

MINUTES OF CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
13th OF MAY 2002

On the 13th day of May 2002 the City Council of the City of Lufkin, Texas, convened in a Called Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Dennis Robertson	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present when the following business was transacted.

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

3. APPROVAL OF MINUTES

Minutes of the Regular Meeting of April 16, 2002 and Called Meeting of April 24, 2002 were approved on a motion by Councilmember R. L. Kuykendall and seconded by Councilmember Lynn Torres. A unanimous affirmative vote was recorded.

4. PROCLAMATION IN MEMORY OF COUNCILMEMBER DON BOYD

Mayor Bronaugh presented a Proclamation from the City of Lufkin in memory of Councilmember Don Boyd to his widow, Rose Boyd.

The Proclamation read as follow:

A Proclamation in Memory of Councilmember Don Boyd

"Whereas, Councilmember Don Boyd has served the Lufkin City Council and this community in various capacities too numerous to list herein but which include in part: The Texas Municipal League, Texas Association of Black City Council Members, Deep East Texas Council of Government, Concerned Black Men of Lufkin, and the National League of Cities; and

Whereas, these years have been marked by exemplary dedication to the best interests of the community as he worked for the betterment of its economic, cultural and aesthetic development; and

Whereas, he justly earned the respect, admiration and high regard of all with whom he came into contact, and this Council and community has sustained a great loss in his death.

Now, therefore, be it resolved that I, Louis A. Bronaugh, Mayor of the City of Lufkin, and the City Council, speaking on behalf of all our citizens, hereby extends to the members

of his family this expression of sincere regret for his loss, and the hope that they will be consoled by the memories of his fine life and achievements."

Signed by Louis A. Bronaugh, Mayor, May 13, 2002

5. ORDINANCE – APPROVED – SECOND READING – CANCELLING GENERAL ELECTION – MAY 4, 2002

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance canceling the General Election of May 4, 2002.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Ordinance canceling the General Election of May 4, 2002 be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – SECOND READING – AMENDMENT TO ARTICLE XXVII – ZONING ORDINANCE – SIGN, PERMANENT BULLETIN BOARD

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending Article XXVII of the Zoning Ordinance as it pertains to the definition of "Sign, Permanent Bulletin Board".

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that Ordinance amending Article XXVII of the Zoning Ordinance as it pertains to the definition of "Sign, Permanent Bulletin Board" be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. OATH OF OFFICE – JACK GORDEN, JR., COUNCILMEMBER WARD 5 – DENNIS ROBERTSON, COUNCILMEMBER WARD 6

City Attorney Bob Flournoy administered the oath of office to Jack Gorden, Jr., Councilmember of Ward 5 and to Dennis Robertson, Councilmember of Ward 6.

8. APPOINTMENT – DISCUSSED – MAYOR PRO TEM

Mayor Bronaugh stated that the next item for consideration was the appointment of a Mayor pro tem.

It was the consensus of opinion of the Council that Councilmember Lynn Torres be appointed as Mayor pro tem. Councilmember Torres stated that she was the only Councilmember who had not served as Mayor pro tem and that she would officially declare her desire to be Mayor pro tem.

Mayor Bronaugh stated that the appointment of Mayor pro tem would be on the next Council agenda.

9. APPOINTMENT – TABLED – DETCOG BOARD OF DIRECTORS

Mayor Bronaugh stated that the next item for consideration was appointments to the DETCOG Board of Directors. Mayor Bronaugh stated that currently there are three members serving on the Board, and there is the unexpired term of Mr. Boyd.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that appointments to the DETCOG Board of Directors be tabled until there is a full Council present. A unanimous affirmative vote was recorded.

10. APPOINTMENT TO THE TAX APPRAISAL DISTRICT

Mayor Bronaugh stated that the next item for consideration was an appointment to the Tax Appraisal District to fill the position that was held by Councilmember Don Boyd.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Bob Bowman that the appointment to the Tax Appraisal District be tabled until there is a full Council present. A unanimous affirmative vote was recorded.

11. TAXICAB LICENSE APPLICATION – APPROVED – HUGHES CAB COMPANY

Mayor Bronaugh stated that the next item for consideration was the taxicab license application for Hughes Cab Company.

City Manager Maclin stated that included in the Council packet is a letter of explanation regarding this request. Mr. Maclin stated that basically this is an exchange of ownership and comes through the Taxi Cab Committee to the Council for approval of the new ownership by Mr. Hughes. Mr. Maclin stated that there is also an application included in the packet that follows the Taxi Cab licensing procedures.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember R. L. Kuykendall that the taxicab license application by Hughes Cab Company be approved as presented. A unanimous affirmative vote was recorded.

12. CONTRACT – APPROVED – INSTALLATION OF NEW WATER WELL #15 – WEISINGER WATER WELL INC

Mayor Bronaugh stated that the next item for consideration was award of a contract for the installation of new water well #15.

City Manager Maclin stated that included in the Council packet is the bid tabulation for this item. Mr. Maclin stated that staff is recommending the low bid of Weisinger Water Well in the amount of \$363,297.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that bid of Weisinger Water Well, Inc. in the amount of \$363,297 for the installation of new water well #15 be approved as submitted. A unanimous affirmative vote was recorded.

13. CONTRACT – APPROVED – REGIONAL DETENTION FACILITY #8 – RICKS ROAD – ALLEN LOGGINS & SONS

Mayor Bronaugh stated that the next item for consideration was award of contract for regional detention facility #8 on Ricks Road.

City Manager Maclin stated that included in the Council packet is the project engineers letter as well as a tabulation. Mr. Maclin stated that staff is recommending the low bid of Allen Loggins & Sons in the amount of \$490,200.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that the bid of Allen Loggins & Sons in the amount of \$490,200 for regional detention facility #8 on Ricks Road be approved as submitted. A unanimous affirmative vote was recorded.

14. TxDOT LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT – APPROVED – WHITEHOUSE DRIVE EXTENSION PROJECT

Mayor Bronaugh stated that the next item for consideration was the Texas Department of Transportation Local Transportation Project Advance Funding Agreement for the Whitehouse Drive extension project.

City Manager Maclin stated that included in the Council packet is a copy of a proposed agreement between the State of Texas and the City of Lufkin, along with a map. Mr. Maclin stated that Pat Oates of Goodwin-Lasiter was present with an enlargement of the map included in the packet. Mr. Maclin stated that this is actually something that Council discussed at a retreat about four years ago when the extension of Whitehouse Drive westward to FM 819 was talked about as a tool to promote growth and development, particularly retail development in the area. Mr. Maclin stated that staff

has met with TxDOT officials to see about a possibility of the State of Texas assisting in the cost of the project and basically with this agreement they will be providing about 50% of the cost of construction. Mr. Maclin stated that it would be up to the City of Lufkin to obtain the right-of-way, but the State would then split the cost of the construction on a 50/50 basis. Mr. Maclin stated that it is staff's opinion that this is an excellent opportunity to make this extension to provide some relief to this new retail development area. Mr. Maclin stated that it would also serve as a relief when about four or five years from now the construction on US 59 south to close it into a closed access freeway with feeder lanes on each side. Mr. Maclin stated that would provide additional outlet to minimize congestion due to that construction activity that would be taking place in about five years. Mr. Maclin stated that staff's opinion is that this is an excellent plan that will help stimulate growth. Mr. Maclin stated that staff is proposing that the 50% from the City's portion be paid for through a Tax Increment Financing District, whereby we would capture the values of the improved properties in the immediate area and use those improved values to amortize the debt for the City's 50% of this construction cost.

Mr. Maclin stated that basically what staff is seeking from Council today is some type of consensus of consideration of approval of the process or the project in general. Mr. Maclin stated that staff would come back to Council with more specific details on cost, plans and specifications, and because State funds will be used we would have to get environmental clearances in accordance with State regulations. Mr. Maclin stated that all of the plans and specifications would have to be approved by TxDOT, and it would take several months to go through that process. Mr. Maclin stated that once we have accomplished that, TxDOT has indicated their willingness to allow the City to build the street and to go to bid allowing us to expedite the process from what would be normal State statute standards. Mr. Maclin stated that staff feels like the City can provide some relief to the area in a reasonable distance in the future to help take care of some of the increased traffic load for this retail development as well as provide an alternate route to keep all this traffic from going through the college campus on Daniel McCall.

City Manager Maclin stated that Mr. Oates was present to answer any specific construction related questions, but basically staff is seeking Council's consensus of opinion to allow them to move forward with this Local Transportation Advanced Funding Agreement, and as the details are developed and worked out, staff will come back to Council with other considerations for approval.

In response to question by Mayor Bronaugh as to whether this Advanced Funding Agreement could be considered in the future for other areas in the City, Mr. Maclin stated that the City has done this before with a very similar agreement on Chestnut. Mr. Maclin stated that what this proves is if the City is willing to put up some of the funds as opposed to going to TxDOT and asking for 100% of the funds, they respond in a very affirmative and very quick manner. Mr. Maclin stated that staff held a meeting with the District 11 planner Harry Thompson, and the next day staff had minutes to the meeting and the next afternoon we had a sample agreement.

In response to question by Councilmember Bowman, Mr. Maclin stated that this project would be completed in about 18 to 19 months, depending on how quick staff is able to get the State satisfied with the plans and specifications. Mr. Maclin stated that the first step after today is that staff would begin approaching the property owners for right of entry to get onto the property and do surveying in order to get more accurate data and numbers. Mr. Maclin stated that staff would expect that some of the property owners would contribute right-of-way for the street.

In response to question by Councilmember Robertson, Mr. Maclin stated that staff would have to work with the State to do an environmental study that is a requirement for the utilization of State or Federal funds and that is normally a six month process. Mr. Maclin stated that the fact that we would be in a creek area where there is a wetlands would be an issue that the City will have to deal with as part of the environmental study.

Councilmember Robertson stated that staff might want to work with TxDOT on another access to the back of the area where their trucks could get in. Mr. Maclin stated that he would be in communication with them (Walmart) because the City would be seeking a right-of-way contribution from them also. Mr. Maclin stated that the part that goes

behind the Walmart Super Center, that goes across that corner, is Walmart owned property. Mr. Maclin stated that this is part of their detention pond area and the City would have to work around that also. Mr. Maclin stated that part of the reason the proposed route makes the little curve to the left is to access the higher ground a little further up FM 819. Mr. Maclin stated that if we made a straight shot we would be in a very low area that is wetlands/ floodplain/ floodway, and would have very little potential for development due to the excessive cost. Mr. Maclin stated that by curving it around we would get up on a higher topography and therefore create a greater opportunity for development of the area and then ultimately be able to recapture through the Tax Increment Financing District.

In response to question by Councilmember Robertson, Mr. Maclin stated that the lanes are still being discussed with TxDOT and what the City is looking at is the possibility of two lanes with right-of-way and opportunity for expansion to a wider street at a future date. Mr. Maclin stated that one of the things the City is looking at is what we can do to expedite the project to a quicker completion and one of the ideas was to do broad shoulders and a two lane road, and come back at a future date and expand it to four lanes. Mr. Maclin stated that they would acquire adequate right-of-way from the beginning.

In response to question by Councilmember Gorden, Mr. Maclin stated that this will be a City street and be owned and maintained by the City, but we will get 50% of the funding from the State. Mr. Maclin stated that initially staff approached TxDOT about being an extension of a farm-to-market road but FM funds are no longer available.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that then Texas Department of Transportation Local Transportation Project Advance Funding Agreement for the Whitehouse Drive extension project be approved as presented. A unanimous affirmative vote was recorded.

15. BID – APPROVED – FENCING – CHAMBERS PARK –SOUTHLAND FENCING

Mayor Bronaugh stated that the next item for consideration was bids for fencing at Chambers Park.

City Manager Maclin stated that included in the Council packet is the bid tabulation on this project and staff's recommendation is the low bid of Southland Fence in the amount of \$15,900.

In response to question by Councilmember Robertson, Mr. Maclin stated that this fencing is a replacement for the fencing around the tennis courts. Mr. Maclin stated that this was a budgeted project for capital improvements in the Parks Department.

Mr. Maclin stated that staff would be coming to Council at the next meeting on the 21st with a consideration for fencing around the Cain Street detention pond.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Lynn Torres that bid of Southland Fencing in the amount of \$15,990 for fencing at Chambers Park be approved as submitted. A unanimous affirmative vote was recorded.

16. BID – APPROVED – AMBULANCE AND EQUIPMENT – FIRE DEPARTMENT – H-GAC

Mayor Bronaugh stated that the next item for consideration was bids for an ambulance and equipment to be used in the Fire Department.

City Manager Maclin stated that included in the Council packet is detailed specifications of this vehicle and equipment. Mr. Maclin stated that staff's recommendation is to purchase this vehicle from the Houston-Galveston Area Counsel Cooperative Purchasing Program in the amount of \$116,887.80.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Jack Gorden, Jr. that the bid of H-GAC in the amount of \$116,887.80 be approved as submitted. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 12:40 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 1:00 p.m. and Mayor Bronaugh stated that the Council had discussed appointments to Boards and Commissions and real estate matters.

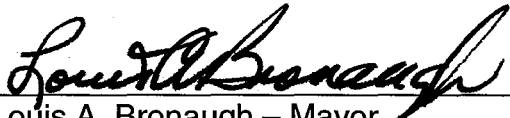
18. ~~CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER~~

City Manager Maclin stated that the next Council meeting would be on May 21st.

City Manager Maclin stated that the Annual Council Retreat would be held on Monday, May 20th.

City Manager Maclin stated that the annual DETCOG meeting would be held on Thursday, May 23rd.

19. There being no further business for consideration, meeting adjourned at 1:02 p.m.


Louis A. Bronaugh – Mayor

ATTEST:


Atha Martin - City Secretary