

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
7TH DAY OF OCTOBER, 1997 AT 5:00 P. M.**

On the 7th day of October, 1997 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
Percy Simond	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Stephen Abraham	Director of Planning
Kenneth R. Williams	Public Works Director

being present, and

Don Boyd	Councilmember, Ward No. 2
Jack Gorden, Jr.	Councilmember, Ward No. 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Jeremy Heiny, Youth Pastor, Trinity Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

3. VIDEO PRESENTATION - DEMONSTRATION OF NEW PATCHING MACHINE - WATER UTILITIES DEPARTMENT - STREET DEPARTMENT

A video was shown demonstrating the new patching machine to be used by the Water Utilities Department and the Street Department, and was narrated by M. D. Scarborough and Steve Poskey.

4. APPROVAL OF MINUTES

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the minutes of the Regular Meeting of September 16, 1997 be approved as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - NEIGHBORHOOD RETAIL TO LOCAL BUSINESS DISTRICT - 1212 S. CHESTNUT STREET - BOBBY TUCKER - ROY TRUSS

Mayor Bronaugh stated that the next item for consideration was the request of Bobby Tucker on behalf of Roy Truss to change the zoning from "NR" Neighborhood Retail to "LB" Local Business District on property located at 1212 S. Chestnut Street.

City Manager Maclin stated that included in the Council packet was a memorandum of explanation from the Planning Department and a unanimous recommendation of the Planning and Zoning Commission for approval of this zone change. City Manager Maclin stated that the Comprehensive Plan does call for this to be an acceptable zone classification within this area.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance for a zone change as requested by Bobby Tucker on behalf of Roy Truss from "NR" Neighborhood Retail to "LB" Local Business District on property located at 1212 S. Chestnut Street be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO "RPO" RESTRICTIVE PROFESSIONAL OFFICE - J. L. QUINALTY SURVEY - WILLOW BEND DRIVE - CHESTNUT STREET - DEAN LEGGETT - JENNIE CATON

Mayor Bronaugh stated that the next item for consideration was the request of Dean Leggett on behalf of Jennie Caton to change the zoning from "RL" Residential large Single Family to "RPO" Restrictive Professional Office on 1.86 acres known as tracts 118-121 of the J. L. Quinalty Survey and generally located one half block south of the intersection of Willow Bend Drive and Chestnut Street.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department and a recommendation from the Planning & Zoning Commission of a unanimous vote for the zone change with two conditions: (1) The four lots comprising the area for the zone change must be platted prior to the submittal of a site plan; and, (2) A site plan must be approved by the Planning & Zoning Commission prior to the issuance of a building permit.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Ordinance for a zone change from "RL" Residential Large Single Family to "RPO" Restrictive Professional Office on 1.86 acres known as tracts 118-121 of the J. L. Quinalty Survey and generally located one half block south of the intersection of Willow Bend and Chestnut Street requested by Dean Leggett on behalf of Jennie Caton be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - PRIVATE CLUB - RESIDENTIAL LARGE SINGLE FAMILY, COMMERCIAL, SPECIAL USE - LUFKIN MALL - CHILI'S RESTAURANT

Mayor Bronaugh stated that the next item for consideration was the request of Chili's Restaurant to grant a Special Use Permit for a restaurant with a private club on property located in the "RL, C, SU" Residential Large Single Family, Commercial, Special Use District located within the Lufkin Mall.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department giving information and history regarding this request, and a recommendation by unanimous vote for approval of the Special Use Permit as submitted.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Ordinance for a Special Use Permit for a restaurant with a private club on property located in the "RL, C, SU" Residential Large Single Family, Commercial, Special Use District located within the Lufkin Mall be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - WITHDRAWN - SPECIAL USE PERMIT - PRIVATE CLUB (NIGHT CLUB) - COMMERCIAL DISTRICT- 2305 S. JOHN REDDITT DRIVE - DANNY PAYNE - JUDY GILLESPIE

Mayor Bronaugh stated that the next item for consideration was request of Danny Payne of the Bank of East Texas on behalf of Judy Gillespie to grant a Special Use Permit for a private club (night club) on property located within the "C" Commercial District located at 2305 S. John Redditt Drive (Loop 287).

City Manager Maclin stated that a letter from Attorney John Fleming representing the Special Use requestor requesting withdrawal of this item from the Council agenda had been included in the Council packet.

9. RESOLUTION - APPROVED - AMENDMENT TO 1996 HOME PROGRAM GUIDELINES CONTRACT #535241 - HOMEBUYER ASSISTANCE PROGRAM

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing an Amendment to the 1996 HOME Program Guidelines Contract #535241 for the Homebuyer Assistance Program and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the Program.

City Manager Maclin stated that this is basically a minor amendment in the current 1996 HOME Program Guidelines, which call for the City to have five homes or five \$25,000s to be used for Habitat for Humanity or five homes or \$25,000 to be used in \$5,000 increments for down payment assistance for the affordable housing program. City Manager Maclin stated that on the Council table is a letter that came in after the packets were prepared on Friday, from John Stover, President of the Board for Habitat for Humanity/Angelina County indicating that they would not be able to use all five of their slots within the allocated time for the grant. City Manager Maclin stated that they have done one home and plan to do a second home next spring. City Manager Maclin stated that Mr. Stover is requesting that the City amend the 1996 HOME Program to provide \$10,000 for Habitat for Humanity and that the remainder be used for the homes on the City's waiting list. City Manager Maclin stated that staff feels confident that the other three slots will be used within the time frame allotted by the Texas Department of Housing and Community Affairs.

Motion was made by Councilmember Betty Jones and seconded by Councilmember Bob Bowman that the Resolution authorizing an Amendment to the 1966 HOME Program Guidelines Contract #535241 for the Homebuyer Assistance Program and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the Program be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - REGIONAL WATER SUPPLY PLANNING GRANT - TEXAS WATER DEVELOPMENT BOARD

Mayor Bronaugh stated that the next item for consideration was a Resolution for a regional water supply planning grant to the Texas Water Development Board.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer along with a Resolution requesting Council's consideration for passage of this Resolution and Regional Water Supply Planning Interlocal Agreement. City Manager Maclin stated that basically staff is seeking to apply to the Texas Water Development Board for a grant that includes \$30,000 from the Texas Water Development Board, and then \$30,000 cash from the City, and \$30,000 of inkind services to be provided by the City Engineering Department. City Manager Maclin stated that, in his opinion, providing a double match enhances the City's grant recipient opportunities because we are putting more on the table than just a one-to-one match.

City Manager Maclin stated that he would also like to provide Council with a little information from the past. The City has had two regional type water studies, one in 1979 by KSA and one that was started in 1988 by EGA and was completed in April of 1991. City Manager Maclin stated that on the Council table is a handout entitled "City of Lufkin 15 Year Water Use History", which includes three pages from the 1991 regional planning study that provides per connection consumption and projected water consumption during a dry cycle and a wet cycle, and provides

population projections. City Manager Maclin stated that, in his opinion, the 1979 study is of no value to the City at all at this time; the numbers that were used on it were extremely optimistic in terms of growth. City Manager Maclin stated that the study made in 1991 is pretty much on target in terms of what's happened since 1991, although there is one factor on the front page that was not able to be accounted for. Between 1995 and 1996 the average daily consumption of water jumped from just under seven million gallons to just over eight million gallons, which is directly attributable to the increase by Pilgrim's Pride when they made their expansion to their plant. City Manager Maclin stated that the number at the bottom of the page for 1997 is only for the first nine months of 1997 and it is his opinion that in the next three months that 8.4 mgd will decline a little closer to 8.1, mainly because there were three months of high consumption this summer that will be deluded on an average basis in the October-November-December consumption, which will be substantially lower than that. City Manager Maclin stated that Council may remember from information that was sent to them in the Newsletter that the City set a record this summer in terms of number of 11 million gallon days pumped. City Manager Maclin stated that the point he wanted to make is that these numbers are showing that the City is at a little faster pace than what was anticipated in the 1991 study and in light of requests that we have recently had from the City of Zavalla for water utilization, staff thinks that now would be an appropriate time to conduct another study and if we can get \$30,000 from the Texas Water Development Board it will help defray some of the expense.

City Manager Maclin stated that we can be assured that regional water planning will become a significant topic for the next 36 months due to Senate Bill 1. City Manager Maclin stated that Senate Bill 1 will require regional water plans to be implemented across the State and basically the City of Lufkin is trying to get a head start and apply for funds that are currently available and perhaps there may be some other funds available after all the Public Hearings and information is complete on Senate Bill 1.

Mayor Bronaugh stated that it is very important that the City continue on with the regional water study. Councilmember Bowman stated that the initial drafts prepared by the Texas Water Development Board for rural implementation for Senate Bill 1 calls for the creation of a series of regional water planning areas and the one that is being proposed for the Lufkin area is Regional I and that region includes Pt. Arthur, Beaumont, and Orange, which concerns him a great deal because we will be competing against a much larger population area for what we want for the future of our City, especially when it comes to water.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Resolution for a regional water supply planning grant to the Texas Water Development Board be approved as presented. A unanimous affirmative vote was recorded.

11. BID - APPROVED - ASPHALT CRACK SEALER - STREET DEPARTMENT - CRAFTCO TEXAS, INC. - THE ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was bids for an asphalt crack sealer for the Street Department.

City Manager Maclin stated that included in the Council packet is the bid tabulation for the asphalt crack sealer and the financing package for lease purchase purposes. City Manager Maclin stated that the low bid was submitted by Craftco Texas, Inc. in the amount of \$23,500, and the low bid for financing was received from The Associates with an interest rate of 6.56%. City Manager Maclin stated that this was an item that was included in the 1997-98 budget at \$31,000 over a three year period.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that bid of Craftco Texas, Inc. in the amount of \$23,500 for an asphalt crack sealer to be used in the Street Department, with the

low bid for financing from The Associates at an interest rate of 6.56%, be approved as submitted. A unanimous affirmative vote was recorded.

12. BID - APPROVED - SKYLIGHT REFURBISHING - CLYDE GRIESENBECK & SON, INC.

Mayor Bronaugh stated that the next item for consideration was bids for the refurbishing of the skyroof in the City Hall.

City Manager Maclin stated that this is an item that Council first saw in a presentation by Mrs. Stokes, City Secretary, at the Council Retreat in May, and also as a Decision Package in July and was approved and included in the 1997-'98 budget. City Manager Maclin stated that this request provides for some needed maintenance and repair to the skylight in the atrium. City Manager Maclin stated that there had not been any maintenance in the 11 year life of the skylight and that staff feels that now is the appropriate time to do that in order to insure maintenance of the investment of the skylight. City Manager Maclin stated that the dollar amount of \$16,630 is exactly the same as the amount presented at the Retreat. City Manager Maclin stated that he wanted to point out that the last sentence on the proposal from the Griesenbeck Company states that the price is subject to final inspection from their field crews, which means that they reserved the right for a minor increase if necessary based on what they actually find when they get on site. City Manager Maclin stated that if the price does change staff will come back to Council for approval of any increase above what is budgeted.

Councilmember Simond stated that he had suggested some time ago that staff have an engineer give an estimate on the cost of an overhead parking area on the west side of the building. Councilmember Simond stated that the parking that became available through the donation of Murphy George had helped but there was still a need, especially when there were large groups meeting at City Hall. Councilmember Simond stated that, in his opinion, it would be a simple thing to put overhead parking in the parking lot. City Manager Maclin stated that staff had done some preliminary work on this when Councilmember Simond brought this up before and found that it was fairly expensive and would probably would require the issuance of Certificates of Obligation to complete it. City Manager Maclin stated that staff can have some numbers prepared as a Decision Package for Council to consider in May or June.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that the bid of Griesenbeck & Son, Inc. in the amount of \$16,630 for the refurbishing of the skylight in the City Hall be approved as submitted. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session to enter into Executive Session at 5:40 p. m. Regular Session was reconvened at 6:02 p.m. and Mayor Bronaugh stated that Council had discussed appointments to Boards and Commissions and Attorney/Client matters. No decisions were made.

14. COMMENTS

Councilmember Simond stated that he would suggest that each intersection in the City had the ability for the Police to change the lights at intersections for high speed chases. City Manager Maclin stated that staff has been putting a couple of intersections in the budget each year.

Councilmember Simond stated that he read recently that the Railroad Commission met with some concerned people about getting materials delivered from the railroad companies. Councilmember Simond stated that 125 people met in Houston and he wanted to know if anyone from the City had attended. City

Manager Maclin stated that he was not aware of the meeting until it was held. City Manager Maclin stated that he would be glad to follow up with a letter to the Railroad Commissioner. Councilmember Simond stated that, in his opinion, the City Manager, City Engineer, Public Works Director and probably the Mayor should have attended this meeting.

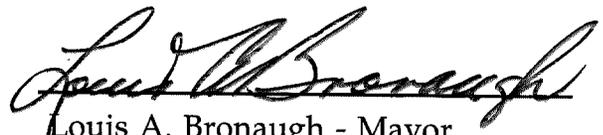
Councilmember Simond stated that he would like to see enforcement of the Ordinance prohibiting the parking of abandoned vehicles on City streets. Councilmember Simond stated that there are two abandoned vehicles on North First Street that have been there for some time.

Mayor Bronaugh stated that the City will be hosting a health fair at the Civic Center on Wednesday and Thursday of this week.

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

ATTEST:

Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor