

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE  
20TH DAY OF APRIL, 1993 AT 5:00 P.M.**

On the 20th 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
Tucker Weems	Councilman, Ward No. 6

being present, and

Jack Gorden, Jr.	Councilman, Ward No. 5
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Mrs. Janet Petersen, Chaplain, Lufkin State School.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of April 4, 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 - STORAGE WAREHOUSE - LOCAL BUSINESS ZONING DISTRICT - LYNN GEORGE - 1015 E. DENMAN AVENUE**

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance for approval of an Amendment to the Special Use Permit for a Storage Warehouse within a Local Business zoning district located at 1015 E. Denman Avenue as requested by Lynn George.

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

5. **ORDINANCE - APPROVED - SECOND 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 Second Reading of an Ordinance for approval of a Special Use Permit for a Used Car Sales Lot in a Local Business Zoning District located at 2507 N. Raguet as requested by Coy Allen and Emmitt Tobias.

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

**6. ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE/TAX ABATEMENT - LOTS 7 AND 8 - BLOCK 20 - 317 AND 321 E. FRANK AVENUE - LESA WADE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for designation of a "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.

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

**7. ORDINANCE - APPROVED - SECOND READING - TEXTUAL AMENDMENT - ZONING ORDINANCE - BOARD OF ADJUSTMENT POWERS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of a Textual Amendment to the Zoning Ordinance relating to the powers of the Board of Adjustment.

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

**8. ORDINANCE - APPROVED - SECOND READING - REPEAL OF ORDINANCE NO. 2009 - SPECIAL USE PERMIT - PRIVATE CLUB - TIMBERLAND SHOPPING CENTER**

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

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

**9. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - K-BOB'S CAPITAL RESOURCE GROUP - 2111 EAST DENMAN AVENUE**

Mayor Bronaugh stated that the next item for consideration was a request by K-Bob's Capital Resource Group for approval of a Special Use Permit for a Private Club in conjunction with the existing restaurant operations at 2111 East Denman Avenue.

City Manager Maclin stated that a memorandum from the City Planner, along with the minutes of the Planning & Zoning Meeting where the Commissioners had recommended a unanimous approval of the request, had been included in the Councilmember's packets.

Don Duran, attorney representing the K-Bob's Capital Resource Group, stated that the property is presently zoned Commercial. Mr. Duran stated that K-Bob's intends that this restaurant remains primarily a family-oriented restaurant. Mr. Duran stated that the restaurant will limit its sell of alcoholic beverages to beer and wine. Mr. Duran introduced Ed Tinsley, President of K-Bob's Capital Resource Group, which is the limited partnership that purchased the property at 2111 E. Denman effective April 1, 1993. Mr. Tinsley stated that K-Bob's will make some physical upgrades to the facility in the way of new carpets, addition of windows, paint and wallpaper. Mr. Tinsley stated that included in the packet was some information explaining the Corporate philosophy and the Company unit philosophy. Mr. Tinsley stated that K-Bob's takes pride in being community-oriented.

In response to statement by Councilman Boyd that K-Bob has never employed minorities, Mr. Tinsley stated that he appreciated this input from Mr. Boyd and would take this under advisement.

In response to statement by Mayor Bronaugh, Mr. Tinsley stated that K-Bob's does not serve alcoholic beverages (hard liquor) at any of its restaurants.

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.

**10. ORDINANCE - APPROVED - FIRST READING - RESIDENTIAL SMALL TO SINGLE-FAMILY DWELLING/MIXED USE - J. L. QUINALTY SURVEY - ABSTRACT NO. 40 - TRACTS 292 THROUGH 314**

Mayor Bronaugh stated that the next item for consideration was a change of zoning from Residential Small to Single-Family Dwelling/Mixed Use on properties located in the J. L. Quinalty Survey, Abstract No. 40 and being more specifically described as tracts 292 through 314.

City Manager Maclin stated that the Planning & Zoning Commission has unanimously recommended approval of this request. City Manager Maclin stated that this is the City's second application of this new zoning Single-Family Dwelling /Mixed Use designation. City Manager Maclin stated that this new zoning designation had been thoroughly discussed at the Planning & Zoning Commission meetings before it was adopted, and there had been positive input from residents. One letter of opposition in regard to this request had been received prior to tonight's meeting. stating that the Zone Change would lower the property values. City Planner Abraham stated that, in his opinion, it would not lower the property values. Councilman Kegler stated that he had an opportunity to discuss this new zoning designation with residents and there have been no objections.

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

**11. ORDINANCE - APPROVED - FIRST READING - S. J. AND MARILYN STOVALL - RESIDENTIAL LARGE TO LOCAL BUSINESS - 1313 S. CHESTNUT**

Mayor Bronaugh stated that the next item for consideration was request of Sam Griffin, Jr. on behalf of S. J. and Marilyn Stovall for approval of a change of zoning from Residential Large to Local Business on approximately 2.9 acres of land commonly known as 1313 S. Chestnut.

City Manager Maclin stated that the Planning & Zoning Commission did decide by a vote of 4 to 2 that the property be rezoned from Residential Large to Neighborhood Retail, and that a Special Use Permit be granted for the operation of a furniture store. City Manager Maclin stated that the Planning & Zoning Commission further recommends that the future land use map for the Comprehensive Plan be changed to indicate the subject property and those properties north to Ray Street should be considered as non-residential.

Sam Griffin, Jr. stated that he was present representing S. J. and Marilyn Stovall who are the owners of a 2.9 acre tract known as 1313 S. Chestnut Street. Mr. Griffin stated that this property had been on the market for some time for residential purposes, for which it has been used for the last 40 or 50 years. Mr. Griffin stated that the property backs up to a commercially zoned district and a number of Local Business zones as well as Local Business uses. Mr. Griffin stated that the Planning & Zoning Commission settled on zoning this property as Neighborhood Retail and allowing a Special Use Permit for a furniture store. Mr. Griffin passed out pictures depicting what the property will look like. Mr. Griffin stated that he was of the opinion that

the owners of the proposed furniture store will improve the appearance of the property. Mr. Griffin stated that the restriction of going to Neighborhood Retail places a restriction on Will and Julie May, the purchasers of the property, as to the size of the business they can operate (it cannot exceed 3,000 sq. ft. of use). Mr. Griffin stated that currently that will not be a problem because their initial use will not exceed 3,000 sq. ft., however, if the business is successful and there is the need to expand, 3,000 sq. ft. will be inadequate. Mr. Griffin stated that the Mays desire to keep a residential appearance for the building rather than turn it into a large commercial area. Mr. Griffin stated that he was asking the City Council how this can be accomplished. Mr. Griffin asked if the applicants need to go back to the Planning & Zoning Commission to change the Special Use. Mr. Griffin stated that he would like to point out that the applicants have reached agreement with the local residents and will have deed restrictions in the deed that will eliminate the objectionable uses that might cause the neighbors problems. Mr. Griffin stated that his primary concern at this point is, if the City Council gives approval of the Zone Change as its requested, that the business will not be adequately sized or it will be too restrictive for the owners to be able to grow if some expansion is needed in the future.

City Manager Maclin suggested that this might be a request to be heard by the Board of Adjustment and Appeals for a variance to the Zoning Ordinance. City Planner Abraham stated that the Board of Adjustment and Appeals do have the ability to look at the property and consider whether there is something unique about the property that prevents it from complying with the regulations of that Zoning District.

City Attorney Flournoy stated that the request would be picking up a Special Use under Local Business even though it is a Neighborhood Retail Zone. Mr. Flournoy stated that it is his opinion, that for the use they are picking up, they would not have the 3,000 sq. ft. limitation.

City Planner Abraham stated that the Zoning District will be Neighborhood Retail--they are adding a "Use" into that Zoning District so that the Zoning District regulations will remain what the Zoning District is--the Special Use simply adds a "Use" into the Zoning District. Mr. Abraham stated that if the Zoning District is Neighborhood Retail then all regulations for Neighborhood Retail would have to be the same. Mr. Abraham stated that under Special Uses in the Zoning Ordinance it states that Special Uses may be granted inside or within a Zoning District. Mr. Abraham stated that a Special Use is not a Zoning District, it is an additional use that is put under the regulations of that base Zoning District.

Mr. Abraham stated that the options before the City Council are: (1) To approve the request for Local Business (2) To send it back to the Planning & Zoning Commission and request that they consider recommending approval of Local Business, and (3) Go to the Board of Adjustment & Appeals to see whether this property warrants a variance.

City Manager Maclin stated that if the deed restrictions Mr. Griffin referred to were likewise applied and agreed upon by those in opposition, then perhaps the Local Business zoning could be applicable and there would be no restriction on the 3,000 sq. ft. City Planner Abraham stated that the City could not issue a permit to allow the applicant to go over 3,000 sq. ft. because it would violate the Zoning Ordinance in accordance with the Neighborhood Retail zoning designation. Mr. Abraham stated that at the Planning & Zoning Commission meeting the Asst. City Attorney agreed that the deed restriction would not be enforced by the City. Mr. Flournoy stated that he has not had time to do any research on this, but he was inclined to believe since it was a Special Use, there may be a possibility of not having the 3,000 sq. ft. limitation. Mr. Flournoy stated that he would need some time to do some research.

Mrs. Julie May stated that she will be installing six to eight parking spaces and will

repave the existing driveway. Mrs. May stated that a lot of her business will take place in the client's home.

Mrs. May stated that a problem she had was that a small rent house located on the property is being taken into the 3,000 sq. ft., and the initial small house that she will be using for her business is only 1,900 sq. ft. The other small buildings on the property take away from the 3,000 sq. ft.

Mr. Abraham stated that for clarification, Neighborhood Retail says 3,000 sq. ft. per use and the residential buildings on the property would be for a different use allowing Mrs. May to subtract them from the total 3,000 sq. ft. Mr. Abraham stated that the furniture store cannot exceed 3,000 sq. ft. In response to question by Mrs. May, City Attorney Flournoy stated that she could use the house on the property for a rent house.

Pitser Garrison addressed the Council on behalf of the residents.

Motion was made by Councilman Bob Bowman and seconded by Councilman Percy Simond that Ordinance for a Zone Change from Residential Small to Neighborhood Retail, Special Use (Furniture Store) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

City Manager Maclin stated that the City Attorney will have an answer as to whether or not the furniture store can exceed the 3,000 sq. ft. limitation by the next Council meeting.

Mr. Garrison stated that in the interest of the entire picture, it might be well if the action of this Council expressly provides that the square foot limitation on the building to be used for this purpose is not applicable, so that in the future if a building permit is sought, that this problem will not be an issue.

#### **12. RESOLUTION - APPROVED - AMENDMENT TO THE ELECTION ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was a Resolution amending the Election Ordinance for the May 1st City Election.

City Manager Maclin stated that the Resolution will take the polling location for Ward 6 back to the Labor Temple, which has been its traditional location. City Manager Maclin stated that the City had been contacted by Bill Shanklin with a proposal to try and make it more convenient for the voting public to have one location to vote on May 1st by consolidating the City and County voting locations at Junior High West. City Manager Maclin stated that the County found that they had some problems with the new redistricting ward lines and decided to move back to the Labor Temple. Since this is the normal voting location for the City's Ward 6, this Resolution enables us to move back to that location.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Resolution be approved as presented. A unanimous affirmative vote was recorded.

#### **13. EMS DELINQUENT ACCOUNT WRITE-OFFS - APPROVED - FIRST QUARTER**

Mayor Bronaugh stated that the next item for consideration was the write-off of delinquent EMS accounts for the first quarter.

City Manager Maclin stated that this is a routine procedure, and if there are any questions, the Asst. City Manager of Finance is present to answer questions.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that EMS delinquent account write-offs for the first quarter be approved as

presented. A unanimous affirmative vote was recorded.

In response to question, Asst. City Manager Mayfield stated that collections with CRW are coming along fine, however, in the future the City will be going out for bids. Mr. Mayfield stated that in the past the City had instituted an attorney letter and were sending it out ourselves, thereby enabling us to collect more funds before the accounts were turned over to the collection agency. Mr. Mayfield stated that this was beginning to improve the money that was collected. Mr. Mayfield stated that staff has had negotiations with CRW to continue using the attorney letter, however, they have told us that under their operating agreement and the way they are structured, they can no longer provide this service to the City. Mr. Mayfield stated that staff has decided that in the very near future to go out for bids for another collection contract.

#### 14. REVISION OF CONTRACT - APPROVED - OLD CITY HALL FACILITY

Mayor Bronaugh stated that the next item for consideration was revision of contract for exterior improvements to the old City Hall facility.

City Manager Maclin stated that he had visited with Gary Neighbors last week regarding this request. City Manager Maclin stated that the intention of the exterior improvements is to restore the building to its original appearance, which will expose some very large windows back into visibility which previously had been covered up. (A picture showing the size of the windows was provided in the Councilmember's packets.) City Manager Maclin stated that at the present time the front of the building is boarded up with the entrance on the side. When the windows are restored, the entrance will then revert back to a center entrance. City Manager Maclin stated that once the old facade was taken off for the placement of the windows, it revealed a very large space where the windows would be placed. City Manager Maclin stated that Mr. Neighbors was concerned about energy problems and came and requested an amendment to the contract to replace the windows with tinted, double pane insulated windows. City Manager Maclin stated that Mr. Neighbors has volunteered to split the cost of the windows 50-50 with the City for a total cost of \$2,000 (ANRA would be responsible for \$1,000). City Manager Maclin stated that of the \$2,000, \$1,500 is the increase due to the double pane, insulated, tinted windows and approximately \$500 is due to some changes at the entrance.

In response to question by Councilman Bowman, Dawn Glover stated that the building, when it is restored, will take on the appearance of the 1920's.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd to approve the revision of \$2,000 to the Contract for exterior improvements to the old City Hall Building, and that the funds be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

#### 15a. BID - APPROVED - FIREWORKS - INDEPENDENCE DAY CELEBRATION - ALPHA-LEE ENTERPRISES

Mayor Bronaugh stated that the next item for consideration was bids for fireworks for the Independence Day Celebration at Ellen Trout Park.

City Manager Maclin stated that only one bid had been received and that was the bid of Alpha-Lee Enterprises in the amount of \$8,950.

Mayor Bronaugh stated that funds for the fireworks have been donated by Polk Oil Company, and this is the third year they have sponsored the fireworks display.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that bid of Alpha-Lee Enterprises in the amount of \$8,950 be accepted as submitted. A unanimous affirmative vote was recorded.

**15b. BID - APPROVED - CONFINED SPACE ENTRY AND RETRIEVAL SYSTEM - WATER UTILITIES - CLARK FIRE EQUIPMENT**

Mayor Bronaugh stated that the next item for consideration was bids for a confined space entry and retrieval system to be used for Water Utilities.

City Manager Maclin stated that staff recommendation is to award the bid of Clark Fire Equipment in the amount of \$11,690.

Motion was made by Councilman Bob Bowman and seconded by Councilman Percy Simond that bid of Clark Fire Equipment in the amount of \$11,690 be accepted as submitted. A unanimous affirmative vote was recorded.

**15c. BID - APPROVED - CAMERA INSPECTION SYSTEM - WATER UTILITIES - NAYLOR SUPPLY COMPANY**

Mayor Bronaugh stated that the next item for consideration was bids for a camera inspection system to be used in Water Utilities.

City Manager Maclin stated that staff recommendation is to award the low bid of Naylor Supply Company in the amount of \$41,980.

City Manager Maclin stated that the camera will be used to determine leaks, stoppages, and problems in the sewer lines.

Motion was made by Councilman Bob Bowman and seconded by Councilman Percy Simond that bid of Naylor Supply Company in the amount of \$41,980 be accepted as submitted. A unanimous affirmative vote was recorded.

**15d. BID - APPROVED - HANDHELD RADIOS - POLICE DEPARTMENT - EASTEX COMMUNICATIONS**

Mayor Bronaugh stated that the next item for consideration was bids for handheld radios to be used in the Police Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Eastex Communications in the amount of \$9,987.

City Manager Maclin stated that Ronnie Johnston of Johnston Electronics has requested to address the Council regarding these bids. City Manager Maclin stated that in preference, Mr. Johnston did bid a Maxon unit but there were, in the opinion of the staff, three items that did not meet the specifications. City Manager Maclin stated that he had confirmed with the manufacturer that the Maxon units do not meet the specifications, and therefore, Mr. Johnston's bid was not allowed as an acceptable bid in meeting the specifications even though the price was cheaper.

Councilman Boyd stated the radios were approved in February and he wanted to know why it had taken so long to present the bids to Council. Councilman Boyd stated that the specifications were for Motorola radios and he was under the impression that the City could not write specifications for a specific item. City Manager Maclin stated that it was permissible as long as there are multiple bidders. Councilman Boyd stated that there were certain specifications that the Maxon has that are better or exceed the Motorola radio. City Manager Maclin stated that the Maxon radio does not meet the minimum specifications.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the bid of Johnston Electronics was \$6,775.

In response to question by Councilman Kegler, City Manager Maclin stated that the areas the Maxon did not meet the specs were (1) the 20 db quieting for sensitivity (Mr. Johnston pointed out that the Maxon was a .25 and specifications were for .35).



City Manager Maclin stated that this is a sensitivity item that is particularly beneficial when you are operating the unit in a building or when there is some type of obstruction. City Manager Maclin stated that (2) the specifications require that HT radios must meet or exceed all requirements for MIL STD 810 C, D and E, and the Maxon unit only meets D and E. City Manager Maclin stated that Military Standard C is a sophisticated testing process to test its resistance to water, the wind blowing so many miles per hour to test at 2 inches of rain for a 2 hour period. City Manager Maclin stated that (3) is that the bidder will furnish twelve (1100MAH) batteries and the Maxon unit is a 1000, which is 10% less than the 1100MAH that was specified.

Councilman Boyd asked if any other radio besides Motorola meets the specs; City Manager Maclin stated that he did not know.

Councilman Boyd stated that the specs called for 6MHz for frequency separation and the Maxon was 8 MHz, which is better. Councilman Boyd stated that under Image Rejection 65 db is required and the Maxon is 70 db, which is better; the E1A Usable Bandwidth required by the specs is 6 kHz minimum and the Maxon is 7 kHz, which is better. Councilman Boyd stated that while it is being emphasized where the Maxon does not meet the specs, in his opinion, it should also be emphasized where the Maxon exceeds the specs. City Manager Maclin stated that staff is trying to get the best piece of equipment to meet the City's needs. Councilman Boyd stated that, in his opinion, Motorola is not the best piece of equipment. City Manager Maclin stated that staff writes specifications to meet minimum or exceed the specs.

Ronnie Johnston, Johnston Electronics, stated that he believes that the radio he represents meets the specifications. Mr. Johnston passed out copies of the specifications for the radios. He stated that his bid was not included in the Councilmembers packets because it was stated that the specifications were written on a specific radio. Mr. Johnston stated that he feels that he meets or exceeds the specifications. Mr. Johnston stated that as far as the sensitivity is concerned, each company has different standards for measuring sensitivity. He stated that the 1100MAH battery at 10 volts is almost identical if not more than a 1000MAH battery at 10.7 volts. Mr. Johnson stated that the specifications were to get a battery that lasted a full eight hours. Mr. Johnson stated that by using the battery save option (which is exceeding the specifications), it will provide up to 20 hours of use as opposed to the eight hours required by the specs. Mr. Johnson stated that the antenna design is far better on the Maxon than on the Motorola because it is made of metal (making it more durable) as opposed to plastic. City Manager Maclin stated that to clarify the comments made by Mr. Johnston, he spoke with an engineer by the name of "Jim" at Maxon American Corporation in Kansas City and he confirmed that the Maxon did not meet the same MAH, it does not exceed the .35 sensitivity, and also, it is not military type "c" rating. City Manager Maclin stated that the engineer told him that with the battery save option on, the battery is good for 11 hours as opposed to 20 hours.

In response to question by City Manager Maclin if Mr. Johnston was aware of any other cities in East Texas that are using the Maxon radio, Mr. Johnston stated that he had a list in his office. City Manager Maclin stated that staff has not been able to find any other city that uses the Maxon radio.

Mr. Johnston stated that there was more to the situation and he felt it was important enough that he wanted to come before the Council because he lost his business with the City over this bid. Mr. Johnston stated that he stood his ground when the Chief called him in his office and asked him not to protest when he disagreed with him, and he wanted that known. Mr. Johnston stated that when he got back to his office, he was no longer doing work for the Police Department.

Councilman Simond stated that if there is no hurry in awarding this bid, perhaps staff could call in an expert in this field who does not sell Maxon or Motorola. City Manager Maclin stated that this item was on a previous agenda, and when Mr.



Johnston came in and expressed his concern, staff delayed it by doing further research to find out the answers to some questions in regard to meeting specifications. City Manager Maclin stated that there was no other reason for the delay other than that.

City Manager Maclin stated that part of the problem is that the Maxon handheld unit has not been on the market for a year.

City Manager Maclin stated that there are two different issues being discussed--(1) does the Maxon meet or not meet the specifications, and (2), if the two radios are compared by an independent expert, then staff will do everything possible to find an independent expert.

In response to question by Councilman Kegler, Mr. Johnston stated that it is his opinion that because he would not agree to not protest the awarding of this bid to another firm, he lost his business with the City. Mr. Johnston stated that the Police Department planned to get the Motorola radios all along. Mr. Johnston stated that Chief Collins told him that he was concerned that the Council would take low bid, which would have been his bid, because it was saving such a great deal of money and with a six month over the counter warranty exchange to go with this bid, he did not want him (Mr. Johnston) before the Council protesting. Mr. Johnston stated that before this happened he was doing all the service work for the Police Department radios. Mr. Johnston stated that police officers told him that a notice had been posted telling them not to take their radios to Johnstons Electronics for service.

Mr. Johnston stated that Chief Collins told him that if he did not protest this bid award, he (Chief Collins) would buy a radio from him after the bids.

In response to question by Councilman Bowman, Mr. Johnston stated that he does service work for the Angelina County Sheriff's office, Diboll Police Department, Corrigan Police Department, Trinity County Sheriff's office, and other surrounding areas.

Chief Collins stated that a lot of things had been said at the meeting in the heat of anger that have nothing to do with the purchase of radios for the Lufkin Police Department. Chief Collins stated that he would like to tell the Council the history of how the Police Department came about getting this item on the agenda trying to buy some handheld radios for patrolmen for the City of Lufkin. Chief Collins stated that two years ago the City went out for bids and bought some handheld radios. Mr. Johnston was the low bidder; he helped write the basic specifications, and assured the Chief that the radio he bid met all the specifications. The Police Department purchased 10 Johnson brand handheld radios for a total of \$7,990.50. These radios were to be adequate to meet the needs of the citizens of Lufkin and serve the officers in all areas of the City. Chief Collins stated that these radios came with a one year warranty. In the year that the radios have been out of warranty, the City has spent \$5,753.24 with Mr. Johnston buying buttons to make the radios work, and replacing antennas on these radios that were a bad design on these two features. Chief Collins stated that as a result, the Police Officers get into situations where they need instant communications. That is when the noise quieting feature of the handheld radios become very important--they must be able to talk to the Police Department's main station from wherever they are, under whatever conditions exist at that moment. Chief Collins stated that that is the reason that the .35 feature was specified in the specifications. Chief Collins stated that this radio (the Motorola) was a radio the Police Department found would work in all of the places they were having problems with the current radios they were using. Chief Collins stated that the only concern for a radio for the City of Lufkin is that the radio will serve the safety needs of the officers who are hired to go out on the streets of the City. Chief Collins stated that the Police Department notified all of the major manufacturers before the first of the year and asked them to furnish a sample of the radios they had that would accommodate the scrambler system the Police Department has (which

was purchased from Mr. Johnston). Chief Collins stated that all equipment that is purchased must accommodate this decoder. Chief Collins stated that he found that there were two manufacturers that made a radio that would accommodate this decoder and they are Motorola and Johnson. (At that time, Maxon did not make a radio that would accommodate the decoder.) Chief Collins called the manufacturers and asked that they send a sample radio that the Police Department could test in the areas they had been having problems. No one would furnish a radio free of charge to test. Chief Collins stated that the Police Department purchased a Motorola 600, the only radio in this price range that Motorola makes that will accommodate the decoder system the Police Department is currently using. One patrol officer on each shift was given this radio to test and see if it would meet the needs of the Department. Chief Collins stated that the radio operated faultlessly in every area they had previously had problems with the handheld radio. Chief Collins stated that this radio (1) was compatible with the decoder, (2) was in the Department's price range, and (3) would serve the needs of the Police Officers of the City of Lufkin and provide that necessary link that they all need in order to summons help in times of need. Chief Collins stated that the Department wrote the specifications around the Motorola 600 radio because of these three reasons. Chief Collins stated that when the bids were received, Mr. Johnston had suddenly become a dealer for Maxon--a year earlier he had told the Department that Maxon's equipment was inferior because it was competing with his Johnson equipment. Chief Collins stated that the Maxon did not meet the Department's specifications. Chief Collins stated that the radio was put on the agenda. He visited with Mr. Johnston at the request of the City Manager and they were not able to come to an agreement on the radios. Chief Collins stated that at this point he did request that Mr. Johnston not appear before the Council because he needs radios to provide safety for the officers of the City. Chief Collins stated that he felt that Mr. Johnston would confuse the Council with his technical expertise and that radios for the Department would be delayed indefinitely. Chief Collins stated that he did not offer Mr. Johnston a bribe, nor did he try to blackmail him, or do anything other than tell him to take his defeat and go home. Chief Collins stated that Mr. Johnston refused and the agenda item was pulled from the next meeting. Chief Collins stated that he then examined the State Contract as well as the Houston-Galveston Area Council Contract on handheld radios to see if either of those entities had a radio that would meet the need of the Department and was presently on contract so this present situation could be avoided. Chief Collins stated that after lengthy debate with both of these entities, it was concluded that they did not have a radio that would accommodate the Department's MX decoder. Chief Collins stated that the only alternative was to put the radios back on the agenda and come back under this same process.

In response to question by Councilman Kegler regarding Mr. Johnston losing his business, Chief Collins stated that he told Mr. Johnston he would not be adverse to buying one of his radio down the line, and the next time the City needed handheld radios he would buy one of his radios and try it. Chief Collins stated that the Department looked not only at East Texas, but all over the State for anyone who was using the Maxon and was unable to find anyone. Chief Collins stated that he pulled his invoices for Johnston Electronics and decided he did not want to continue to "spend good money after bad".

In response to question by Councilman Boyd, Chief Collins stated that there are two Motorola dealers in the immediate area who will be able to service the radios. Chief Collins stated that he does not go out for bid on repairs. Chief Collins stated that the Department had not used Wright Communications for three years.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems to comply with the staff recommendation and award the bid to Eastex Communications in the amount of \$9,987.

The following vote was recorded:

Aye - Councilmembers Bowman, Weems, Kegler, Simond, and Mayor Bronaugh

Nay - Councilman Boyd

Motion carried by a vote of 5 to 1.

Councilman Kegler stated that he would like to abstain because he thinks it is wrong to take the repair business away from Mr. Johnston. (There was discussion regarding a vote of abstention being counted as an affirmative vote.)

**15e. BID - APPROVED - WATER & SEWER LINE INSTALLATION - CHESTNUT & PAUL STREETS - CRAWFORD CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for water and sewer line installation on Chestnut and Paul Streets.

City Manager Maclin stated that staff recommendation is to accept the bid of Crawford Construction Company in the amount of \$316,959.80.

In response to question by Councilman Simond, Philip Goodwin of Goodwin-Lasiter, stated that the existing water lines are 8" and 6". Mr. Goodwin stated that when this job was bid out the request was for larger lines. When the bids came in the money difference was so great that the line size was left to the current sizes to reduce the budget. Mr. Goodwin stated that the pressure will not be decreased.

City Manager Maclin stated that the bid tabulation came in above the allocated funds so staff went to the low bid and took advantage of some of the alternates and substitutions that were in the bid specifications. City Manager Maclin stated that staff was able to reduce the cost from \$316,957 to \$206,715. The recommendation will be to award the contract to Crawford Construction Company in the amount of \$206,715, which will require a contract amendment ( part of the motion will be to authorize City staff to make the contract amendment from \$316,957 to \$206,715). City Manager Maclin stated that City force account will be used to do some additional work. City Manager Maclin stated that the executive summary of this item is that the contractor will be putting in the mains and water and sewer and the City will be installing the service lines and other miscellaneous services. City Manager Maclin stated that there will be some additional materials the City will need to purchase in the amount of \$22,300.

City Manager Maclin stated that it is staff's recommendation to award the low bid with the contract amendment and then authorize up to \$30,00 from the Utility Contingency Fund to make up the difference for the materials and the \$6,715 over the original \$200,000. City Manager Maclin stated that presently there is \$100,000 in the Utility Contingency Fund.

Motion was made by Councilman Percy Simond and seconded by Councilman Larry Kegler to accept the low bid of Crawford Construction Company in the amount of \$206,715, and to authorize that \$30,000 be taken for the Utility Contingency Fund to make up the difference for the materials and the \$6,715 over the original \$200,000. A unanimous affirmative vote was recorded.

**16. COMMENTS**

Councilman Kegler stated that Operation Clean Sweep was held in Lufkin Land last Saturday and 17 homes of elderly and disabled citizens were refurbished. Councilman Kegler stated that he would like to express his "Thanks" to AB/C, Johnnie Jones, Ron Wesch, Don Hannabas and Kenneth Williams.

City Manager Maclin stated that on the table at each Councilmembers place was information from Carney Roofing in regard to the bid on the isolation building at the Zoo.

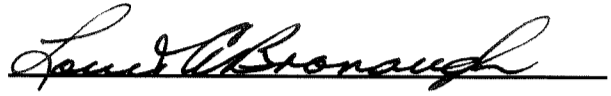
City Manager Maclin stated that there was also a letter from Bill Shanklin, Angelina

County Tax/Assessor Collector, and if Council desires to pursue Mr. Shanklin's proposal, staff will take the appropriate action.

City Manager Maclin stated that there is a DETCOG meeting in Center on Thursday.

On Thursday, April 29th, there will be a banquet at Crown Colony Country Club in honor of John Sharp. The Region 16 TML meeting will also be held on the 29th in Nacogdoches.

17. There being no further business for consideration, meeting adjourned at 7:03 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary