

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
16th DAY OF JANUARY 2001 AT 5:00 P. M.

On the 16th day of January 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:

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
Jack Gorden, Jr.	Councilmember, Ward No. 5
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

Being present when the following business was transacted.

1. Rev. Frank Starr, Pastor, First Lutheran Church, opened meeting with prayer.
2. Mayor Bronaugh welcomed visitors present and recognized Boy Scouts Daniel Perry, Kyle King and Parker Brody from Troop 140 who are working on their Communications Badge.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that the minutes of the Regular Meeting of January 2, 2001 be approved as presented. A unanimous affirmative vote was recorded.

4. EMERGENCY REPAIRS/UPGRADE - APPROVED - PUBLIC WORKS COMMUNICATIONS SYTEM

Mayor Bronaugh stated that the next item for consideration was emergency repairs/upgrade to the City's Public Works Communications System.

City Manager Maclin stated that included in the Council packet was a letter from the Director of Public Works noting the need for this issue. Mr. Maclin stated that staff has had some problems in recent months with the communications system in the Public Works area. Mr. Maclin stated that the City's long-range goals in terms of capital improvements include a new communications system in the future when we have to change frequencies. Mr. Maclin stated that this is just a small step in terms of some of the hardware equipment towards that capital improvement purchase. Mr. Maclin stated that this need has been brought about by the fact that we are having some failures with communications equipment right now that needs to be replaced.

City Manger Maclin stated that staff would like to seek Council's authorization to pursue bids for replacement equipment and to upgrade the equipment. Mr. Maclin stated that staff is recommending the utilization of Solid Waste and Water Utilities Depreciation Fund to cover the estimated \$12,500 expense.

City Manager Maclin stated that Kenneth Williams, the Director of Public Works, was present to answer any specific questions about some of the problems he has had. Mr. Maclin stated that Mr. Williams also has a more definitive concern as this relates to our ability to communicate during an emergency.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that emergency repairs/upgrade to the City's Public Works Communications System be approved as presented and that the funds for this \$12,500 expense be taken from the Solid Waste and Water Utilities Depreciation Fund. A unanimous affirmative vote was recorded.

5. COOPERATIVE AGREEMENT – APPROVED – ANGELINA COUNTY & CITIES HEALTH DISTRICT

Mayor Bronaugh stated that the next item for consideration was renewal and consideration of the Cooperative Agreement between participating entities and the Angelina County & Cities Health District.

City Manager Maclin stated that included in the Council packet is a letter from Sharon Shaw, the Administrator of the Angelina County & Cities Health District. Mr. Maclin stated that Ms. Shaw wanted to bring Council up to date on some of the recent changes and services of the Health District and show Council a video to compliment those changes and services, and then to ask for renewal of the annual contract.

Ms. Shaw stated that she wanted to discuss the cooperative agreement with the Angelina County & Cities Health District, which is something she does annually with the participating entities. Ms. Shaw stated that they have moved into their new building and had seen a 10% growth over 1999-2000 in this first quarter. Ms. Shaw stated that in addition to the new facility, they have added a second provider so they now have two providers on staff. Ms. Shaw stated that they have also initiated a pharmacy program. Ms. Shaw stated that they have hired a grant writer and a health educator to help them look for other funds to supplement what they are doing and educate the public on health issues.

Ms. Shaw stated that she would like to thank the members on the Health Board, which includes Mayor Bronaugh, for being so supportive of her and the changes that have been made.

Ms. Shaw presented the video, which she stated was the first video ever produced for the Health District.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that the cooperative agreement between the Angelina County & Cities Health District and the City of Lufkin be renewed and approved as presented. A unanimous affirmative vote was recorded.

6. QUARTERLY FINANCE COMMITTEE REPORT

Mayor Bronaugh stated that the next item for consideration was the quarterly report from the Finance Committee.

Councilmember Robertson stated that the Finance Committee had met this afternoon with the City's Investment Advisor Dick Long, who went over the portfolio with the committee. Councilmember Robertson stated that the Fed's lowering the interest rate recently affected the City's investment portfolio. Councilmember Robertson stated that the short term T-bills were reduced a percentage point over the last quarter, going from 620 to 527. Councilmember Robertson stated that two new discount notes were purchased in the last quarter. Councilmember Robertson stated that the portfolio was down a little bit from last quarter but is holding steady with \$31 million in the portfolio.

Councilmember Gorden stated that the Committee approved a couple of new agents for the Advisor to deal with. Mr. Maclin stated that First Tennessee was withdrawn and the broker dealer list now includes Solomon Barney, Merrill Lynch, PryorCounts, Morgan Keegan, Bank of America, and Duncan Williams. Mr. Maclin stated that the Committee is waiting on approval for Paine Weber, which would probably take place at the next Committee meeting.

Mayor Bronaugh thanked the members for the time they dedicate to the Finance Committee.

7. REQUEST FOR DESIGNATED PARKING – TABLED – WARD BURKE FEDERAL COURTHOUSE

Mayor Bronaugh stated that the next item for consideration was approval of designated parking for the Ward Burke Federal Courthouse.

City Manager Maclin stated that included in the Council packet is a letter of request from David Maland, Clerk of the Court of the United States District Court, the Eastern District of Texas, here at the Ward Burke building. Mr. Maclin stated that basically they are seeking Council's consideration for designation of some slots for visitors. Mr. Maclin stated that these slots would be in the front of the Courthouse on Third Street for a total of six spaces and five spaces on the south side of the Courthouse along Lufkin Avenue.

Mr. Maland stated that he is asking that they be given the privilege of getting their customer's better access to the building. Mr. Maland stated that they have experienced problems at the Ward Burke Building for quite some time. Mr. Maland stated that the problem they are having with the spaces around the Courthouse is that regular folks are parking in those spaces and they appear to be people who work in the downtown area. Mr. Maland stated that it impedes the access for jurors who are trying to do their civic duty. Mr. Maland stated that the jurors have duty for an hour or so and some of them stay all day. Mr. Maland stated that he would be able to issue some kind of tag or identifier that would hang over the car mirror so that it is clear that they are a Federal Court juror. Mr. Maland stated that he is simply asking if the Council sees fit, he would be willing with Council approval to bear the expense of identifying these spaces by painting the curb with "Federal Court Parking".

Mr. Maland stated that the other type of customer they would get would typically be attorneys or runners coming in delivering items to the court and it would be very helpful to have parking for these people who are not there for very long. Mr. Maland stated that they are spending a lot of money and expense making the Burke building even more functional. Mr. Maland stated that our local Judge John Hannah is soon to be the Chief Judge for the eastern district of Texas, which will make the Burke building busier as time goes on.

In response to question by Mayor Bronaugh, Mr. Maland stated that the Court is open for business at all times Monday thru Friday, other than holidays. Mr. Maland stated that Judge Hannah, who is the primary Judge who is assigned to the local courthouse, is here quite often. Mr. Maland stated that his request is not for staff parking, but is for customer parking. In response to question by Mayor Bronaugh, Mr. Maclin stated that as far as he knew there was no handicapped parking at the Federal Courthouse. Mr. Maclin stated that the closest handicapped parking on the street would be at the Fire Administration Building. Mayor Bronaugh stated that if the curb is painted designating the spaces for Federal business only, that area needs to be patrolled and we need to make sure that others do not abuse it.

In response to question by Councilmember Gorden, Mr. Maland stated that the Court has parking behind the building for staff members, the U. S. Marshals, and Judge Hannah, which is adequately taken care of. Mr. Maland stated that they are looking for parking for the persons conducting business with the Court or serving as jurors. Mr. Gorden stated that, in his opinion, the City should try to be accommodating to their needs, and that the City is very grateful to have the Court in Lufkin.

Mr. Maland stated that, in his opinion, it was a mutually beneficial situation since the jurors will be having their lunch in the downtown area. Mr. Maland stated that their Lufkin division has grown steadily particularly since Judge Hannah was appointed to the bench. Mr. Maland stated that Judge Hannah was very interested in enhancing the functionality of the Federal Court in Lufkin.

Councilmember Gorden asked if the City were to designate these spaces would they be in a position to regulate them. City Manager Maclin stated that he would like to make a suggestion as for as the mechanics of this, which currently on the City's map shows it to be a 90-minute parking area. Mr. Maland stated that it appears that that is not being

regularly enforced from their perspective. Mr. Maclin stated that part of that is due to the turnover rate in parking attendants. Mr. Maclin stated that if the City enforces this in a more consistent basis, which we should be able to do without any difficulty, but waive the 90 minutes if someone had the tag hanging from their mirror, then those individuals who park in those 11 slots would have no time limit. Mr. Maclin stated that otherwise the City would maintain the appropriate enforcement of the 90-minute limit. Mr. Maland stated that enforcement of the existing Ordinance would appear to solve some of the problems in that the people who are parking all day, this would get them out of there, which is the bulk of the problem. Mr. Maland stated that if they were able to get their request as framed, then they could insure that they would have those spaces available to the Federal Courthouse customers.

City Manager Maclin stated that they do not have Court in terms of jurors every day and if the City was rigidly enforcing the parking that might be a little bit of "overkill" because there would be vacant spots on every day that the Court did not have jurors. Mr. Maclin stated that with the 90-minute parking the City would be guaranteeing a turnover but once they had the jurors tag it would be exempt from the 90-minutes and they would be able to park as long as the Court needed them. In response to question by Councilmember Gorden, Mr. Maclin stated that whether the Federal Court, District Court, or the County Court has a juror that has a pass, Judge Sloan has waived those parking tickets on a regular basis as a standing agreement between the City and the Courts. Mr. Maclin stated that with the juror tag this would avoid the City having to go through the paperwork of exempting the ticket because we would know that that was a legally exempted juror.

City Manager Maclin stated that the City had tried in the past making some areas 2 hour parking, some areas 90-minute parking, and some areas with 1-hour parking but the difficulty with that is the enforcement standpoint with one staff member. Mr. Maclin stated that the 90-minute consistency accomplishes a lot of things from a work implementation standpoint. Mr. Maclin stated that using the tags will help both the City and the Federal Court because it avoids the City going through the ticketing process not knowing that that was a juror, and it will insure that if a juror parks in one of those eleven spots they can stay as long as the Court needs them.

Councilmember Robertson asked how many off-street parking spaces the Court has now. Mr. Maland stated that there are 11 spaces. Mr. Maland stated that if his request were approved he would only be meeting part of the demand for spaces that the Court needs.

City Manager Maclin stated that what he is suggesting is increased enforcement of the 90-minute parking, but that the 90-minute parking is waived for any jurors that have an ID tag provided by the Federal Court.

In response to question by Councilmember Bowman, Mr. Maclin stated that with the 90-minute turnover, that will be adequate time for deliveries. Mr. Maland asked if they could get one or two spaces dedicated to them in the front of the building to allow messengers, attorneys, etc. to deliver papers, that would help them immensely. City Manager Maclin stated that there are other locations in town with designated short time spaces for deliveries for 10 to 15 minutes. Mr. Maland stated that that would work.

City Attorney Flournoy stated that there will be a problem if everybody is allowed to park there only for 90 minutes because the public will come in at 8 o'clock and park in those spaces and they will be there at a time when the jurors will be coming in and they will not be able to park there. Mr. Flournoy stated that the parking needs to be made exclusively for the jurors or there will not be any place for them to park. Mr. Flournoy stated that if the parking is not restricted early in the morning; there will not be a place for them to park. Mr. Flournoy stated that one of the problems is that the people coming to serve on the Federal Court are coming from out of town and it is more difficult for them.

City Manager Maclin stated that perhaps this request could be tabled until the next meeting and the Police Department who will provide the enforcement of the designated parking could meet and let everyone come to a consensus of opinion and then come back with a recommendation to the Council. Mr. Maclin stated that he wanted to make

sure that the parking would be enforceable because if it is not enforceable it will not help either party. Mr. Maclin stated that the Police Department needs to give some input in terms of their staff parking attendant who will primarily be the key person in regulating these parking places.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that this request be tabled until the first meeting in February. A unanimous affirmative vote was recorded.

8. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:43 p. m. to enter into Executive Session. Regular Session reconvened at 6:10 p. m. and Mayor Bronaugh stated that Council had discussed attorney/client matters and real estate.

9. AUTHORIZATION – APPROVED – CONDEMNATION OF PROPERTIES AS RELATED TO HURRICANE CREEK DETENTION

Mayor Bronaugh stated that the next item for consideration was authorization to proceed with required condemnation of properties as related to Hurricane Creek Detention.

City Manager Maclin stated that the City has a tract of property that we have been negotiating for some period of time and have been unable to reach a mutual agreement. Mr. Maclin stated that staff would like to seek Council's authorization to identify this property as needed by the City, and secondly, to authorize the City Attorney to use the power of imminent domain in the event the City is unable to come up with an agreement for the sale of the property.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that a public necessity be declared to condemn an 11.961-acre tract owned by Floors Unlimited needed for the construction of a detention pond for drainage control in the Englewood Subdivision. A unanimous affirmative vote was recorded.

10. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that next Tuesday, January 23rd, there is a Called Council meeting to consider the annexation process relating to American Color Graphics. Lunch will be provided at 12:30 p.m. and the Council meeting will be at 1:00 p. m.

City Manager Maclin stated that on Tuesday, January 23rd there will be a retirement reception for Chief Collins at the Civic Center.

City Manager Maclin stated that Wednesday, January 24th is the Lufkin/Nacogdoches Day reception in Austin at the Austin Club from 5:30 until 7:30 p. m.

City Manager Maclin stated that on Thursday, January 25th is the DETCOG monthly meeting in San Augustine and that evening on the 25th in Jasper is the Region 16 TML meeting at the Jasper Country Club beginning at 6:30 p.m.

City Manager Maclin stated that on the 30th is the Chamber of Commerce annual banquet at the Civic Center with Ray Perryman as the speaker.

City Manager Maclin stated that on Friday, February 2nd, the DETDA annual banquet and installation of officers would take place beginning at 6:30 p. m. and the speaker will be the current Chairman of the Texas Department of Transportation Commission, Johnny Johnson. Mayor Bronaugh stated that President Bush has appointed Mr. Johnson to the position of Federal Transportation Director.

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

A handwritten signature in black ink, appearing to read "Louis Bronaugh", written over a horizontal line.

Louis Bronaugh
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Atha Stokes Martin", written over a horizontal line.

Atha Stokes Martin - City Secretary