

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
6TH DAY OF APRIL, 1993 AT 5:00 P.M.**

On the 6th day of April, 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	Mayor
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Charles Treptow, Minister, Angel of Joy Lutheran Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of March 16, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATES - FIREFIGHTERS - CITY SECRETARY**

Mayor Bronaugh presented Certificates of Commendation to Firefighter Michael Shepherd in recognition of his diligence and outstanding performance of duties regarding rescue efforts in Lufkin on March 25, 1993, and to Firefighters/Paramedics from three Fire Stations: Owen Chastain, Richard Bickley, Steve Howland, Dennis Norton, James Leftwich, Victor Bass, Donald Carraway, Lee Thompson, Bobby Hobbs, James Wells, Rubin Welch, Donald Womack, and William Gates, Jr.

Mayor Bronaugh also presented a Certificate to City Secretary Atha Stokes on successfully completing the Texas Municipal Clerks Certification Program.

5. **PUBLIC HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - LESA WADE - LOTS 7 AND 8 OF BLOCK 20 - 317 AND 321 E. FRANK AVENUE**

Mayor Bronaugh opened Public Hearing to consider Reinvestment Zone for Tax Abatement Program as requested by Lesa Wade on lots 7 and 8 of Block 20, City of Lufkin, and more commonly known as 317 and 321 E. Frank Avenue.

City Manager Maclin stated that included in the packet was an application for the Tax Abatement and a letter from Mrs. Wade describing her plans for the building and making her request for Tax Abatement consideration.

Mrs. Wade stated that her basic intent was to remodel the building and improve the aesthetic value of the property. Mrs. Wade stated that the sole purpose of the building will be for an interior design resource center where clients can make selections of wallpaper and fabrics. There will also be a small, limited furniture gallery located in the building.

Mayor Bronaugh closed Public Hearing.

6. PROCLAMATION - APPROVED - FAIR HOUSING MONTH

Mayor Bronaugh stated that the next item for consideration was a Proclamation designating April as "Fair Housing Month" in the City of Lufkin.

City Manager Maclin stated that by adopting this Proclamation the City will fulfill its equal opportunity/fair housing commitment.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - REVENUE BONDS - IMPROVEMENTS AND EXTENSIONS - WATERWORKS & SEWER SYSTEM

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance authorizing the issuance of revenue bonds for improvements and extensions to the City's combined Waterworks and Sewer System.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on Second and Final Reading as presented. The following vote was recorded:

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

Motion carried by a vote of 6 to 1.

8. EMERGENCY MANAGEMENT ORDINANCE - APPROVED - SECOND READING

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Emergency Management Ordinance.

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

9. SAM RAYBURN DAM SPILLWAY REPAIRS - APPROVED - CONSTRUCTION COSTS

Mayor Bronaugh stated that the next item for consideration was further discussion of the City's participation in the construction costs for the Sam Rayburn Dam Spillway repairs.

City Manager Maclin stated the Council discussed at the Workshop the approach they wished to take and that was for the City to pay their allotment (approximately \$115,000) over three fiscal years with no interest accrued. (There was verbal approval by the Corps of Engineers.) City Manager Maclin stated that as construction progressed the City would then be billed once a year. City Manager Maclin stated that there was some question by the Corps of Engineers about the payment being made before October 1, which would have required the City to pay two payments in one fiscal year. City Manager Maclin stated that staff explained to their representative that that was not the understanding the City originally had, and as of this moment they have agreed that they would pursue this through the chain of command of the Corps of Engineers so that the Contract that was in the packet previously would reflect three payments over three fiscal years starting in the 1993-'94 fiscal year, and two more in the next two consecutive years. City Manager Maclin stated that he would like to request today that if Council feels comfortable with that, to go ahead and approve the Contract with that understanding, then when the final contract is received, if it is not exactly as it should be, then it will be

back on the agenda for further consideration.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Contract be approved as presented, and if there are any changes it will be brought back to the Council for further consideration. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - STORAGE WAREHOUSE - LOCAL BUSINESS ZONING DISTRICT - LYNN GEORGE - 1015 E. DENMAN

Mayor Bronaugh stated that the next item for consideration was request of Lynn George for approval of an amendment to the Special Use Permit for Storage Warehouse within a Local Business Zoning District located at 1015 E. Denman Avenue.

City Manager Maclin stated that the Planning & Zoning Commission has unanimously recommended approval of this request.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - 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 request of Coy Allen and Emmitt Tobias for approval of a Special Use Permit for Used Car Sales Lot in a Local Business Zoning District located at 2507 N. Raguet.

City Manager Maclin stated that basically a definition of the property was needed and a less expensive, more visible alternative was a small two strand cable fence that has 2 1/2 and 3 feet tall wooden posts with two strands of 1/2 inch steel cable running through the posts. City Manager Maclin stated that staff feels that this is an agreement that all parties can live with and still meet the Zoning requirements.

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

Mayor Bronaugh stated that he was pleased to see that the Planning & Zoning Department was working with businesses such as this and that a compromise was reached which was satisfactory to all parties.

12. ORDINANCE - APPROVED - REINVESTMENT ZONE - TAX ABATEMENT - LESA WADE - LOTS 7 AND 8 - BLOCK 20 - 317 AND 321 E. FRANK AVENUE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for designation of "Reinvestment Zone" for Tax Abatement Program as requested by Lesa Wade on Lots 7 and 8 of Block 20, City of Lufkin, more commonly known as 317 and 321 E. Frank Avenue.

This item was discussed in the Public Hearing (item #5).

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

13. INVOICE - APPROVED - ISOLATION BUILDING - ELLEN TROUT ZOO - CARNEY ROOFING COMPANY

Mayor Bronaugh stated that the next item for consideration was payment of an invoice from Carney Roofing Company for repairs to the Isolation Building at the Ellen Trout Zoo.

City Manager Maclin stated that included in the packet was a letter from the Zoo Director and the Asst. City Manager of Finance. City Manager Maclin stated that when this contract was approved previously it was the low bid and it had a contingency in the event that once the old roof was removed, if the deterioration of the structure was so great, then there could be additional expense. This could not be determined in the preliminary review and once the old roof was removed it was found that the understructure was deteriorated beyond repair and had to be replaced, which added approximately \$10,000 in additional work to repair the building.

Councilman Weems questioned how many hours and how much was for material in the \$10,000 additional cost. Mr. Henley stated that he did not have that information available, but that it had taken three weeks to do the job. Mr. Henley stated that the building is approximately 30' x 50', and it took 25 or 30 sheets of plywood and 2 x 6's every 2'. Mr. Henley stated that he could provide the actual material list from his records. Councilman Weems stated that the Contract had called for \$93 per hour for labor plus material costs.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler to table payment of the invoice from Carney Roofing Company until a complete summary of the billing can be provided.

Councilman Weems suggested that the City pay the initial bill of \$7,850 and delay payment of the additional charges of \$10,000 until a breakdown of labor and materials could be provided for consideration. City Manager Maclin stated that Council would have to approve these additional funds being taken from the Contingency Fund since it was not a budgeted item. Molly Hicks, Director of Accounting, stated that presently there is \$128,000 in the General Contingency Fund.

In response to question by Councilman Weems, Mr. Henley stated that the next low responsible bidder was \$12,817, plus \$70 per hour for a carpenter, plus materials.

Councilman Bowman amended his motion; Councilman Kegler seconded the amendment, and a unanimous affirmative vote was recorded.

14. ORDINANCE - APPROVED - FIRST READING - TEXTUAL AMENDMENT - BOARD OF ADJUSTMENT

Mayor Bronaugh stated that the next item for consideration was a textual amendment to the Zoning Ordinance relating to the powers of the Board of Adjustment.

City Manager Maclin stated that included in the packet is a proposed new paragraph to the Zoning Ordinance, which reads as follows:

Proposed Amendment
Article XIX Section (2) a

"It may be considered an unnecessary hardship when a lot of record within a single-family zoning district does not meet the dimensional requirements of that zoning district, and the application of the dimensional requirements would deprive the property owner of a structure deemed common to the majority of single-family residences and reasonably required for the maintenance of the residence and for the protection of adjacent property."

City Manager Maclin stated that a translation of this proposed amendment would be that if you built a house in Mantooth Park in 1925 and you had a storage building on the back of the property prior to the City's zoning and setback requirements, and then in 1993 the building had to be demolished and removed. City Manager Maclin stated that technically the building could not be reconstructed in the small location if it was in violation of the setback requirements, you would have to set it back further than it was originally located on the property. City Manager Maclin stated that if the whole neighborhood is built to those type of standards where all of the structures were built prior to the Zoning Ordinance, this makes a hardship on what has already become an accepted norm in the neighborhood. City Manager Maclin stated that the Board of Adjustment and Appeals has had a problem with this and are looking for something that gives them a legal ground to stand on, and staff feels that this Amendment would provide that for them.

City Manager Maclin stated that also included in the packet is a memoranda from the City Planner that explains the Amendment in more detail, and some information about the Board of Adjustment and Appeals.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that textual amendment to the Zoning Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

15. ORDINANCE - APPROVED - SPECIAL USE PERMIT - PRIVATE CLUB - TIMBERLAND SHOPPING CENTER

Mayor Bronaugh stated that the next item for consideration was the repeal of Ordinance No. 2009 which granted a Special Use Permit for a Private Club in the Timberland Shopping Center on September 18, 1979.

City Manager Maclin stated that this was an Agreement by the property owner so that there would not be two Private Clubs side by side.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Larry Kegler that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

16. RESOLUTION - APPROVED - NATIONAL LEAGUE OF CITIES - FEDERAL ECONOMIC DEVELOPMENT PLAN

Mayor Bronaugh stated that the next item for consideration was a Resolution from the National League of Cities in support of the proposed federal economic development plan and its impact on local government.

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

17a. BID - APPROVED - ONE TON TRUCK- STREET DEPARTMENT - BARRETT BROTHERS MOTORS

Mayor Bronaugh stated that the next item for consideration was bids for a one ton truck to be used in the Street Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Barrett Brothers Motors in the amount of \$13,611.46.

In response to question by Councilman Boyd, Mr. Wesch stated that this truck will be used as a patch truck.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker

Weems that bid of Barrett Brothers Motors in the amount of \$13,611.46 be accepted as submitted. A unanimous affirmative vote was recorded.

17b. **BID - APPROVED - TELEPHONE SYSTEM - ZOO - TOSHIBA PHONE SYSTEM**

Mayor Bronaugh stated that the next item for consideration was bids for a telephone system to be used at the Ellen Trout Zoo.

City Manager Maclin stated that staff recommendation is to accept the bid of Toshiba Phone System in the amount of \$5,597. The budgeted amount for this item was \$8,000.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that bid of Toshiba Phone System in the amount of \$5,597 be accepted as submitted. A unanimous affirmative vote was recorded.

17c. **BID - APPROVED - ECONOMY PICKUP - WATER UTILITIES - BARRETT BROTHERS MOTORS**

Mayor Bronaugh stated that the next item for consideration was bids for an economy pickup to be used in the Water Utilities Department.

City Manager Maclin stated that staff recommendation is to accept the bid of Barrett Brothers Motors in the amount of \$10,559.92.

Motion was made by Councilman Larry Kegler and seconded by Councilman Tucker Weems to accept the low bid of Barrett Brothers Motors in the amount of \$10,559.92. A unanimous affirmative vote was recorded.

17d. **BID - APPROVED - WATER WELL NO. 3 APPURTENANCES - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for appurtenances to be used at Water Well No. 3.

City Manager Maclin stated that staff recommendation is to award the low bid of J & D Construction in the amount of \$74,000. City Manager Maclin stated that representatives from the Engineering firm that handled the bid specifications and advertisements are present to answer any questions.

In response to question by Councilman Simond, City Manager Maclin stated that when the original bid was let these items were included under "miscellaneous" with the drilling of the well. The low bid was awarded to Layne-Texas. It was decided at that time that the City could realize some savings if these items were broken out of the bid and bid out on a local basis. Keith Wright of EGA, stated that included in these items were the well foundation, fencing, and the electrical, which had been marked up by approximately 30% by the contractor. Mr. Wright stated that a Change Order had been issued taking the construction portion out of the contract and these items were rebid for a total of \$74,000, at a savings of \$30,000 on the rebid.

Mr. Wright stated that it is anticipated that there will also be some savings on the elevated storage tank, which is due to be bid on April 29th.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems to accept the low bid of J & D Construction in the amount of \$74,000. A unanimous affirmative vote was recorded.

18. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 5:58 p.m. to enter into Executive

Session. Regular session reconvened at 6:30 p.m. Mayor Bronaugh stated that the Council had discussed legal matters, and no decisions were made.

19. COMMENTS

Councilman Weems stated that there seemed to be some concern from citizens that the City is spending too much money on First Street and Timberland Drive. City Manager Maclin stated that this projects are being funded by the State.

Councilman Simond questioned why the City did not allow citizens to appear on the agenda in a public forum.

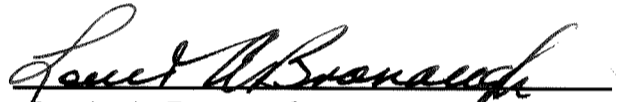
Councilman Simond stated in regard to the Health District merging with Memorial Medical Center that the public would be better served if they remained separate entities.


City Manager Maclin reminded Councilmembers of the City Employees Awards Banquet, Thursday, April 15, at 6:30 p.m.

Mayor Bronaugh stated that Saturday, April 18th, will be "Lufkin Day in the Astrodome". Mayor Bronaugh stated that \$3 of every ticket purchased will be given back to the Lufkin Youth Baseball Association.

Councilman Simond suggested that a uniformed police officer be in attendance at every Council meeting. City Manager Maclin stated that Chief Collins has been in attendance at every meeting but was unable to be present for tonight's meeting.

20. There being no further business for consideration, meeting adjourned at 6:50 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary