

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
2ND DAY OF MARCH, 1993 AT 5:00 P.M.**

On the 2nd day of March, 1993 the City Council of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh
Don Boyd
Percy Simond
Larry Kegler
Bob Bowman
Jack Gorden, Jr.
Tucker Weems

Mayor
Mayor pro tem
Councilman, Ward No. 1
Councilman, Ward No. 3
Councilman, Ward No. 4
Councilman, Ward No. 5
Councilman, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Mark Conrad, First United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of February 16, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Bob Bowman. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - PRIVATE CLUB - COMMERCIAL ZONING DISTRICT - DARREL TARVIN - TIMBERLAND SHOPPING CENTER (732 TIMBERLAND DRIVE)**

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance for approval of a Special Use Permit for a Private Club within a Commercial Zoning District located at 732 Timberland Drive (Timberland Shopping Center), as requested by Darrel Tarvin.

City Manager Maclin stated that Second Reading of this Ordinance had been tabled at last meeting at the request of Mr. Tarvin's attorney. There have been no changes since the First Reading of the Ordinance.

Don Duran, attorney representing Mr. Tarvin, stated that the owner of the property located in the shopping center, whose building is zoned for a Private Club, has agreed to rescind the Private Club Permit if this request is approved.

Several people spoke in support of the request; there was no opposition.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading with stipulations as set forth by the Planning & Zoning Commission. The following vote was recorded:

Aye - Councilmen Boyd, Gorden, Kegler, Simond, and Mayor Bronaugh
Nay - Councilmen Bowman and Weems

Motion carried by a vote of 5 to 2.

5. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - DOG KENNEL - COMMERCIAL ZONING DISTRICT - MARK & JOHN MADDOX - 2506 S. JOHN REDDITT DRIVE

Mayor Bronaugh stated that the next item for consideration was a request by Mark and John Maddox for approval of a Special Use Permit for a Dog Kennel in a Commercial zoning district located at 2506 S. John Redditt Drive.

City Manager Maclin stated that there had been opposition to this request by the owners of more than 20% of the real property that adjoins the subject zone change property, but since last meeting the applicants and protesting property owners have reached an agreement on modifications to the building structure, which would rescind the written protest and allow approval by a simple majority vote of the City Council.

City Manager Maclin stated that the modifications are: (1) To increase the height of the exterior walls from three feet (3') to five feet (5'), and (2) To increase the height of the interior walls from three feet (3') to five feet (5').

City Planner Stephen Abraham stated that the City Council has two options regarding this request: (1) To act on the original plan that was recommended for approval by a 4 to 1 vote of the Planning & Zoning Commission (which would require a 4/5 vote from the Council; and, (2) To act on the modified plan.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance (with the stipulation of the Modified Plan) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ZONE CHANGE REQUEST - WITHDRAWN - TOM GANN (S. J. & MARILYN STOVALL) - RESIDENTIAL LARGE TO COMMERCIAL - 1313 S. CHESTNUT

Mayor Bronaugh stated that the next item for consideration was a request by Tom Gann on behalf of S. J. and Marilyn Stovall for approval of a change of zoning from Residential Large to Commercial on approximately 2.9 acres of land commonly known as 1313 S. Chestnut.

City Manager Maclin stated that a letter from Attorney Sam Griffin had been faxed to the City Secretary's office earlier in the day requesting that this item be withdrawn from consideration by the City Council.

Mr. Griffin was present and stated, in response to question, that he did not know whether the request would be brought back to the Council for consideration at a future date.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that request of Tom Gann on behalf of S. J. and Marilyn Stovall for approval of a change of zoning from Residential Large to Commercial on approximately 2.9 acres of land commonly known as 1313 S. Chestnut be withdrawn as requested. A unanimous affirmative vote was recorded.

7. ORDINANCE - TABLED - FIRST READING - SPECIAL USE PERMIT - USED CAR SALES LOT - LOCAL BUSINESS ZONING DISTRICT - COY ALLEN/EMMITT TOBIAS - 2507 N. RAGUET

Mayor Bronaugh stated that the next item for consideration was a request by Coy Allen and Emmitt Tobias for approval of a Special Use Permit for a Used Car Sales Lot in a Local Business zoning district located at 2507 N. Raguet.

Applicant was not present and motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Ordinance be tabled on First Reading. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - COUNCILMEMBER POSITIONS - WARD 5 - WARD 6

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance providing for the calling of a City Election for Councilmember positions, establishing polling places, and setting a date for the election.

City Manager Maclin stated that the two Councilmember positions are Wards 5 and 6. City Manager Maclin stated that staff had been contacted by Bill Shanklin to join with the County and LISD in a joint election at Lufkin Junior High West. This would become the polling place for Ward 6, which is normally the Labor Temple on Ellis Avenue. City Manager Maclin stated that the City Secretary had received a letter from the Secretary of State's Office recommending consolidation of polling places in an effort to reduce costs for all entities.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - WATER & SEWER RATE INCREASES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinances increasing water and sewer rates to satisfy revenue bond issuance.

City Manager Maclin stated that the City Council and staff had discussed last summer at the Budget Retreat plans for water and sewer improvements to meet the City's needs for elevated storage, distribution and fire hydrants. City Manager Maclin stated that as discussed at last meeting when Council passed the Resolution of Intent to issue these bonds, a 3% rate increase will need to be implemented for water and sewer to help pay towards the interest and principal payments for this \$7,000,000 worth of bonds. City Manager Maclin stated that in the packet there is a comparison of current rates with new rates, which reflects an increase of 39 cents per month on a minimum billing customer, and 67 cents per month on an average customer of 5,000 gallons per month. City Manager Maclin stated that staff is recommending that these increases be put into effect April 1.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that Ordinances increasing water and sewer rates, with an effective date of April 1, 1993, be approved as presented. A unanimous affirmative vote was recorded.

10. BOND ELECTION PROPOSAL

Mayor Bronaugh stated that the next item was further consideration of a bond election proposal and to consider passage of a Resolution to call for a bond election.

Mayor Bronaugh read the following statement to members of the audience and the press:

"Because we feel the City Council has an obligation to present to the voters the most economical and efficient bond issue possible, we have chosen to postpone the City's general obligation bond issue until later.

This delay will give the City Council additional time to review the recommendations of the Citizens Bond Committee and pursue possible avenues for lowering the total cost from the tentative \$14 million.

The Citizens Bond Committee did an excellent job in identifying the City's street, park and downtown needs, and the City Council would

like the opportunity to supplement their efforts with alternatives and new approaches.

Some of the alternatives we will explore include the removal of White House Drive from the street issue because of the possible state funding in the future, changes in the downtown issue to include possible funding by sources other than the City, and modifications in the park proposal.

At the same time, we feel it is important that we explore the possibility of any federal funding which may be forthcoming as a result of the Clinton Administrations' commitment to urban infrastructure funding.

We also feel the City Council has an obligation to review the current street maintenance program to make sure that we provide adequate surfacing and improvements to neighborhood streets while providing improvements to the major arteries included in the bond issue. We feel our neighborhood streets must receive a priority equal with other City needs.

We have discussed the bond election delay with those who have worked to support the street, parks and downtown issues, and they concur with our decision."

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that the Bond Election be delayed as outlined in the statement read by Mayor Bronaugh. A unanimous affirmative vote was recorded.

11. ADMISSION FEE STRUCTURE - APPROVED - ELLEN TROUT ZOO

Mayor Bronaugh stated that the next item for consideration was a proposed admission fee structure to implement the admission fees at the Zoo.

City Manager Maclin stated that last summer during the budget process Council and staff discussed at length the implementation of an admission fee at the Zoo, with input from members of the Friends of the Zoo and the Zoo Director and his staff. City Manager Maclin stated that a letter of recommendation from the Friends of the Zoo had been included in the Councilmember's packets, along with a proposed admission fee structure for the Zoo. City Manager Maclin stated that basically the proposed fees are: For General Admission - Adults 12 and up - \$2.00 and Children 4 to 11 - \$1.00. A school rate of .50 cents has been proposed, providing there is adequate supervision. A group rate (e.g. Scouts, day care centers, nursing homes, etc.) for a minimum of nine persons is proposed at: Adults 12 and up - \$1.00, and children 4 - 11 at 50 cents. A free admission has also been proposed for the hours of 9:00 a.m. until 10:00 a.m. on Sundays and Mondays.

City Manager Maclin stated that the admission fees would go into effect on July 5, 1993. City Manager Maclin stated that Council had previously approved a fee structure for the Dinamation Exhibit that will begin on April 1 - July 4.

City Manager Maclin stated that Council discussed at the budget workshop that Lufkin was the only public owned Zoo that was free in the Southwest United States. City Manager Maclin stated that the fees generated from the admission would be set aside to go towards improvements in the facilities, renovations, repairs, etc.

In response to question by Councilman Weems, City Manager Maclin stated that two clerk positions have been budgeted in the 1993-'94 fiscal year budget for the purpose of fee admission collections.

Motion was made by Councilman Jack Gorden and seconded by Councilman Larry Kegler to approve the admission fee schedule as presented. A unanimous affirmative vote was recorded.

12. BID - APPROVED - REDRILLING WATER WELL #3 - LAYNE-TEXAS OF HOUSTON

Mayor Bronaugh stated that the next item for consideration was award of bid to Layne-Texas of Houston for redrilling water well #3.

City Manager Maclin stated that redrilling of this water well is part of the City's \$7 million water system improvement program. City Manager stated that after receiving the bids, the staff recommendation is to award the low bid of Layne-Texas of Houston in the amount of \$444,348, with an understanding that we then immediately issue a Change Order eliminating all of the miscellaneous items except for number 9 from that particular contract. City Manager Maclin stated that staff would then go back out for bids confident that there would be some savings with local contractors to bid on the miscellaneous items.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that bid of Layne-Texas of Houston in the amount of \$444,348 for redrilling water well #3 be approved as presented with the understanding that a Change Order is issued eliminating all of the miscellaneous items except item 9 from the Contract. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - SMOKING PROHIBITED - CITY BUILDINGS

Mayor Bronaugh stated that the next item for consideration was a Resolution prohibiting smoking in the public buildings owned and operated by the City of Lufkin.

In response to question by Mayor Bronaugh, City Manager Maclin stated that this would also include the Civic Center, where citizens previously stepped out into the lobby to smoke. It will now be required for anyone in a City owned building to smoke outside.

City Manager Maclin stated that this has been a trend in municipal government in cities such as Houston, Dallas, and Ft. Worth, and cities our size have now begun to implement no smoking in public owned buildings. City Manager Maclin stated that in recent months there have been court cases that are beginning to rule in favor of a smoke free environment for employees. City Manager Maclin stated that from a risk management standpoint, staff feels that it is prudent for the City to adopt a Resolution of this nature as a risk management prevention measure in that there could be employees in the future who felt like their health was being adversely impacted by a fellow employee in the same room where they were having to breathe their exhaled smoke which could cause a health problem. City Manager Maclin stated that staff feels that the Court System is getting a pretty clear stand now relating to the hazards of cigarette smoking.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that Resolution prohibiting smoking in the public buildings owned and operated by the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

14a. BID - APPROVED - FURNACE - WATER POLLUTION CONTROL PLANT - VARION ANALYTICAL

Mayor Bronaugh stated that the next item for consideration was bids for a furnace to be used at the Water Pollution Control Plant.

City Manager Maclin stated that a single bid had been received from Varion Analytical in the amount of \$29,145, plus the installation fee of \$650, for a total bid of \$29,795. City Manager Maclin stated that the budgeted amount for this item was \$27,000, and that staff feels that the difference can be absorbed within the current operating budget of this department.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that bid of Varion Analytical in the amount of \$29,795 be accepted as submitted. A unanimous affirmative vote was recorded.

14b. **BID - APPROVED - LABORATORY GAS FOR CHROMATOGRAPH - WATER POLLUTION CONTROL PLANT - PERKIN-ELMER CORPORATION**

Mayor Bronaugh stated that the next item for consideration was laboratory gas for chromatograph at the Water Pollution Control Plant.

City Manager Maclin stated that staff recommends acceptance of the low bid from Perkin-Elmer Corporation in the amount of \$17,895. The budgeted amount for this item was \$19,995.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that bid of Perkin-Elmer Corporation in the amount of \$17,895 be accepted as submitted. A unanimous affirmative vote was recorded.

14c. **BID - APPROVED - LABORATORY SUPPLIES - WATER POLLUTION CONTROL PLANT - CURTIN MATHESON SCIENTIFIC**

Mayor Bronaugh stated that the next item for consideration was laboratory supplies to be used at the Water Pollution Control Plant.

City Manager Maclin stated that staff recommendation is to accept the low bid from Curtin Matheson Scientific in the amount of \$8,783.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that bid of Curtin Matheson Scientific in the amount of \$8,783 be approved as submitted. A unanimous affirmative vote was recorded.

14d. **BID - APPROVED - A/C REFRIGERANT RECOVERY SYSTEM - FLEET MAINTENANCE DEPARTMENT - SOUTHSIDE AUTO SUPPLY**

Mayor Bronaugh stated that the next item for consideration was bids for an Air Conditioning Refrigerant Recovery System to be used in the Fleet Maintenance Department.

City Manager Maclin stated that staff's recommendation is to award the bid of Southside Auto Supply in the amount of \$2,091.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that bid of Southside Auto Supply in the amount of \$2,091 be accepted as submitted. A unanimous affirmative vote was recorded.

14e. **BID - APPROVED - REPAIR OF OLD CITY HALL BUILDING - LUFKIN AVENUE - ECKER REMODELING**

Mayor Bronaugh stated that the next item for consideration was repairs of the Old City Hall Building located on Lufkin Avenue.

City Manager Maclin stated that at the November 17, 1992 Council meeting he was given authorization to pursue bids on repair of the Old City Hall Building. City Manager Maclin stated that Gary Neighbors, representing Angelina and Neches River Authority, the current tenant, proposed that his authority would bear the cost of internal repairs to the structure.

City Manager Maclin stated that staff recommendation is to award the low bid of Ecker Remodeling in the amount of \$14,625.

Motion was made by Councilman Bob Bowman and seconded by Councilman

Tucker Weems that bid of Ecker Remodeling in the amount of \$14,625 be accepted as submitted. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 5:57 p.m. to enter into Executive Session. Regular session reconvened at 6:10 p.m. Mayor Bronaugh stated that the Council had discussed legal matters.

16. COMMENTS

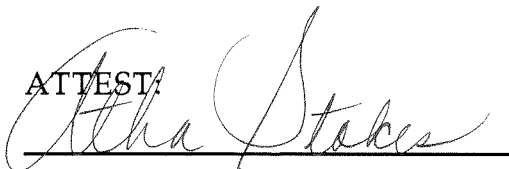
City Manager Maclin stated that members of the Council would be attending a National League of Cities Congressional Conference in Washington, D. C. on March 4 - 9. City Manager Maclin stated that he and Mr. Mayfield would be joining the Mayor and Councilman Gorden in New York on the 9th for a revenue bond rating.

City Manager Maclin stated that on March 19th at 10:00 a.m. there will be a joint meeting of DETDA and DETCOG in Livingston to hear a presentation by David Huff, East Texas contact for the Department of Commerce Business Recruitment and Industrial Division.

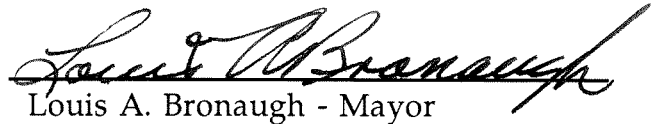
Mayor Bronaugh reminded members of the Council of the dedication of Pine Crest Retirement Home Wednesday afternoon at 2:30 p.m.

17. There being no further business for consideration, meeting adjourned at 6:12 p.m.

ATTEST:



Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor