyway that UPS could be convinced to empty their truck system out onto the back road as opposed to US 59. City Manager Maclin stated that this is something that could be worked out with TxDOT. Mr. Evans stated that this is something that they could look at. City Manager Maclin stated that once Brentwood to FM 819 is fully completed then UPS would only have access to a feeder road and would not have access to the freeway. Mr. Maclin stated that problem would be solved five years from now when the freeway is finished.

In response to question by Councilmember Robertson, Mr. Evans stated that what TxDOT will buy from the property owners is what they need to build the highway and the remaining property will be appraised along with what they need to buy. Mr. Evans stated that if it was necessary to purchase the remainder of the property that would be for TxDOT to do and there would not be any monies required from the City.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Don Boyd to authorize payment of the \$65,000 for the City's 10% participation in the acquisition costs of property relating to the US 59 near term improvements as requested by TxDOT, with the funds to be taken from the Street Departments Capital Improvements Fund. A unanimous affirmative vote was recorded.

6. ANNUAL COURT REPORT – JUDGE JOHN SLOAN

Mayor Bronaugh stated that the next item for consideration was the annual court report by Judge John Sloan.

Judge Sloan stated that the computer problems in Municipal Court were near the point of being solved. Judge Sloan addressed personnel and personnel issues in his report.

7. GRANT APPLICATION – APPROVED – FIRE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was a grant application for the Fire Department.

City Manager Maclin stated that included in the Council packet is some preliminary information, and on the Council table is an actual copy of the application as prepared by the Fire Chief and Belinda Southern, the City's grant accountant. Mr. Maclin stated that back in 1993-94 the COPS grant program began in the Police Department where there were funds available for local governments to apply for funding to assist with the growth primarily in personnel, but in some cases equipment. Mr. Maclin stated that FEMA has come out with a program to try to find a way to use Federal dollars to assist local Fire Departments in needs that they have to address equipment needs, to address minimum equipment dimensions in terms of guidelines to improve the personal safety of firefighters in the performance of their duties. Mr. Maclin stated that Lufkin, like many other cities, once this program was opened up, chose to fill out an application and try to see some of those Federal dollars come back to the City to benefit our Fire Department and our firefighters. Mr. Maclin stated that the Fire Chief has put together a request for a piece of equipment and some air support tanks that would be basically replacements. The piece of equipment would be primarily designed as a mini-pumper and would be used in fighting brush fires and related smaller type fires. Mr. Maclin stated that the total of the grant application is \$235,850, and a 10% match is required from the City, which would be \$23,585. Mr. Maclin stated that if the grant is approved this would be budgeted in the Capital Improvements budget for next year.

City Manager Maclin stated that today staff is seeking Council's authorization to submit this application and make the commitment to the 10% match.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that request by the Fire Department for submission of a grant application and commitment of a 10% match to the grant be approved as presented. A unanimous affirmative vote was recorded.

8. CONTRACT – APPROVED – LITTER PICKUP – GOODWILL INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was a contract for litter pickup for the City of Lufkin.

City Manager Maclin stated that staff would like to continue the past custom of the utilization of Goodwill Industries services for the collection of litter in the City parks for the summer months. Mr. Maclin stated that the total bid is \$12,444.96 with that being broken out in \$5,745.60 for Morris Frank Park and \$6,699.36 for Ellen Trout, Winston, Jones and Chambers Parks.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that contract in the amount of \$12,444.96 for litter pickup for the City of Lufkin be renewed with Goodwill Industries. A unanimous affirmative vote was recorded.

9. BID – APPROVED – HIPPOQUARIUM – MOORE BUILDING ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was award of bid for Hippoquarium.

City Manager Maclin stated that included in the Council packet is the bid tabulation sheet and a letter from Gordon Henley, Zoo Director, relating to this bid. Mr. Maclin stated that only one bid was received in the amount of \$769,000. Mr. Maclin stated

that is approximately \$119,000 above the funds that have been allocated or garnered from other sources. Mr. Maclin stated that when these bids were opened and staff saw the shortfall, they discussed with the contractor/bidder potential ways to reduce the cost. Mr. Maclin stated that Moore Building Associates is the firm that built successfully the Rhinoceros and Giraffe exhibit, and in that project the bid was outside the City's budget and staff worked closely with them to find ways to cut cost without altering the integrity or quality of safety of the project and were able to accomplish that.

Mr. Maclin stated that there are a couple of options to be considered. Mr. Maclin stated that staff could take the suggestions to lower costs, implement them into a new set of bid specifications, and then go back out to bid, which would take several months to accomplish that process. Mr. Maclin stated that staff would still have no guarantee that we would receive more than just one bid. Mr. Maclin stated that the other option that we have, which is the staff recommendation, is to award this bid to Moore Construction and then staff be allowed to negotiate with the contractor. Mr. Maclin stated that in accordance with State law, the City could change up to 25% of the bid costs. Mr. Maclin stated that Mr. Moore has met with staff and identified some areas where some money could be saved, and there are other areas that will be opportunities for savings as Mr. Moore continues to visit with Mr. Henley and his staff as he did on the rhino/giraffe exhibit. Mr. Maclin stated that it is staff's opinion that as much as \$80-90,000 can be saved, and in the meantime, Mr. Henley, Mr. Moore and himself met with a donor to hopefully make up the shortfall. Mr. Maclin stated that he received a phone call yesterday that that anonymous donor would indeed make up the shortfall somewhere in the neighborhood of \$50,000. Mr. Maclin stated that the staff recommendation is to move forward with this project knowing that we have adequate funding between the reduction in cost due to value engineering and an additional donor. Mr. Maclin stated that staff recommendation is to award the bid of Moore Building Associates and move forward and get started building on a hippoquarium as quickly as possible.

Gordon Henley, Zoo Director, introduced Andrew Moore, partner in Moore Building Associates, Jerry Moore, Senior partner in Moore Building Associates, Mary Moore, Beverly Slaughter, President of the Friends of the Zoo, Charlotte Henley, Mary Leah Duran, past president of the Friends of the Zoo, Barbara Corbett, past president of the Friends of the Zoo, and stated that they were all present in support of this request.

In response to question by Councilmember Robertson, Mr. Henley stated that with the changes from the original architect's design, the quality will be the same and if this contract is awarded he would work with Mr. Moore and the architect to insure that this will be a high quality exhibit.

In response to question by Councilmember Bowman, Mr. Henley stated that the schedule for the project for completion is 180 calendar days from the notice to proceed.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the bid of Moore Building Associates be approved with staff authorization to negotiate value engineering savings to reduce the cost of the contract up to 25%. A unanimous affirmative vote was recorded.

10. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:38 p.m. to enter into Executive Session. Regular Session reconvened at 5:55 p.m. and Mayor Bronaugh stated that appointments to Boards and dilapidated houses had been discussed.

City Attorney Flournoy stated that houses at the following locations were being recommended for demolition:

1. 406 Robin Street
2. 807 Bledsoe
3. 427 Fargo
4. 1618 Knight Street

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that the dilapidated houses recommended for demolition by City Attorney Flournoy be approved as presented. A unanimous affirmative vote was recorded.

11. APPOINTMENTS - APPROVED - ELECTRICAL BOARD - GARY ALEXANDER - CHARLIE B. CAVER

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Dennis Robertson that Gary Alexander and Charlie B. Caver be reappointed to the Electrical Board. A unanimous affirmative vote was recorded.

12. APPOINTMENTS - APPROVED - CONSTRUCTION BOARD

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Jerry Moore, Rick Ainsworth and Gary Jenkins be reappointed to the Construction Board and that Wayne Stolz, J. D. Olford, Rodney Moore and John Kondroik be appointed to the Construction Board as presented. A unanimous affirmative vote was recorded.

13. FINANCE COMMITTEE REPORT

Councilmember Dennis Robertson stated that the City's finance contractor, Dick Long, gave his report by telephone today instead of in person. Councilmember Robertson stated that Mr. Long said that the Federal Reserve has reduced the basis points twice at 50 basis points each in the last quarter, and the interest rate is down from 6 to 5% now. Councilmember Robertson stated that Mr. Long expects that the Fed may reduce that rate down to 4% by fall. Councilmember Robertson stated that the three-month T-bills are at about 4 1/3% right now and the six-month T-bill is similar. Councilmember Robertson stated that the TexPool rates are between 4.35 and 4.55%. Councilmember Robertson stated that at this time most of the City's investment pool is in the TexPool. Councilmember Robertson stated that Mr. Long is not advising the City to buy any short-term bills because of the way the market is going.

Councilmember Robertson stated that the total investment of the City has risen nicely over the last quarter, and we are holding about \$34 million.

City Attorney Flournoy stated that the low interest rates are not all bad because the City has \$5 million in derivatives that pay off better when the rates are low. City Manager Maclin stated that the City is getting over 6% on our CMO's right now, which is better than the market by about 130 basis points.

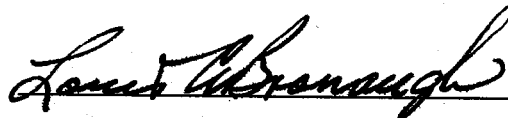
14. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that April 26th would be the grand opening of the Library.

City Manager Maclin stated that April 26th is also the DETCOG meeting in Center, and that evening from 5:00 to 8:00 p.m. is the TxDOT Public Hearing on the US 59 south plans, and is also the TML Region 16 meeting at Crown Colony at 6:30 p.m.

City Manager Maclin stated that the Council Retreat has been scheduled for May 22.

15. There being no further business for consideration, meeting adjourned at 6:05 p.m.



Louis A. Brounagh
Mayor

ATTEST:



City Secretary