

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
16TH DAY OF APRIL, 1996 AT 5:00 P. M.**

On the 16th day of April, 1996 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	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
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Jack Gorden, Jr.	Councilmember, Ward No. 5
------------------	---------------------------

being absent when the following business was transacted.

1. Meeting was opened with prayer by Father Eduard Nevares, Minister, St. Patrick Catholic Church.
2. Mayor Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of April 2, 1996 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - SECOND READING - STREET CLOSURE -
MAXWELL STREET - VIRGINIA AND DON LYMBERY**

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance for street closure of approximately 254.3 feet at the end of Maxwell Street as requested by Virginia and Don Lymbery.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance for street closure of approximately 254.3 feet at the end of Maxwell Street as requested by Virginia and Don Lymbery be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE -
RESIDENTIAL SMALL TO LOCAL BUSINESS - HIGHLAND AVENUE - PINE
STREET - WILLIE SWINDLE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RS" Residential Small to "LB" Local Business on approximately a .48 acre tract of land located at the southeast corner of Highland Avenue and Pine Street as requested by Willie Swindle.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond that Ordinance to change the zoning from "RS" Residential Small to "LB" Local Business on approximately a .48 acre tract of land located at the southeast corner of Highland Avenue and Pine Street as requested by Willie Swindle be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO LOCAL BUSINESS - TULANE DRIVE - CARD DRIVE - GRADY LOWERY

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business, on approximately a 9.445 acre tract of land located on Tulane Drive, northwest of the intersection of Tulane Drive and Card Drive as requested by Grady Lowery.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance to change the zoning from "RL" Residential Large Single Family to "LB" Local Business, on approximately a 9.445 acre tract of land located on Tulane Drive, northwest of the intersection of Tulane Drive and Card Drive as requested by Grady Lowery be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - LIGHT MANUFACTURING TO SINGLE FAMILY MIXED USE - SPENCE STREET - JOSEPH WHITE

Mayor Bronaugh stated that the next item was consideration was Second Reading of an Ordinance to change the zoning from "LM" Light Manufacturing to "SF/MX" Single Family Mixed Use, on approximately a 3 acre tract of land located at 2108 Spence Street as requested by Joseph White.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "LM" Light Manufacturing to "SF/MX" Single Family Mixed Use, on approximately a 3 acre tract of land located at 2108 Spence Street as requested by Joseph White be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - PRIVATE CLUB - COMMERCIAL ZONING DISTRICT - RED LOBSTER RESTAURANT - MEDFORD DRIVE (LOOP 287) - SOUTH FIRST STREET

Mayor Bronaugh stated that the next item for consideration was to consider the request of Red Lobster to grant a Special Use Permit for a restaurant with a Private Club in a "C" Commercial Zoning District, on approximately a 0.24 acre tract of land located at the northeast corner of the intersection of Medford Drive (Loop 287) and South First Street.

City Manager Maclin stated that included in the Council packet is a memorandum from the Planning Department explaining this request along with a map showing the location, a plat showing the floor plan and parking arrangements, and a recommendation by unanimous vote of the Planning & Zoning Commission for approval of this Special Use Permit for a Private Club in the restaurant.

Trudy Boston, licensed representative and Asst. Secretary for Red Lobster and Olive Garden restaurants, stated that the firm of GMRI, Inc. currently owns and operates approximately 1,200 restaurants in 49 states and Canada. Ms. Boston stated that the proposed Red Lobster in Lufkin will seat 171 dining guests and seven bar guests. Ms. Boston stated that although alcoholic beverage sales comprises only a very small

percentage of their total sales, their ability to offer an alcoholic beverage to their guests is a prerequisite to developing a restaurant in a particular community. Ms. Boston stated that all their employees who handle alcoholic beverages receive alcohol awareness education training. Ms. Boston stated that this is in addition to the training on the TABC private club membership verification procedures. Ms. Boston stated that in Lufkin Red Lobster will have approximately 110 employees, local residents, and a general manager and three subordinate managers. Ms. Boston stated that company policy encourages managers and employees to participate in a variety of civic and charitable pursuits in the communities where they operate. Ms. Boston stated that if everything is approved, the restaurant will have their building permits by April 26, and plans for construction will start in mid-May. Ms. Boston stated that from the ground up it takes approximately six months so opening of the restaurant could take place at the end of 1996. Ms. Boston stated that the hours of operation are from 11:00 a.m. until 10:00 p.m. on Sunday through Thursday, and 11:00 a.m. until 11:00 p.m. on Friday and Saturday.

In response to question by Mayor Bronaugh, Ms. Boston stated that Red Lobster restaurants look for population and site location as a prerequisite for opening in a community, and, in her opinion, the Lufkin site is the best site she has seen in some time. Ms. Boston stated that she would like to commend the City Council, Planning & Zoning Commission members, City staff, and citizens for their support of the restaurant.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Ordinance to grant a Special Use Permit for a restaurant with a Private Club in a "C" Commercial Zoning District on approximately a 0.24 acre tract of land located at the northeast corner of the intersection of Medford Drive (Loop 287) and South First Street as requested by Red Lobster be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - TABLED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO PLANNED UNIT DEVELOPMENT - BARTMESS DRIVE - CHESTNUT STREET (HIGHWAY 58)

Mayor Bronaugh stated that the next item for consideration was the request of John Kondroik, Jr. and Jim Smith of Bansir Development, Inc. to change the zoning from "RL" Residential Large Single Family to "PUD" Planned Unit Development on approximately a 7.91 acre tract of land located near the intersection of Bartmess Drive and Chestnut Street (Highway 58).

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department along with the location, the zoning request, the plat of the proposed development in three phases, some color photographs, and floor plans. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends approval of the proposed PUD with these submitted regulations: (1) The front yard setback shall be 25 feet (2) Interior yard setbacks shall be 5 feet (3) Exterior yard setbacks shall be 10 feet (4) Single-family structures shall have a minimum of 1,500 square feet of dwelling area (5) Multi-family units shall have a minimum of 800 square feet of dwelling area, and (6) There shall be a six foot high sight bearing fence, erected around the perimeter of the project as shown on the development plant, as each lot is developed.

City Manager Maclin stated that because owners of more than 20% of the area of land within 200 feet of the subject property have filed a protest, a 4/5's vote by City Council is required to change the zoning. (Six out of seven members present voting affirmatively, or six out of six present voting affirmatively.)

Jim Smith stated that the goal of Bansir Development, Inc. is to provide high quality, low maintenance housing in a safe environment. Mr. Smith stated that

Bansir has surrounded itself with experts who they have extreme confidence in, to include a local engineer, engineers from Dallas, as well as architects, and real estate agents. Mr. Smith stated that Bansir appreciated the City staff's efforts and the recommendation and unanimous approval from the Planning & Zoning Commission. Mr. Smith stated that there are 33 garden home lots with one lot being deeded to the Homeowners Association for a playground. Mr. Smith stated that Bansir is confident that they have provided a safe route for traffic.

Mr. Smith stated that the homes will be similar to other housing they are currently working on in Dallas, and will be all masonry for low maintenance. Mr. Smith stated that they will be providing four different floor plans, with different size elevations. There will be three elevations for each floor plan, which will create variety in the subdivision. Mr. Smith stated that their six-plex units with two car garages, with a minimum of 800 SF have been rated as the latest trend in building.

In response to question by Councilmember Jones, Mr. Smith stated that the six-plex units will be utilized as rental property. Mr. Smith stated that Bansir will personally own the property and handle the rentals, and will not have a live-in person on site. Mr. Smith stated that perhaps in the future a management company through the realtor might handle the property for them, but it is not a consideration at this point.

In response to question by Mayor Bronaugh, Mr. Smith that 28% of the traffic now exits directly onto FM 58, and with improvements with a turning lane it should be adequate. Mr. Smith stated that they have heard of the possibility of a traffic light at this intersection in the future.

Those appearing in opposition of the request were:

- Barbara Swindle
- Christine Seago
- Libby Wajosinski

Points of opposition were:

- Drainage
- Quality of life will be diminished
- Traffic problems
- Possibility of turning into a "slum area"
- Concerns for children
- Increase in crime and violence (drugs and drinking)
- Too many homes on lots that are too small

City Manager Maclin stated that the City staff has not received any construction plans, and the Engineering Department, Building Inspector, and Fire Marshal will approve the plans as they are submitted. Mike Parker of EGA stated that he has looked at the site and will be doing the utility and construction plans, which will have to meet the City's approval before any work can be done. Mr. Parker stated that they are aware that there are drainage problems in this area and they will be addressed before any work can be done.

Bob Hill stated that he was present representing his father Woodrow Hill. Mr. Hill stated that his parents own three acres adjoining the property where the proposed PUD will be constructed, and will be affected more by this development than any one else in the area. Mr. Hill stated that this is now a four lane street and is no longer a Farm-to-Market road. Mr. Hill stated that just one mile north of this site a 130,000 SF retail lumber yard is being constructed. Mr. Hill stated that his point is that "Lufkin is changing". Mr. Hill stated that he and his parents believe that 30 nice homes like this will not only be an asset to the City but to the neighborhood and to their property as well.

Mr. John Kondroik stated that on the issue of wheel chair access, since he is trying to attract retirees, their architects use the minimum wide requirement for wheel chairs

as a standard. Mr. Kondroik stated that as far as school buses are concerned, this is a 27' curb and gutter street and meets the City standards. Mr. Kondroik stated that they are not trying to make Lufkin like Dallas, but are using some good ideas and good plans from Dallas in order to construct quality buildings. Mr. Kondroik stated that City Planner Stephen Abraham brought up the comparison of the Whisper Creek Subdivision because of the lot size.

In response to question by Councilmember Weems, Mr. Kondroik stated that he was originally from New Orleans but had lived in Lufkin since 1979. Mr. Kondroik stated that this project in Lufkin is the first project of this kind that Bansir has been involved in. In response to question by Councilmember Weems, Mr. Kondroik stated that his company has just received its incorporation. Mr. Kondroik stated that Bansir is paying consultants for expert advice, which they feel they need.

Councilmember Jones stated that since Council is being asked to take an action that will change something in the residents neighborhood she is inclined to give more credence to their concerns of maintaining their community as they have in the past.

In response to question by Councilmember Simond, Mayor Bronaugh stated that if Councilmember Gorden was present it would take six affirmative votes for the request to pass.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that request of John Kondroik, Jr. and Jim Smith of Bansir Development, Inc. to change the zoning from "RL " Residential Large Single Family to "PUD" Planned Unit Development on approximately a 7.91 acre tract of land located near the intersection of Bartmess Drive and Chestnut Street (Highway 58) be tabled until a full Council could be present. A unanimous affirmative vote was recorded.

10. ANGELINA COUNTY AND CITIES HEALTH DISTRICT COOPERATIVE AGREEMENT - APPROVED - DESIGNATION OF REPRESENTATIVE

Mayor Bronaugh stated that the next item for consideration was approval of Angelina County and Cities Health District Cooperative Agreement, and designation of representative and alternate representatives.

City Manager Maclin stated that included in the Council packet is a copy of the Cooperative Agreement and a designation for a representative for the City of Lufkin.

John Bautch, Executive Administrator, stated that he has appreciated the City's cooperation in the past.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Betty Jones that renewal of the Angelina County and Cities Health District Cooperative Agreement be approved as presented, and that Mayor Louis Bronaugh continue on as the City's representative. A unanimous affirmative vote was recorded.

11. AUDIT REPORT - APPROVED - ALEXANDER, LANGFORD & HEIRS

Mayor Bronaugh stated that the next item for consideration was the audit report for the City of Lufkin as presented by Alexander, Langford & Heirs.

City Manager Maclin stated that included in the Council packet is a memorandum from the Assistant City Manager of Finance Darryl Mayfield, with a response to the deficiencies as reported by the auditors.

Richard Rudel, of Alexander, Langford & Heirs, stated that the Management Letter is basically suggestions for improvements they noted in the course of the audit that

AL&H is recommending to the City. Mr. Rudel stated that the three basic areas recommended for improvement are (1) posting of longevity pay (2) centralizing grant record keeping, and (3) transferring the interest and sinking requirements monthly.

Mr. Rudel reviewed the highlights of the Audit Report as presented to Council. Mr. Rudel stated that on page 7 is the Independent Auditors Report (the auditors unqualified opinion on the City's financial statements). The internal auditors reports are on page 9. Mr. Rudel stated that page 10 is the beginning of the reportable conditions, conditions that AL&H believe are weaknesses in the City's internal control structure. (1) The City's investments, which is a carryover point from last year in regard to investments (a matter of record keeping). (2) Improving the grant reporting, and (3) reconciling EMS and ambulance receivables.

Mr. Rudel stated that AL&H is recommending that the City separate the capital outlay items from the maintenance and repair account. Mr. Rudel stated that AL&H would like to see the bank statements reconciled quicker and to actually see the bank reconciliations be reconciled back to the general ledger. Mr. Rudel stated page 12 refers to grant record keeping.

Mr. Rudel stated page 13 begins the Government Auditing Standards as far as compliance with laws and regulations, and in paragraph four it states that "results of our tests expose no instances of non-compliance that require to be reported in accordance with Government Auditing Standards".

Mr. Rudel stated that on page 15 is the Independent Auditors Report on Internal Control in regards to Federal Financial Assistance Programs.

Mr. Rudel stated that other reports relating to the Single Audit Act are two immaterial incidents were found of non-compliance and they are reported on page 25.

Mr. Rudel stated that pages 28 and 29 are a brief overview of the Schedule of Federal Financial Assistance, showing the Federal Financial Assistance the City receives, which has continued to increase over the past two fiscal years.

Mr. Rudel stated that the City's Financial Statements begin on page 36, with the City's assets shown on pages 36 and 37 and liabilities shown on pages 38 and 39.

Mr. Rudel stated that the auditors decided this year to add the Lufkin Industrial Development Authority to the City's financial statements as a component unit.

Mr. Rudel stated that he would like to point out on page 42 in reference to changes in Fund Balance in the General Fund, the Fund Balance was increased by \$850,000.

Mr. Rudel stated that the Proprietary Funds are reported on pages 48 and 49. Pages 50 and 51 reflect a statement of cash flow for the Proprietary Fund.

Mr. Rudel stated that page 53 reflects the City's accounting policies and disclosures relating to the City's financial statements.

A copy of the Audit Report is on file in the City Secretary's office.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems to accept the audit report as presented by Alexander, Langford & Heirs. A unanimous affirmative vote was recorded.

12. PARKING LOT LEASE - TABLED - SOUTHERN PACIFIC RAILROAD - ADDITIONAL DOWNTOWN PARKING

Mayor Bronaugh stated that the next item for consideration was expansion of a parking lot lease with Southern Pacific Railroad to provide additional downtown parking areas.

City Manager Maclin stated that included in the Council packet is a memorandum from the Main Street Manager delineating the existing parking the City has along with the potential availability of some additional parking from Southern Pacific. City Manager Maclin stated that currently SP leases two parking lots to the City, one on Angelina adjacent to Lufkin Daily News and the second on Groesbeck between First and Second Streets, across from LCTX and First Baptist Church. City Manager Maclin stated that these lots are essential to provide parking for employees of the downtown area. City Manager Maclin stated that recently due to the removal of the Perry's Building downtown, they have allowed their leases with SP to expire making the lots that they have on Angelina available. City Manager Maclin stated that due to the increased occupancy of downtown and the need for additional parking, staff would like to seek Council's authorization to pursue the acquisition by lease of these two areas to add an additional 36 spaces along Angelina Street.

Ms. Glover stated that approximately a year ago Council approved some new parking policies by Ordinance, basically extending the time limit from two hours to three hours, and much stiffer fines for overtime parking. Ms. Glover stated that the result has been as she hoped and expected and forced a lot of downtown employees off of the street and into the lots that are being leased for that purpose. Ms. Glover stated that in the past year the Street Department has improved the lots by resurfacing, striping, some minor landscaping and some nice looking signs erected to encourage people to park there, and recently TU Electric added some lighting.

Ms. Glover stated that in her research of the agreements with SP and the City, she found that the railroad has not increased the City's lease payments in a number of years. Ms. Glover stated that currently SP is updating all their leases in an effort to create some cash flow. Ms. Glover stated that the lease on the property on Angelina is due for renewal this month, and the proposed lease (reviewed by the City Attorney) would add 36 spaces. The Groesbeck lease will come up for renewal in about six months.

In response to question by Mayor Bronaugh, Ms. Glover stated that the lease amount for the two lots is increasing from \$3,238 to \$5,069. City Manager Maclin stated that the amount of the lease payment for the 36 spaces that Perry Bros. had formerly leased would be \$2,034.

City Manager Maclin stated that about two years ago Bob Hill (local realtor) obtained a listing agreement from Southern Pacific to sell all of these properties. City Manager Maclin stated that staff was very interested in bringing this to Council for consideration, but the problem was that SP had an asking price for the properties at three times the appraised value.

In response to question by Councilmember Weems, City Manager Maclin stated that the appraised value of the property was approximately \$4,500-\$5,000 an acre.

In response to question by Councilmember Bowman, City Attorney Flournoy stated that the City could condemn property for parking lot purposes, but he was not sure if the City could condemn the railroad property. Mr. Flournoy stated that the railroad also has condemnation powers themselves.

Councilmember Weems requested that the City Manager check with SP officials in regard to the cost of the property. Mayor Bronaugh requested that the City Manager also explore the possibilities of obtaining the property through condemnation.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that this item be tabled until next meeting of the Council. A unanimous affirmative vote was recorded.

13. SALE - APPROVED - TAX LIEN PROPERTY - ANGELINA COUNTY TAX OFFICE - 402 TOWER LANE

Mayor Bronaugh stated that the next item for consideration was acceptance of sale of tax lien property by Angelina County Tax Office.

City Manager Maclin stated that included in the Council packet was a letter from Bill Shanklin, County Tax Assessor-Collector, requesting Council's consideration of trust property of .437 acres located at 402 Tower Lane. City Manager Maclin stated that a bid was submitted by a resident at 404 Tower Lane in the amount of \$3,000. The City's part of the taxes would be \$819.58.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that sale of tax lien property at 402 Tower Lane be approved as presented. A unanimous affirmative vote was recorded.

14. SALE OF COMPOST - APPROVED - RECYCLING CENTER

Mayor Bronaugh stated that the next item for consideration was authorization for the Recycling Center to sell compost to the public at \$5.00 per cubic yard.

City Manager Maclin stated that included in the Council packet was a copy from Dennis Webster, Superintendent of Recycling/Solid Waste, seeking Council's authorization to establish a fee of \$5.00 per cubic yard for the compost product.

Mr. Webster stated that the Recycling Center started composting five years ago simply to get the yard trimmings off of the street and into a centralized area where it could be composted and then back to the citizens of Lufkin. Mr. Webster stated that Recycling started a pilot program six months ago to the citizens, and an article regarding the program appeared in the Lufkin News. Mr. Webster stated that the program that is in place at this time is simply to put a nominal value on the product to allow citizens to utilize the product. Mr. Webster stated that he is asking Council to allow him to go forward with a continuous program of selling the compost to the public at this nominal fee.

City Manager Maclin stated that the program allows for two free days to citizens who can show proof of residency through a water bill stub. The two free days are Earth Day in April and Texas Recycles Day in November.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that the Recycling Center be authorized to sell compost to the public at \$5.00 per cubic yard. A unanimous affirmative vote was recorded.

15. PRE-TREATMENT PROGRAM RESTRUCTURE - APPROVED - WASTE WATER TREATMENT PLANT - INDUSTRY TESTING AND SAMPLING - STREAM MONITORING

Mayor Bronaugh stated that the next item for consideration was authorization to restructure the Pre-Treatment Program at the Waste Water Treatment Plant for testing and sampling of all industries including stream monitoring.

City Manager Maclin stated that in 1990-1991 the EPA required the City to enter into a Pre-Treatment Program with the major industries in the City. City Manager Maclin stated that currently there are 11 industries involved in the Pre-Treatment Program, which requires sample collection, testing, and some stream monitoring. City Manager Maclin stated that included in the Council packet is a letter from

Bobby Mott, which shows that the City is currently spending \$89,000 a year in contractual services with ANRA, and about \$33,000 of City's funds for testing.

City Manager Maclin stated that staff is seeking a proposal for the City to take over the sample collecting and all of the testing. City Manager Maclin stated that there are several reasons for this and they are to reduce some duplication and some financial motivation.

Keith Wright stated that the City received its five year audit of the Pre-Treatment Program last June and one of the problems the EPA brought out was the City's accountability in sampling and testing. Mr. Wright stated that the EPA stated that the City had no real control over how the samples were collected, and that is one of the things this program will address. Mr. Wright stated that EPA suggested that City staff go with the sample collectors to assure that they are being done correctly. Mr. Wright stated that the City's response is that if staff members have to go out with the sample collectors, then staff members could do the collecting themselves. Mr. Wright stated that there were questions on billing, and complaints on how the samples are done, which the City has no control over. Mr. Wright stated that the City would not get into the sampling to make a profit, but would be able to re-coop their costs. Mr. Wright stated that costs to the industries could be reduced significantly in some instances.

City Manager Maclin stated that he wanted to bring this to Council at this time to give Mr. Neighbors at ANRA advance notice that the City would be taking this over themselves and he could plan accordingly in terms of his operational costs. City Manager Maclin stated that if staff waited until budget time to bring this up, Mr. Neighbors would only have one month of notice. City Manager Maclin stated that staff had visited with Mr. Neighbors two years ago and he requested at that time about eight months in order to allow him to get some additional contracts. City Manager Maclin stated that ANRA now has some additional contracts and would not be as dependent on the City's revenues as they were back in the early '90s.

Mr. Wright stated that this program is proposed in two phases, with only a small portion in the first budget year.

In response to question by Councilmember Simond, Mr. Wright stated that ultimately two employees would be added.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd authorizing the restructuring of the Pre-Treatment Program at the Waste Water Treatment Plant for testing and sampling of all industries including stream monitoring. A unanimous affirmative vote was recorded.

16a. BID - APPROVED - ONE TON TRUCK WITH UTILITY BODY - WATER UTILITIES DEPARTMENT - BARRETT BROTHERS

Mayor Bronaugh stated that the next item for consideration was bids for a one ton truck with a utility body to be used in the Water Utilities Department.

City Manager Maclin stated that included in the Council packet is a letter of explanation from Assistant City Manager of Finance Darryl Mayfield.

City Manager Maclin stated that staff recommendation is to award the low bid of Barrett Brothers in the amount of \$21,209.27 for a unit that was budgeted in the Depreciation Fund of the Utility Department. City Manager Maclin stated that at last meeting Council authorized staff to pursue the purchase of a cab and chassis for the replacement vehicle that was wrecked at an estimated cost of \$21,000. City Manager Maclin stated that staff could use this bid for that replacement vehicle, but it will cost \$209.27 more than was anticipated previously. City Manager Maclin stated that staff was seeking authorization to purchase two cab and chassis vehicles

from Barrett Brothers. City Manager Maclin stated that funding for this item has been approved to come out of the Water and Sewer Contingency Fund. Funding for the one ton truck for Water Utilities is appropriated in the 1995-'96 depreciation account at \$20,000, and the difference will be made up within the budget.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the bid of Barrett Brothers in the amount of \$21,209.27 be approved as submitted. A unanimous affirmative vote was recorded.

16b. BID - APPROVED - CONTAINER LIFT TRUCK - SOLID WASTE DEPARTMENT - INDUSTRIAL DISPOSAL SUPPLY

Mayor Bronaugh stated that the next item for consideration was bids for a container lift truck to be used in the Solid Waste Department.

City Manager Maclin stated that the low bid for the container lift truck was from Industrial Disposal Supply in the amount of \$16,300.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that bid of Industrial Disposal Supply in the amount to \$16,300 be approved as submitted. A unanimous affirmative vote was recorded.

17. TEMPORARY WAIVER - APPROVED - PENAL ORDINANCE NO. 110 - DOWNTOWN HOE DOWN - MAIN STREET DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was a temporary waiver of Penal Ordinance 110 regarding sale of items on public sidewalks for Saturday, April 20th - Downtown Hoe Down sponsored by Main Street.

City Manager Maclin stated that staff is hopeful that an Ordinance will be brought back to Council in the near future which will eliminate the need for individual temporary waivers of this Penal Ordinance, so there will be a structure and permitting system where future festivals will go through that system and not have to be considered individually by Council.

City Manager Maclin stated that staff is seeking Council's approval of this waiver so that the Downtown Hoe Down will be a huge success this Saturday.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that temporary waiver of Penal Ordinance 110 regarding sale of items on public sidewalks for Saturday, April 20th - Downtown Hoe Down sponsored by Main Street be approved as presented. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:56 p.m. to enter into Executive Session. Regular Session reconvened at 7:24 p.m. and Mayor Bronaugh stated that legal matters and attorney/client matters had been discussed.

19. COMMENTS

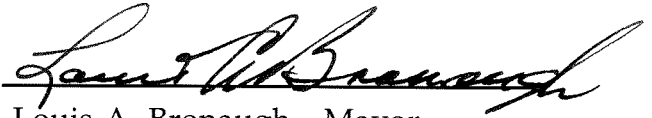
In response to statement by Councilmember Boyd that the railroad crossing at Bremond needed immediate attention, Dawn Glover stated that in her recent discussions with SP she was able to speak with the CEO of SP and they promised to completely tear out the crossing and make it like brand new by May 5th.

City Manager Maclin reminded Councilmembers of the Employees Awards and Recognition Banquet to be held at the Civic Center on Thursday, April 18th.

Mayor Bronaugh reminded Councilmembers of the TML Region 16 meeting at Crown Colony on Tuesday, April 30th.

City Manager Maclin stated that a corrected copy of the Councilmembers newsletter had been placed on the Council table.

20. There being no further business for consideration, meeting adjourned at 7:33 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary

**MINUTES OF CALLED MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
24TH DAY OF APRIL, 1996 AT 11:00 A. M.**

On the 24th day of April, 1996 the City Council of the City of Lufkin, Texas, convened in a regular meeting in Room 202 in City Hall with the following members thereof, to wit:

Louis A. Bronaugh
Don Boyd
Percy Simond
Betty Jones
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Darryl Mayfield
Atha Stokes

Mayor
Mayor pro tem
Councilmember, Ward No. 1
Councilmember, Ward No. 3
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
Asst. City Manager/Finance
City Secretary

being present, and

Bob Bowman

Councilmember, Ward No. 4

being absent when the following business was transacted.

1. Meeting was opened by Mayor Louis Bronaugh.

**2. EMERGENCY EXPENDITURES - APPROVED - COOLING SYSTEM (CITY HALL)
- AIR CONDITIONING UNLIMITED**

Mayor Bronaugh stated that a meeting had been called to consider emergency expenditures for the repair of the City Hall cooling system due to storm-related electrical surge.

City Manager Maclin stated that on Monday morning the cooling system in City Hall was not functioning and after investigating staff found that several problems had occurred. City Manager Maclin stated that the problems probably occurred on Saturday evening when there was an electrical storm in the City. City Manager Maclin stated that the barrel chiller and compressor are both down at this time. City Manager Maclin stated that the purpose of the called meeting is to get cooling in City Hall for customers and employees.

City Manager Maclin stated that he had checked with TML and they will cover the cost of repairs with a \$2,500 deductible if the problem is storm-related.

Asst. City Manager Darryl Mayfield stated that he had Allen Hill of the Street Department talk with some professionals in the HVAC field regarding the problems with the system. Mr. Mayfield stated that he had requested proposals for the repairs and had received two responses. Mr. Mayfield stated that McWilliams & Son, Inc. had submitted a proposal for repair of only one compressor and a proposal for the replacement of the chiller. Air Conditioning Unlimited submitted a proposal for the repair of both compressors and a proposal for the replacement of the chiller.

Nathan McHolland of Air Conditioning Unlimited, who has worked on the system in the past, was called in to check and see why the system failed. City Manager Maclin stated that TML may send an investigator down to check the system before making a determination on whether they will pay or not.

City Manager Maclin stated that he was seeking authorization from Council for repair of both compressors at a cost of \$45,800 with the understanding that if it is

covered by insurance, \$2,500 will be paid from the Insurance Loss Fund, and if it is not covered by insurance he would seek utilization of Insurance Loss Funds or the Contingency Fund for payment of the repairs.

In response to question by Mayor Bronaugh, Mr. Mayfield stated that the system is 10 years old and there is the possibility that other parts could have failed on the system. Mr. Mayfield stated that if the City had a monitoring system it could have shut down.

Allen Hill stated that the chiller barrel actually cools the water and the compressor drives the water. Mr. Hill stated that the compressor has taken in water. In response to question by Councilmember Gorden, Mr. Hill stated that the repair of the barrel is the main cost.

Mr. Mulholland stated that the barrell is ruptured and that water and freon are mixed together. Mr. Mulholland stated that he recommends replacing the barrel with a factory approved barrel. Mr. Mulholland stated that he has worked on this system before and knows the equipment.

In response to question by Councilmember Gorden, City Manager Maclin stated that staff wanted to do some more research and might look at some different systems with more modern technology. City Manager Maclin stated that it is his recommendation that a monitoring system be part of any new equipment that is purchased. City Manager Maclin stated that the budgeting process is coming up in 60 days and the cooling system will be an item for consideration.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd to accept the bid of Air Conditioning Unlimited in the amount of \$45,800 for two compressors and parts and labor. A unanimous affirmative vote was recorded.

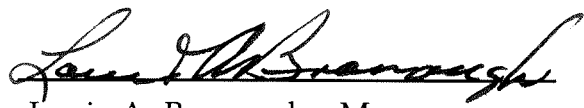
3. COMMENTS

City Manager Maclin stated that the Angelina Grand Jury had no-billed the City of Lufkin in the allegations made by members of the Fire and Police Departments.

Mayor Bronaugh stated that the Angelina County Chamber of Commerce Banquet will be held on Saturday night. The TML Region 16 meeting will be held at Crown Colony Country Club at 6:30 p.m. on Tuesday, April 30. Mayor Bronaugh stated that the Corridor I-20 meeting hosted by TxDOT will be held at the Civic Center also on Tuesday night.

City Manager Maclin reminded Councilmembers of the annual retreat at Pine Island on May 8th.

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


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary