

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF**  
**LUFKIN, TEXAS, HELD ON THE**  
**7TH DAY OF APRIL, 1998 AT 5:00 P. M.**

On the 7th day of April, 1998 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
Don Boyd	Mayor pro tem
Percy Simond	Councilmember, Ward No. 1
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
James Hager	Assistant City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works

being present, and

Betty Jones	Councilmember, Ward No. 3
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. David D. Parker, Minister, St. Paul's United Methodist Church.
2. Mayor Bronaugh welcomed visitors present and recognized Lufkin High School government students Jamari Austin, Misty Jackson, Kenneth Campbell, and Rachael Villanueva.

**3. APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of March 17, 1998 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO RESTRICTIVE PROFESSIONAL OFFICE - SPECIAL USE PERMIT - MOTOR BANK - S. JOHN REDDITT DRIVE (LOOP 287) AND COPELAND STREET - R. H. DUNCAN - A. B. JORDAN**

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 "RPO" Restrictive Professional Office and approval of a Special Use Permit for a motor bank on property located at the northwest corner of the intersection of S. John Redditt Drive (Loop 287) and Copeland Street as requested by R. H. Duncan and A. B. Jordan.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RL" Residential Large Single Family to "RPO" Restrictive Professional Office and approval of a Special Use Permit for a motor bank on property located at the northwest corner of the intersection of S. John Redditt Drive (Loop 287) and Copeland Street be approved on Second and Final Reading with the condition that the site plan approval is required prior to the issuance of a building permit and the approved site plan will be made a part of the Ordinance granting the Special Use

Permit. A unanimous affirmative vote was recorded.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY TO LOCAL BUSINESS - OAKWOOD ADDITION - CHESTNUT AND RALPH STREETS - KEITH GREEN - SANDRA KIDWELL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RS" Residential Small Single Family to "LB" Local Business on Lot 8, Block 2 of the Oakwood Addition generally located at the southeast corner of the intersection of Chestnut and Ralph Streets as requested by Keith Green on behalf of Sandra Kidwell.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RS" Residential Small Single Family to "LB" Local Business on Lot 8, Block 2 of the Oakwood Addition generally located at the southeast corner of the intersection of Chestnut and Ralph Streets be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. AMENDMENT - APPROVED - SECOND READING - SKATEBOARD ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment to the Skateboard Ordinance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that Amendment to the Skateboard Ordinance be approved on Second and Final Reading as presented. The following vote was recorded:

Aye: Councilmembers Bowman, Weems, Simond, Mayor Bronaugh

Nay: Councilmembers Boyd and Gorden

Motion carried with four affirmative votes.

**7. SITE PLAN APPROVAL - INTERNATIONAL HOUSE OF PANCAKES - COMMERCIAL DISTRICT - S. JOHN REDDITT DRIVE (LOOP 287) - TULANE DRIVE - BOBBY REYNOLDS - WEST SIDE PROPERTIES**

Mayor Bronaugh stated that the next item for consideration was a request of Bobby Reynolds of West Side Properties on behalf of International House of Pancakes for site plan approval on property located at the northwest corner of the intersection of S. John Redditt Drive (Loop 287) and Tulane Drive located within a "C" Commercial District.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department and a recommendation by unanimous vote by the Planning & Zoning Commission that the site plan be approved as submitted.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that site plan for the International House of Pancakes on property located at the northwest corner of the intersection of S. John Redditt Drive (Loop 287) and Tulane Drive located within a "C" Commercial District as requested by Bobby Reynolds of West Side Properties be approved as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - WITHDRAWN - FIRST READING - ZONE CHANGE - APARTMENT, SPECIAL USE (TOWNHOUSES) AND COMMERCIAL TO PUD (PLANNED UNIT DEVELOPMENT) - SABINE INVESTMENT - LUEKIN**

**INDEPENDENT SCHOOL DISTRICT - ANDERSON SCHOOL - BRENTWOOD DRIVE - CROWN COLONY SECTION III - CHAMPIONS DRIVE**

Mayor Bronaugh stated that the next item for consideration was the request of Sabine Investment and the Lufkin Independent School District to change the zoning on four acres of land bounded by Anderson Elementary, Brentwood Drive, Crown Colony Section III, and Champions Drive from "A,SU" Apartment, Special Use (Townhouses) and "C" Commercial District to a "PUD" Planned Unit Development District for townhouses.

City Manager Maclin stated that staff received a letter from Elmo Taylor, representing Sabine Investment, requesting that this item be withdrawn. City Manager Maclin stated that Mr. Taylor indicated that this request will be resubmitted after some revisions are made to the zone change request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that request of Sabine Investment to withdraw the zone change on four acres of land bounded by Anderson Elementary, Brentwood Drive, Crown Colony Section III, and Champions Drive from "A, SU" Apartment, Special Use (Townhouses) and "C" Commercial District to a "PUD" Planned Unit Development District for townhouses be accepted. A unanimous affirmative vote was recorded.

**9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY AND RESIDENTIAL SMALL SINGLE FAMILY - COMMERCIAL DISTRICT - RHONDA TREVATHAN SURVEY - JOEL HILL SURVEY - N. JOHN REDDITT DRIVE - LOTUS LANE - JEFF CHANCE - EMILY & BILL KISTLER, M. D. ET AL**

Mayor Bronaugh stated that the next item for consideration was a request of Jeff Chance on behalf of Emily and Bill Kistler, M. D. et al to change the zoning from "RL" Residential Large Single Family and "RS" Residential Small Single Family to "C" Commercial on approximately 8.397 acres of land known as tracts 48, 48-1, 48-2 and 48-2-1, Abstract A-613 of the Rhonda Trevathan Survey and tract 3, Abstract A-323 of the Joel Hill Survey and generally located at the northwest corner of the intersection of N. John Redditt Drive and Lotus Lane.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department along with maps and photographs of the area. City Manager Maclin stated that the Planning & Zoning Commission by unanimous vote recommends approval of this zone change as requested.

In response to question by Councilmember Gorden, Jeff Chance stated that he was present on behalf of Dr. and Mrs. Kistler, who own a little over five acres of the 8.397 acre parcel that is included in this request. Mr. Chance stated that there are three other adjacent land owners who joined in the Kistler's application. Mr. Chance stated that the plans for this zone change are to use a small portion (.96 acres portion) at the corner of Lotus Lane and Loop 287 to build a convenience store and a gas station.

Michael Bieniek stated that one of the land owners, Norman Want, came in approximately three months ago for a building permit to expand a costume shop he has on his property. Mr. Bieniek stated that Mr. Want's property is zoned Residential Large which was an illegal use. Mr. Bieniek stated that the Planning Department informed Mr. Want of the Kistler's application for a zone change and his property is included in the request.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Ordinance to change the zoning from "RL" Residential Large Single Family and "RS" Residential Small Single Family to "C" Commercial on approximately 8.397 acres of land known as tracts 48, 48-1, 48-2 and 48-2-1, Abstract A-613 of the Rhonda Trevathan Survey and Tract 3, Abstract A-323 of the Joel Hill

Survey and generally located at the northwest corner of the intersection of N. John Redditt Drive and Lotus Lane be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. **ORDINANCE - APPROVED - FIRST READING - CITY ELECTION CANCELLED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance cancelling the City Election of May 2, 1998.

City Manager Maclin stated that three years ago State law provided that when an election was uncontested, and no one filed as a write in candidate, the City has the option of cancelling the election. City Manager Maclin stated that technically, by law, with no one having filed as either a candidate or a write in candidate in opposition to the single applicants for each of the two positions vacant, that it is a waste of taxpayers money to hold an election. City Manager Maclin stated that this law provided that Councils, by State legislation, be granted the authority to cancel the elections. City Manager Maclin stated that the winners will be officially sworn in at the May 6th Council meeting.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ordinance cancelling the City Election of May 2, 1998 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. **AMENDMENT - TABLED - FIRST READING - DOWNTOWN PARKING**

Mayor Bronaugh stated that the next item for consideration was a request of Sheriff Kent Henson to amend the Downtown Parking Ordinance.

City Manager Maclin stated that included in the Council packet was a copy of the letter from Sheriff Henson addressed to Chief Collins noting some concerns about a need for designated parking places for the Sheriff's Department. City Manager Maclin stated that on the map are the requested designated spaces on the Court House side of Second Street and the spaces just in front of the Sheriff's Office and jail facility.

Chief Collins stated that he and the Sheriff had been in discussion over this matter for approximately a month and thought it would be best to resolve the parking situation he has now by him making this request for an Ordinance change to designate whatever parking spaces he needed for those Sheriff's Department vehicles that park near his office. Chief Collins stated that this was a better option than to continue to write tickets to those County vehicles which was an embarrassment to them and to the City. Chief Collins stated that one of the provisions he has made with the Sheriff is that if he has designated parking for a County vehicle that it will be up to the Sheriff's Department personnel to enforce those provisions and to keep other people out. Chief Collins stated that it would not be the City's responsibility to go over and identify the owners of the vehicles that happened to be parked in the places designated for the Sheriff's Department vehicles.

Councilmember Simond stated that he had suggested this several years ago. Councilmember Simond stated that he had citizens ask him why the Sheriff's Department vehicles could park in these spaces and exceed the time limit and not get a ticket.

In response to question by Councilmember Gorden as to whether or not there was a parking lot behind the Sheriff's Office that was private parking, Chief Collins stated that he did not know. Councilmember Gorden stated that he drove by and looked at the parking situation today and he would question that in trying to find a solution whether they would consider parking along the side of their building on Frank Street. Chief Collins stated that there were only two spaces there and it was

his belief that they were both designated loading zones. Chief Collins stated that at least one of the spaces was for loading and one might be restricted parking. Councilmember Gorden asked if the County considered using some of the parking in the Court House circle. City Manager Maclin stated that Judge Berry said that the Commissioner's Court will be addressing this also. Councilmember Gorden stated that the County should address this before approaching the City and this request should be tabled until the County addresses it themselves.

Chief Collins stated that this is an unpleasant situation which needs to be resolved and this is one option.

John Henry Tatum, Attorney, stated that parking on Second Street is a serious problem. Mr. Tatum stated that when he bought his building from Howard Walker 21 years ago parking was not a problem along Second Street, but it is a serious problem now. Mr. Tatum stated that the problem is more serious to him than it is to the Sheriff's Department because it is his livelihood. Mr. Tatum stated that right now his clients cannot find a place to park. Mr. Tatum stated that on Second Street in their block there are 18 parking spaces and the Sheriff is asking for 13 of them. This would mean five places left for five lawyers. Mr. Tatum stated that there is public parking at the old Purina feed store, where he and Mr. Dendy both park. Mr. Tatum stated that the City parking lot is only one half block from the Sheriff's Department. Mr. Tatum stated that Larry Byrd has two parking lots and the Sheriff's Department could rent space from him. Mr. Tatum stated that the County owns a parking lot near the Federal Building. Mr. Tatum stated that before Council makes a decision, he would like to see some kind of study made where other alternatives are considered.

Councilmember Simond stated that he would suggest that this item be delayed until the May 6th meeting.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Amendment to the Downtown Parking Ordinance be tabled until the May 6th meeting. A unanimous affirmative vote was recorded.

City Manager Maclin asked if the Police Chief could refrain from issuing tickets to the Sheriff's Department until May 6th. Councilmember Simond stated that other alternatives could be considered between now and May 6th.

## **12. BYRD - GRAMM RESOLUTION**

Mayor Bronaugh stated that the next item for consideration was approval of the Byrd-Gramm Resolution.

Mayor Bronaugh stated that this is an effort by the Texas Good Roads encouraging the cities and entities across the State to support this Resolution that will be an Amendment to the ISTEA legislation which has passed at the Senate level in Congress with 96 affirmative votes and four negative votes. Mayor Bronaugh stated that the Amendment will allow up to 91% of every dollar that is sent to Washington, D. C. as a fuel tax to be returned to the State of Texas. Mayor Bronaugh stated that this will mean a great deal of funds to maintain, build and repair roads and bridges in the State. Mayor Bronaugh stated that the Resolution also mentions that extra monies will be set aside for building of international trade corridors and international border crossings which will include I-69 through this area.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Byrd-Gramm Resolution be approved as presented. A unanimous affirmative vote was recorded.

## **13. RESOLUTION - APPROVED - CAPITAL IMPROVEMENTS - GENERAL FUND -**

## **UTILITY FUND - SOLID WASTE FUND - ISSUANCE OF BONDS**

Mayor Bronaugh stated that the next item for consideration was approval of a Resolution preceding bond issuance for capital improvements for the General Fund, Utility Fund and the Solid Waste Fund.

City Manager Maclin stated that this is the Resolution necessary to provide the City's documentation to reimburse itself for any expended funds prior to the receipt of our bond proceeds on those items that have been discussed previously (fire station, street improvements, sewer improvements and the Solid Waste facility.) City Manager Maclin stated that if staff incurs any expenses on these projects existing fund balance will have to be used and as soon as the bond proceeds are received we will be able to reimburse ourselves and this is the legal documentation necessary to accomplish that.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that Resolution preceding bond issuance for capital improvements for the General Fund, Utility Fund and the Solid Waste Fund be approved as presented. A unanimous affirmative vote was recorded.

### **14. RESOLUTION -APPROVED - ASBESTOS/CEMENT PIPE REPLACEMENT - ISSUANCE OF BONDS - UTILITY FUND**

Mayor Bronaugh stated that the next item for consideration was a Resolution prior to the issuance of bonds for replacement of asbestos/cement pipe from the Utility Fund.

City Manager Maclin stated that this is identical to item 13 but specifically addresses the project to replace the a/c pipe within the City's distribution system. City Manager Maclin stated that the expenses of funds would be limited to that purpose. City Manager Maclin stated that staff is hopeful that we will receive bond funding through the Texas Water Development Board with a lower interest rate of about 3 1/2%, but staff will not know that until later this fall, so that if we do incur any expenses this Resolution will cover the City for reimbursement purposes.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that Resolution prior to the issuance of bonds for replacement of asbestos/cement pipe from the Utility Fund be approved as presented. A unanimous affirmative vote was recorded.

### **15. ORDINANCE - APPROVED - AMENDMENT - POLICE DEPARTMENT CLASSIFICATION PLAN**

Mayor Bronaugh stated that the next item for consideration was an Ordinance amending the Police Department Classification Plan as recommended by the Civil Service Commission.

City Manager Maclin stated that this item comes to Council as a recommendation from the Police Chief and a unanimous recommendation from the Civil Service Commission to amend personnel classification by reducing the number of Assistant Chiefs in the Police Department from two to one and increasing the number of Police Officers from 47 to 48.

In response to question by Councilmember Gorden, Chief Collins stated that the current Ordinance states that there are 45 Police Officers but Council has since that time approved two Officers for Gang Reduction Education and Training Program so the current Ordinance was off by two. Councilmember Gorden stated that he was not sure that Council intended for the Gang Officers to be a permanent increase in the Department. Chief Collins stated that the Classification Plan Ordinance is approved annually. Chief Collins stated that the Gang Officers are considered permanent officers each year that they are approved by Ordinance. Councilmember

Gorden stated that he did not think that Council entered into the Gang Program with the idea that these officers would be totally permanent.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Don Boyd that Ordinance amending the Police Department Classification Plan as recommended by the Civil Service Commission be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**16. AUDIT - APPROVED - FISCAL YEAR 1996-'97 - AXLEY & RODE**

Mayor Bronaugh stated that the next item for consideration was approval of the audit for fiscal year 1996-'97.

City Manager Maclin stated that Councilmembers had received a copy of the audit for fiscal year 1996-'97 Friday with their packet. City Manager Maclin stated that Linda Milford of Axley & Rode was present to make a brief overview executive summary of the audit and then address any specific questions that Council may have.

Linda Milford, CPA with Axley & Rode, stated that in their opinion the general purpose financial statements have been presented fairly in all materials aspects of the financial position of the City of Lufkin as of September 30, 1997, and the results of its operations and the cash flows of its proprietary fund types for the year when ended in conformity with generally accepted accounting principles. Ms. Milford stated that this is what is known as the clean opinion and it is the best you can get, it is the opinion you want in your financial statements. Ms. Milford stated that the balance sheet is all funds types and account groups and runs from pages 8 to 15. Ms. Milford stated that she would like to point out that on pages 8 and 9 where the assets are shown with all the fund types and account groups, and then on page 11 there is a total memo only for the primary government and then will show the component unit and a total memo only for the reporting entity. Ms. Milford stated that the liabilities and fund equities are presented in the same manner. Ms. Milford stated that the combined statement of revenues, expenditures and changes in fund balance has shown that the City has increases in all fund balances and for all the governmental fund types except for capital projects. Ms. Milford stated that it is, of course, expected that the capital projects fund balance will decrease as the resources are expended on these projects. Ms. Milford stated that the budget and actual statements that follow show that the City's revenues were over what was expected, there was some over expenditures from what was budgeted but the net results was that fund balances exceeded what the City had originally planned to have at year end. Ms. Milford stated that the combined statement of revenues, expenses and changes in fund balance for all proprietary funds shows an increase in retained earnings and contributed capital in all those funds also. Ms. Milford stated that this is followed by the combined statement of cash flows for the proprietary funds. Ms. Milford stated that after that on pages 28 through 54 are the notes to the financial statements, and begins with a summary of the significant accounting policies and some information on the pension plan. Ms. Milford stated that additional information is shown for amounts in the statements. Ms. Milford stated that following this is supplementary information which is generally not required but the City always likes to have it and it is audited in the same manner that the general purpose financial statements are. Ms. Milford stated that it includes details in the general fund budget and actual and shows more information on debt service, details on the special revenue funds, and for all the funds and account groups greater detail is shown. Ms. Milford stated that there is some statistical information following these statements and then at the end of the report is the federal financial assistance section. Ms. Milford stated that there had been changes this year from what was required for federal financial assistance reporting, known as A-133, which was amended and it hit for the year that ended in September 30, 1997. Ms. Milford stated that the main difference is that there could have been up to seven reports prior, now there will be one report on the compliance and internal control at the financial statement level, and there is one combined report on compliance with

requirements to the Federal programs and the internal controls for the Federal programs. Ms. Milford stated that this is followed by a summary of audit result, and then what was known as the Schedule of Federal Financial Assistance has been changed to an Expenditure of Federal Awards and it is a one page report (page 153). Ms. Milford stated that in conjunction with their audit, they did prepare a written communication with City management about items noted during the audit. Ms. Milford stated that they have met with management and have discussed what they found in their letter with them. Ms. Milford stated that the Statement on Auditing Standards No. 61 requires that they communicate certain items about the conduct of the audit with Council. Ms. Milford stated that Council should have a copy of the letter which includes items one through seven.

Ms. Milford thanked Council for giving them the opportunity to provide audit services for the City, and thanked the City's personnel who worked with them through the audit for all their assistance and cooperation.

In response to question by Councilmember Gorden, Ms. Milford stated that the budget was not formally amended on the over expenditures, which included financing of equipment. Ms. Milford stated that the financing was not budgeted although it was approved and the purchase of the equipment was not budgeted although it too was approved by Council and this is what caused the overage in expenditure. City Manager Maclin stated that this was the 11 police cars for the Police Department, and is a problem that we have had in previous years. City Manager Maclin stated that the City is booked for the whole value of the vehicles even though they are paid for over a three year period.

Councilmember Weems stated that in Axley & Rode's letter they mentioned that the City has no formally designated audit committee and he would like for the Mayor and City Manager to look at this and possibly appoint an audit committee, either from the Council or even outside, but preferably from the Council.

In response to question by Mayor Bronaugh, Ms. Milford stated that an audit committee is often the Finance Committee which would meet to discuss certain items and then go over the audit in detail. Mayor Bronaugh stated that the Investment Committee could serve in this capacity. Councilmember Weems stated that his recommendation, in conjunction with this suggestion, is that they audit the management of the City and a designated audit committee would be separate and apart from basically the management. Councilmember Weems stated that the Council has designated the management of the City to the City Manager but this is the one function that should be set aside where management does not control the auditors. Councilmember Weems stated that if the auditors have a problem they need to be able to talk to someone else. Councilmember Weems stated that this is just a recommendation from him to the Mayor.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the audit for fiscal year 1996-'97 by Axley & Rode be approved as presented. A unanimous affirmative vote was recorded.

#### **17. PLANS & SPECIFICATIONS - APPROVED - SOLID WASTE FACILITY - FIRE SUBSTATION**

Mayor Bronaugh stated that the next item for consideration was approval of plans and specifications for the Solid Waste Facility and Fire Substation.

City Manager Maclin stated that staff has been working closely with Goodwin-Lasiter and architect Malcolm McKinley to develop plans and specifications to meet the needs of our citizens with a new Solid Waste Facility and a new Fire Substation to be built in the base of the elevated storage tank. City Manager Maclin stated that tonight staff would like to present the plans and specifications for Council consideration and review and after any corrections or changes, staff would seek Council's authorization to go out for bids.



Malcolm McKinley stated that the first project is to place a fire station in the base of the existing water storage tank. Mr. McKinley stated that doors have already been provided for the fire trucks and EMS. Mr. McKinley showed a slide of the proposed two level floor plan. Mr. McKinley stated that the upstairs includes the sleeping area for three firemen (three firemen will be on duty 24 hours a day). Mr. McKinley stated that the downstairs will be made out of concrete block and the upstairs will be made out of drywall.

In response to question by Councilmember Gorden, Mr. McKinley stated that the facility will be fully sprinkled and that there will also be a fire alarm system.

Mr. McKinley stated that the Solid Waste Facility will be located at the existing South Park Industrial Park next door to the Recycling Center. Mr. McKinley stated that the facility will be at the end of the cul-de-sac and will use the existing drive. Mr. McKinley showed a slide of the site plan of the new facility. Mr. McKinley stated that a security fence has been added, and provisions have been made for additional compost space. Mr. McKinley stated that the plant consists of a warehouse area where the garbage bags will be stored, a truck maintenance bay, a simple office complex, and a training area for the employees. Restroom facilities will include a shower.

Mayor Bronaugh stated he would like to see the compost area paved and asked how much it would cost to pave this area. Mayor Bronaugh asked if this area would be eligible for EPA assistance. City Manager Maclin stated that staff will continue to seek any potential grant opportunities for paving the composting area.

In response to question by Councilmember Boyd, Mr. McKinley stated that the size of the building will be 9,000 SF.

Mr. Wright stated that he would like to add that the City is meeting its own drainage criteria policy and is providing detention for this facility on the stream that they are rerouting on the site plan. Mr. McKinley stated that there is an existing creek which meanders through the property and it is being rerouted.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond that plans and specifications for the Solid Waste Facility and Fire Substation be approved as presented. A unanimous affirmative vote was recorded.

**18. BID - APPROVED - REPAIRS/RENOVATION - HEATING/AIR CONDITIONING SYSTEM - CITY HALL COMPLEX - FERRARA'S HEATING AND AIR CONDITIONING**

Mayor Bronaugh stated that the next item for consideration was the award of bids for repair/renovation of the heating/air conditioning system in the City Hall complex.

City Manager Maclin stated that staff had begun some activity in this regard when Council requested an engineering review for plans and specifications, and the services of Freiberg Engineering out of Ft. Worth was then retained for this project. City Manager Maclin stated that staff went to bid a few days ago and included in the Council packet is the bid tabulation for this project. City Manager Maclin stated that staff received four bids, and staff is recommending the low bid of Ferrara's Heating and Air Conditioning in the amount of \$140,421. City Manager Maclin stated that the funds from last year's budget were carried over as designated fund balance of approximately \$49,000 and the balance could be taken from the Contingency Fund. City Manager Maclin stated that we started the fiscal year with \$200,000 in designated contingency in the General Fund and to date Council has authorized approximately \$24,000 for the replacement of a picnic pavilion in Chambers Park that was damaged on February 10 in a storm. City Manager Maclin stated that there is still a balance in the Contingency Fund of approximately \$176,000, and if Contingency Funds are

used there will still be approximately \$75,000 left in this fund. City Manager Maclin stated that the only other source would be to use Fund Balance from the General Fund but, in his opinion, from a bond rating standpoint the City would be better off to use the designated contingency and the City would not be penalized as much as we would by the bond rating agencies if the General Fund Balance was used.

City Manager Maclin stated that this will be a major job and will include replacing the valves, controls, thermostats and installing a computer monitoring system. Mr. Wright stated that one of the major things staff wanted to accomplish is for the system to work properly and to provide for energy savings. Mr. Wright stated that the chilled water system was designed to run off of the chilled water during the day missing the peak hours for electrical usage and the water was chilled in the night time hours. Mr. Wright stated that has not been working properly for several years now, and hopefully this will get us back on track with some energy savings with the new revised system. Mr. Wright stated that this is what staff gave to the engineers as a criteria to accomplish.

City Manager Maclin stated that this project will take some time to complete because some of the equipment has to be special ordered and it might take six to eight weeks to get some of the pieces of equipment in, the valving in particular.

In response to question by Mayor Bronaugh, Mr. Wright stated that staff has requested that if there are any shut downs of the system that they be made on the weekends.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the bid of Ferrara's Heating and Air Conditioning in the amount of \$140,421 be approved as submitted and that the balance come from the General Fund Contingency Fund. A unanimous affirmative vote was recorded.

**19. AUTHORIZATION - APPROVED - ASPHALT MILLING MACHINE - STREET DEPARTMENT - WIRTGEN AMERICA, INC. - CAPITAL CITY LEASING**

Mayor Bronaugh stated that the next item for consideration was authorization for the purchase of an asphalt milling machine to be used in the Street Department.

City Manager Maclin stated that this equipment was brought in several days for a demonstration. City Manager Maclin stated that an advantage of being able to use a milling machine, in addition to improving the drainage, is that the City can take the milled asphalt and recycle it by sending it back to the asphalt plant and getting a credit for the value of it so that in the long term the ability to recycle this asphalt will save the citizens thousands of dollars and drastically improve the quality of the City's street maintenance program.

Kenneth Williams, Public Works Director, presented a video of the proposed milling machine.

City Manager Maclin stated that staff recommendation is to award the bid of Wirtgen America, Inc. in the amount of \$210,000 with a lease purchase, and pay the money staff had allocated in this year's budget as a down payment and then a balance of \$54,397 for the next four years with the financing provided by the low bid of Capital City Leasing at an interest rate of 5.11%.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Percy Simond that the bid of Wirtgen America, Inc. in the amount of \$210,000 for an asphalt milling machine be approved as submitted, and that the low bid of Capital City Leasing with an interest rate of 5.11% be approved as submitted. A unanimous affirmative vote was recorded.

**20. ENGINEERING CONTRACTS - APPROVED - CEDAR CREEK DETENTION POND CONSTRUCTION - EGA - SECURITY & GUARANTY - SID MEDFORD -**

## **WILLIAM LYON & ASSOCIATES, INC.**

Mayor Bronaugh stated that the next item for consideration was approval of engineering contracts for the Cedar Creek detention pond construction.

City Manager Maclin stated that staff was presenting the professional proposals for the preliminary services and engineering, acquisition and appraisal for the Cedar Creek detention pond construction.

Keith Wright, City Engineer, stated that staff had received a proposal from Everett Griffith & Associates with a subcontract through Dotson & Associates, who did the Master Drainage Study and the preliminary design on the detention facilities, to complete the engineering construction plans and do the necessary design for the dams, the surveying that is required, and the negotiations with TNRCC and the U. S. Army Corps of Engineers with the wetlands issues. Mr. Wright stated that their budget is \$126,780 which is reasonable compared to typical engineering costs by percentage. Mr. Wright stated that this is approximately 8.7% of the construction budget. Mr. Wright stated that there is also a letter from Sid Medford of Gann-Medford for acquisition negotiations for an estimated value of \$9,075 (\$27.50 per hour). Mr. Wright stated that this does not include any condemnation or title problems that might require more time. Mr. Wright stated that also included in the packet information is an appraisal from Jake Lyons for an estimate of \$275 per tract, and an estimate of \$75 per hour for any type of condemnation. Mr. Wright stated that the total appraisal is \$9,075, for a total estimated professional services of \$144,930 (which is approximately 10% of the construction). Mr. Wright stated that the only other cost that would be associated with this project that is hard for staff to estimate is the geotechnical costs for doing compaction and concrete tests to insure that during construction all work meets engineering specifications. Mr. Wright stated that staff is proposing to enter into agreements with these individuals so that the City can move forward as quickly as possible in obtaining the necessary surveys and approaching the necessary property owners.

Mr. Wright stated that staff will get with Mr. Flournoy on the title insurance, which is \$200 per policy, and there may be some tracks that the policy will not be necessary for, however, there are also some tracks that it might be wise to get insured.

In response to question by Councilmember Boyd, Mr. Wright stated that the \$144,930 does not include title insurance or geotechnical costs. Mr. Wright stated that the funds for this project will be included in the bond funds.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond that engineering contracts for the Cedar Creek detention pond construction be approved as submitted.

Councilmember Weems recused himself from voting. Motion carried with five affirmative votes.

## **21. REQUEST - APPROVED - SALE OF CITY PROPERTY - KELTYS & WEST WILLIAMS STREET**

Mayor Bronaugh stated that the next item for consideration was request to sell property owned by the City of Lufkin located at the intersection of Kelty's Street and West Williams Street.

City Manager Maclin stated that included in the Council packet is a letter from the Director of Public Works along with a map showing the property location of the .58 acres.

Kenneth Williams, Public Works Director, stated that a gentlemen who lives next to this property has shown an interest in purchasing the property. Mr. Williams stated that staff has determined that the City has no apparent use for the property.

Mr. Williams stated that the City obtained the property due to non-payment of taxes. Mr. Williams stated the City would like to keep a 50 foot right-of-way with the property as an easement if the property is approved for sale.

In response to question by Councilmember Boyd, City Manager Maclin stated that the property will have to be sold by sealed bid. In response to question by Councilmember Gorden, City Manager Maclin stated that when the bids are received staff will bring this request back to Council along with an appraisal and Council will make their decision at that time. Councilmember Simond asked if David Cochran could provide an in-house appraisal. City Manager Maclin stated that he would ask Mr. Cochran to provide an appraisal based on CAD comparisons.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that property owned by the City of Lufkin located at the intersection of Kelty's Street and West Williams Street be approved for sale as requested. A unanimous affirmative vote was recorded.

## **22. REQUEST - APPROVED - LIMOUSINE FRANCHISE - BORIS CALDWELL**

Mayor Bronaugh stated that the next item for consideration was the request of Boris Caldwell for a limousine franchise.

City Manager Maclin stated that included in the Council packet is a letter requesting a franchise to offer limousine service in Lufkin from Mr. Caldwell. City Manager Maclin stated that he also had provided a letter of verification from his insurance provider Roy Blake of Nacogdoches. City Manager Maclin stated that Mr. Blake has indicated that he will provide a certificate for liability insurance in accordance with the City's Ordinance upon approval of Mr. Caldwell's request.

Mr. Caldwell stated that he is intersted in having a limousine service in the City of Lufkin. Mr. Caldwell stated that since the first of April he has received 25 telephone calls from various locations throughout the East Texas region to include Lufkin. Mr. Caldwell stated that he has made only verbal commitments in the City of Lufkin pending the Council's decision. Mr. Caldwell stated that his vehicle is a Lincoln Towncar stretch limousine that he will drive himself.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Boris Caldwell be granted a franchise for limousine service in the City of Lufkin. A unanimous affirmative vote was recorded.

## **23. EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:30 p.m. to enter into Executive Session. Regular Session reconvened at 7:10 p.m. and Mayor Bronaugh stated that real estate and attorney-client matters had been discussed, and that no decisions were made.

## **24. COMMENTS**

Councilmembers extended a welcome to Assistant City Manager James Hager.

City Manager Maclin stated that on the Council table was an invitation from the City of Nacogdoches inviting the Councilmembers to the First Ladies Main Street dedication ceremony next Monday, April 13 at 3:30 p.m.

City Manager Maclin stated that also on the Council table was a notice of the Region 16 TML meeting, which will be held on April 23 at Crown Colony Country Club.

City Manager Maclin stated that the next DETCOG meeting will be held on April 23rd and that a meeting of the Investment Committee will be held on April 21st.

Councilmember Bowman stated that the Mayor and Councilmembers would be receiving an invitation from the Donohoe firm, the new owners of Champion Papermill, to attend a reception next Tuesday at 5:30 p.m. at Crown Colony.

25. There being no further business for consideration, meeting adjourned at 7:15 p.m.



Louis A. Bronaugh  
Mayor

ATTEST:



Atha Stokes - City Secretary