

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LUFKIN, TEXAS, HELD ON THE  
2ND DAY OF MAY, 1995 AT 5:00 P. M.**

On the 2nd day of May, 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	Mayor
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by City Manager C. G. Maclin.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman that the minutes of the Regular Meeting of April 18, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL MEDIUM TO LOCAL BUSINESS - J M I INVESTMENTS - DENMAN AVENUE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning of Tracts 38, 39 and 40 of the J. L. Quinalty Survey and more commonly known as 910 E. Denman Avenue from Residential Medium to Local Business as requested by Phil Medford on behalf of J M I Investments.

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

5. **BID - APPROVED - TRUST PROPERTY - J. L. QUINALTY SURVEY - LOWERY STREET**

Mayor Bronaugh stated that the next item for consideration was a bid on Trust Property described as 1.904 acres, Abstract 40, J. L. Quinalty Survey, located on Lowery Street.

City Manager Maclin stated that included in the Councilmember's packet is a cover letter from the Tax Assessor/Collector of Angelina County requesting Council's consideration of this settlement. Also, included is a letter from the law firm of Calame, Linebarger, Graham & Pena, who collects the delinquent taxes, saying that the best bid they received was \$9,910, less court costs of \$375 with a balance of \$9,535 to be distributed among the four taxing entities. City Manager Maclin stated that the amount the City will receive is \$2,828.08.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that bid on the Trust Property in the amount of \$2,828.08 be approved as submitted. A unanimous affirmative vote was recorded.

**6. IRS RATES - ADOPTED - TRAVEL MILEAGE ALLOWANCE**

Mayor Bronaugh stated that the next item for consideration was the adoption of the IRS rates for travel mileage allowance.

City Manager Maclin stated that in the past staff has periodically come before Council asking for consideration to update the City's mileage reimbursement per mile to reflect the current IRS regulations. City Manager Maclin stated that current mileage reimbursement allowance is 27.5 cents per mile, and staff is recommending Council's consideration to officially adopt the IRS adopted rate.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that IRS rates be adopted as presented. A unanimous affirmative vote was recorded.

**7. CONSTRUCTION BIDS - APPROVED - TEXAS COMMUNITY DEVELOPMENT PROGRAM - HOME PROGRAM - NIRVANA CONSTRUCTION CO. - BDR CONSTRUCTION CO. - BILLY M. BROWN CONSTRUCTION CO.**

Mayor Bronaugh stated that the next item for consideration was the approval of the top ranked applications and construction bids for the Texas Community Development Program as recommended by the Neighborhood Improvement Committee.

City Manager Maclin stated that included in the packet is a letter from Kenneth Williams, representing the Neighborhood Improvement Committee, and their recommendations for five locations for participation in the HOME Program for reconstruction or rehabilitation. City Manager Maclin stated that staff is recommending the low bid on all five of the locations.

In response to question by Mayor Bronaugh, Mr. Williams stated that BDR Construction Company is located in Nacogdoches, Billy M. Brown Construction Co. is located in Diboll, and Nirvana Construction Company is located in Corsicana.

In response to question by Mayor Bronaugh, Mr. Williams stated that the reconstruction/rehabilitation of these homes is being funded by the 1992 HOME Program Grant.

In response to question by Councilman Gorden, Mr. Williams stated that several members of the Neighborhood Improvement Committee have been replaced, and that the Committee has been meeting every other week for the past two months.

In response to question by Councilman Weems, Mr. Williams stated that the average size for a home that is reconstructed is 950 SF.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that the bid of Nirvana Construction Co. in the amount of \$32,000 for 1912 Culverhouse; the bid of BDR Construction Co. in the amount of \$32,080 for 1413 N. First Street; the bid of Billy M. Brown Construction Co. in the amount of \$14,260 for 1907 Keltys; the bid of BDR Construction Co. in the amount of \$32,080 for 405 Packer Street, and the bid of Billy M. Brown Construction Co. in the amount of \$8,930 for 2604 Moffett Road be approved as submitted. A unanimous affirmative vote was recorded.

**8. REPLACEMENT OF WRECKED LEASED VEHICLE - APPROVED - POLICE DEPARTMENT - HGAC CONTRACT**

Mayor Bronaugh stated that the next item for consideration was a request by the Police Department for the replacement of a wrecked leased vehicle.

City Manager Maclin stated that included in the packet is a copy of a memo from Chief Collins explaining the need for this request based on a Police vehicle that was wrecked and totalled last week. City Manager Maclin stated that staff would like to take advantage of the price we received through the Houston-Galveston Area Council to purchase a replacement vehicle.

Chief Collins stated that a week ago a Lufkin Police Officer was proceeding north on MLK Drive and pulled out in front of a Hardin County Deputy Sheriff who was westbound on the North Loop and ended up totalling both patrol cars. Chief Collins stated that the passenger in the Deputy's car sustained a minor injury. Chief Collins stated that the City's car was a 1993 Ford and was being used as a backup patrol car. Chief Collins stated that he had checked with the dealer who has a HGAC contract (Orange Ford Company in Orange, Texas), and they assured him they could get the City an additional car. Chief Collins stated that he was requesting authorization to lease purchase one patrol car in addition to the cars approved for purchase several weeks ago. (The new patrol cars will be delivered this Thursday.)

In response to question by Mayor Bronaugh, Chief Collins stated that Hardin County is also insured by TML.

In response to question by Councilman Gorden, Chief Collins stated that the insurance will cover the payoff on the existing car but will probably not clear enough to pay the full years premium on a new car. Chief Collins stated that this will be the final payment on the wrecked car under the lease purchase.

In response to question by Councilman Gorden, Chief Collins stated that upon delivery of the lease purchase vehicle, the first lease purchase payment is due.

In response to question by Councilman Kegler, City Manager Maclin stated that the Insurance Loss Fund is a fund that was established from the increased one-half cent Sales Tax for the reduction of ad valorem property tax and has been used as a fund to pay the deductible on insurance claims. City Manager Maclin stated that the Council designated the additional sales tax for this purpose in 1988. City Manager Maclin stated that at this time there is approximately \$400,000 in the fund.

Councilman Gorden stated that part of the rationale for having designated the sales tax as the Insurance Loss Fund is because the City dropped insurance coverage on a large part of the City buildings. Councilman Gorden stated that one year the total insurance bill for the City went from \$500,000 to \$1,000,000. Councilman Gorden stated that when the additional one half cent sales tax went into effect, the City was prohibited by law from spending it the first six months, so this pool was created, and the City then felt comfortable in dropping some of the insurance coverage.

In response to question by Councilman Gorden, City Manager Maclin stated that no additional funds have ever been budgeted for the Insurance Loss Fund, however, it has been discussed at several of the budget workshop meetings. City Manager Maclin stated that there was never a consensus from Council for it to rank high enough to be a Decision Package. Councilman Gorden stated that he would like to add money back into the Insurance Loss Fund as a Decision Package in the FY 1995-'96 budget.

In response to question by Councilman Simond, City Manager Maclin stated that the City's Safety Policy has a point system for driving and if an employee has eight or more points they are then ineligible to drive a City vehicle. City Manager Maclin

stated that points are assessed on different infractions; an at-fault accident is worth four points. City Manager Maclin stated that about a year ago Tom Braziel in the Fire Department received his training to conduct an in-house school for defensive driving for City employees. At this time a defensive driving class is being held monthly.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that a patrol vehicle for the Police Department be purchased from the HGAC Contract with the insurance payoff being supplemented with funds from the Insurance Loss Fund. A unanimous affirmative vote was recorded.

**9. BID - APPROVED - FEAGIN DRIVE RECONSTRUCTION - MOORE BROTHERS CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for the reconstruction of Feagin Drive.

City Manager Maclin stated that staff recommendation is to award the bid of Moore Brothers Construction in the amount of \$1,375,920.75 for the reconstruction of Feagin Drive. City Manager Maclin stated that although the bid for concrete pavement had the highest initial cost, in his opinion, it was in the City's best interest from a long term standpoint to use concrete.

City Manager Maclin stated that this bid does not include sidewalks at this time. City Manager Maclin stated that staff would like to wait until the other three bids are received (MKL, Paul Ave. and Tulane) and see what the total expenses are at that point for the essentials of the street itself and then come back to Council for a decision based on the funds available of the \$8.6 million total, where sidewalks should go. City Manager Maclin stated that a Change Order could be added to amend the Contract to add sidewalks, grass and additional aesthetics to the streets.

In response to question by Councilman Boyd, City Manager Maclin stated that staff had talked with the railroad personnel two weeks ago and they promised they would assist the City in trying to obtain the right-of-way, but as of this date there has been nothing in writing.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler to accept the bid of Moore Brothers Construction in the amount of \$1,375,920.75 for the reconstruction of Feagin Drive. A unanimous affirmative vote was recorded.

**10. BID - APPROVED - WATER PLANT IMPROVEMENTS - PUMPS - PIPING - POWERHOUSE SERVICES, INC.**

Mayor Bronaugh stated that the next item for consideration was bids for additional Water Plant improvements to include pumps and piping.

City Manager Maclin stated that included in Council's packet is a cover letter along with a bid tabulation and a letter from the engineer on this project. City Manager Maclin stated that these are improvements to the Water Treatment Plant included from the bond issuance a year and a half ago.

City Manager Maclin stated that staff recommendation is to accept the bid of Powerhouse Services, Inc. in the amount of \$172,200.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that the bid of Powerhouse Services, Inc. in the amount of \$172,200 be approved as submitted. A unanimous affirmative vote was recorded.

11. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session to enter into Executive Session at 5:41 p.m. Regular Session reconvened at 6:07 p.m. and Mayor Bronaugh announced that attorney/client matters and appointments to boards had been discussed.

12. APPOINTMENTS - APPROVED - ANGELINA COUNTY EXPOSITION CENTER BOARD - JACK GORDEN, JR. - SIMON HENDERSON III

Mayor Bronaugh stated that the next item for consideration was appointments to the Angelina County Exposition Center Board.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Jack Gorden, Jr. and Simon Henderson III be appointed to the Angelina County Exposition Center Board as the City's representatives. A unanimous affirmative vote was recorded.

13. APPOINTMENT - APPROVED - PLUMBING ADVISORY AND APPEALS BOARD - TERRY FREE

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Terry Free be appointed to the unexpired term of Bob Harbuck on the Plumbing Advisory and Appeals Board. A unanimous affirmative vote was recorded.

14. COMMENTS

Mayor Bronaugh stated that on Monday at 11:30 a.m. Council will meet to canvass the election, with lunch to follow.

Mayor Bronaugh stated that on Wednesday at 1:30 p. m. David Burnsen with TxDOT will hold a press conference in the Council Chambers to make an announcement that will have a significant impact on the transportation of Deep East Texas.

Mayor Bronaugh reminded Council of the First Friday luncheon where R. A. Brookshire will be the guest speaker.

Mayor Bronaugh stated that Cinco de Mayo will be held Saturday, May 6, at Ellen Trout Park.

Mayor Bronaugh reminded Council that the City election was on Saturday and urged everyone to vote.

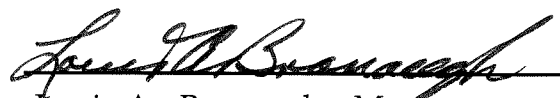
Mayor Bronaugh stated that later in the month the Lions Club of Texas will be holding their annual convention in Lufkin.

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

ATTEST:



Atha Stokes - City Secretary

  
Louis A. Bronaugh - Mayor