

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
5TH DAY OF APRIL, 1994 AT 5:00 P.M.**

On the 5th day of April, 1994 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 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
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Billy Dunn, Chaplain, Lufkin State School.
2. Mayor Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of March 22, 1994 were approved on a motion by Councilman Don Boyd and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - ANNEXATION PROCEEDINGS - BRENTWOOD DRIVE AND WHITE HOUSE DRIVE**

Mayor Bronaugh opened Public Hearing to consider annexation proceedings at the southeast corner of Brentwood Drive and White House Drive.

No one appeared for or against the annexation.

Mayor Bronaugh closed Public Hearing.

5. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - EDUCATIONAL FACILITY FOR PRE-SCHOOL AND SCHOOL AGE CHILDREN - FEAGIN DRIVE - RESIDENTIAL LARGE ZONING DISTRICT - VIRGINIA NELSON**

Mayor Bronaugh stated the first item for consideration was Second Reading of an Ordinance for a Special Use Permit for an educational facility for pre-school and school age children on an 11.46 acre tract of land located on the east side of Feagin Drive within a Residential Large Zoning District as requested by Virginia Nelson.

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - TULANE DRIVE AND LOOP 287 - LOCAL BUSINESS ZONING CLASSIFICATION - SPECIAL USE PERMIT - SHOPPING CENTER - PHILIP GOODWIN - LUFKIN FEDERAL SAVINGS & LOAN - DR. RAUL GUTIERREZ

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance for a Zone Change on approximately 10.412 acres of land at the northeast corner of Tulane Drive and Loop 287 to a Local Business zoning classification with a Special Use Permit for a Shopping Center as requested by Philip Goodwin on behalf of Lufkin Federal Savings & Loan and Dr. Raul Gutierrez.

City Manager Maclin stated that he would like to give a briefing to the Councilmembers who were not present at the meeting last Wednesday as requested by Mr. Alexander. City Manager Maclin stated that the three items for discussion were: lighting, landscaping and fencing. City Manager Maclin stated that at that meeting the specifications for the lighting fixtures, as proposed in the site plan, were reviewed (lighting fixtures which have been utilized by Target in other facilities whereby a concern for bleed over or spillover lighting was a major priority.) City Manager Maclin stated that the fixture footprint that Target submitted met or exceeded that which was requested, and in his opinion, there was a consensus of opinion that the type of fixture and location of fixtures would be well received by the residents. City Manager Maclin stated that item #5 of the Target Conditions (included in the Councilmembers packets) addresses the lighting. (The maximum light intensity when measured from twenty feet north of the site bearing fences shall not exceed 1.5 footcandles.)

City Manager Maclin stated that the next item discussed was landscaping, which is item #4 of the Target Conditions. "Prior to the issuance of a certificate of occupancy, the developer shall plant additional evergreen vegetation within the "landscape buffer" shown on the approved site plan. At a minimum, one plant (five gallon container or greater) shall be required for each six linear feet of distance along the northern property line. The type and location of these plantings shall be approved by the City of Lufkin." City Manager Maclin stated the materials that are selected are comparable to the types of materials that currently exist in the buffer zone. City Manager Maclin stated that the City Planner will work closely with the contiguous neighbors to help them have a part in the selection process of those materials to be planted. City Manager Maclin stated that in regard to the specifics of one plant for every six linear feet, there will be areas where the understory is thick enough that nothing needs to be planted and there may be a spot where there needs to be several plants - it will be an aggregate number of plants. City Manager Maclin stated that the materials that will be selected are plants such as yupon, privet hedge and wax myrtle (the type of vegetation existing in the buffer to maintain as closely as possible the natural habitat that is already there). City Manager Maclin stated that the other items in the Target Conditions were discussed at last meeting and were part of the conditions placed upon the development by the Planning & Zoning Commission.

City Manager Maclin stated that the residents requested consideration for an 8' concrete fence; the fence specifically requested is a fence produced or manufactured by Stanley Jones under the title of "Concrete Forever Fences". City Manager Maclin stated that he had spoken to a representative of this firm last week and he indicated that the catalogue did not reflect the availability of an 8' fence. Mr. Jones called Monday morning and stated that an 8' fence is available, although he has not installed very many 8' fences. City Manager Maclin stated that Mr. Jones stated that he would put in an 11' post and then use the 1 x 5 foot panels in an H-slot stacked in. Mr. Jones stated that he did not install any type of footing or foundation between the post for \$25 per foot. City Manager Maclin stated that he contacted Gateway Fencing, who is a large concrete finishing contractor in the Tyler area, and his quote for a 1 x 5 panel footing 8' tall was \$50 per foot. City Manager Maclin stated that he had also talked to some contractors in Houston who do use a beam or additional reinforcement at the base of the fence, and the price was approximately \$110 - \$120 per foot, because they were putting substantial concrete underneath the

fence in order to join the fence to a solid foundation.

City Manager Maclin stated that there were two concerns that the residents have about the fencing: 1) they want something that looks nice from an aesthetic standpoint, and 2) they want some assurance that the City can make sure the property owner maintains the fence. City Manager Maclin stated that item #7 was added to the Target Conditions as a way of giving the City a tangible tool for enforcement from a site plan standpoint. "The site bearing fence shall be kept in good condition. Any gaps which might occur shall be repaired by the responsible party within five working days from date of written notice from the City." City Manager Maclin stated that it was worded by the Planner in this way because there was some discussion earlier about donation of the buffer zone to the contiguous property owners. City Manager Maclin stated that Dr. Foster had visited with some of the residents and neighbors contiguous to the fence and after they thought about it they decided to decline Mr. William's offer to give them the property that makes up the buffer. City Manager Maclin stated that was an option, and that is why it was worded so that whoever owned the property of the buffer would be responsible for maintaining the fence. City Manager Maclin stated that since the residents have decided that they do not want to own the property then it will be the responsibility of Target as the owner to maintain the fence. City Manager Maclin stated that, in his opinion, this is a tangible, enforceable way to insure the residents that the fence will be maintained. City Manager Maclin stated that in terms of the type of fencing, the biggest concern is the cost, and then the longevity of maintenance cost of the fence. City Manager Maclin stated that if the fence manufactured by Stanley Jones in Nacogdoches was used his biggest concern would be that it doesn't have a long term proven track record. City Manager Maclin stated that from a staff standpoint, the best thing that the City can offer as an assurance to the residents is that we do have this item #7 in the conditions that will give a tangible method of insuring that the fence is properly maintained.

Gary Alexander, 500 Card Drive, stated that he was not prepared to talk about the fence. However, the neighbors that are directly involved are very adamant about the concrete fence, and Mr. Stanley Williams has stated in previous meetings that he would do whatever the residents wanted him to do. Mr. Alexander stated that the residents still want a concrete fence instead of a wooden fence, mainly because of all the noise that will be created by the loading docks.

Mr. Alexander stated that he would like to publicly thank Bob McCurry of P&Z and Councilman Larry Kegler of the City Council for voting against this zone change. Mr. Alexander stated that the residents feel that everything that is being done here is being done in the name of progress, and progress can't always be measured in dollars and cents. Mr. Alexander asked what about human rights and the quality of life? Mr. Alexander stated that all the neighbors on Card Drive have been before the Council in opposition of the zone change, and yet the Council has decided to let Target come into town and call all the shots and build in the one place they have chosen. Mr. Alexander stated that it appears that the Council has listened to Target rather than listening to, and doing what the residents have asked.

Mr. Alexander stated that he built a building for his business six years ago on Lufkin Avenue which required a zone change. Mr. Alexander stated that he talked to members of the P&Z and was told that there would not be a problem unless some of the neighbors opposed the zone change, and if any of the neighbors opposed it, then he could not have the zone change. Mr. Alexander stated that he does not know how we got from that philosophy to the philosophy we have today. Mr. Alexander stated that the whole neighborhood in this case has been opposed to this zone change but yet they cannot do anything about it. Mr. Alexander stated that he understood that there is a lot of pressure on the Chamber of Commerce and the City Council to bring business into Lufkin and to experience economic growth. Mr. Alexander stated that he would like to encourage P&Z and the City Council to please listen to the people in the future; the people are more important than a Target store or any other store that comes to town.

John Fleming, attorney, stated that he would like to call upon Philip Goodwin to respond to the statements made in reference to the fence, and then he would have a brief statement to make. Mr. Goodwin stated that Stanley Williams, Jay Williams and himself met with Mr. Alexander and Dr. Foster and several members of the City staff last week and one of the items discussed was the concrete fence. Mr. Goodwin stated that the statement that Mr. Williams made was that he would be glad to work with the neighbors in any way that was within reason. Mr. Goodwin stated that it was discovered previous to that meeting, and relayed at that meeting, that to build the concrete fence properly where it would be maintained and in good condition throughout its life would cost quite a bit more than had been discussed. The budget that Target had already agreed to, with the 8' wooden fence, was considerably lower than what a concrete or masonry fence would cost. Mr. Goodwin stated that it is the opinion of the developer that the concrete fence would be a cost prohibitive item.

Jay Williams stated that the problem with the concrete fence is that they had obtained a price of \$25 per linear foot, which is double the cost of a wooden fence. Mr. Williams stated that the problem with the \$25 per linear foot price is that it did not build the fence where it would stand up. Mr. Williams stated that without the proper footings and proper reinforcement the 8' concrete fence would be a hazard. Mr. Williams stated that to build a good concrete fence at 8' that would sustain the soil conditions it would be cost prohibitive. Mr. Williams stated that Target could put up a concrete fence but it would not be a proper concrete fence, and in that instance Target did not want to maintain it.

John Fleming stated that he would like to make a brief response to Gary Alexander. Mr. Fleming stated that we do live in a democracy and we live in a nation of laws, and pursuant to the laws of this country, the State legislature has seen fit to give the City the right to regulate the use of private property. Mr. Fleming stated that in the foresight of granting the City that right, the legislature deemed that these decisions were to be made on objective criteria. Mr. Fleming stated that the objective criteria is to be set forth in a Comprehensive Plan for development of the City that is developed outside of the emotion of a particular zone change in which neighbors are pitted against neighbors with respect to various uses of their property. Mr. Fleming stated that he has presented to the Council a zone change that is consistent with the Comprehensive Plan adopted by the City of Lufkin, and he is asking the Council not to overlook the will of the people, but to act consistently with the dictates of law as enacted by the State legislature and is consistent with the Comprehensive Plan for the City, which the Council has previously adopted.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that Ordinance be approved on Second and Final Reading with the stipulation that the seven (7) Target Conditions be an attachment to the Ordinance. The following vote was recorded:

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

Motion carried by a vote of 6 to 1.

Mayor Bronaugh stated that this has been a long process and he wanted to say to the immediate neighbors on Card Drive and to the citizens of the City of Lufkin that these considerations often times may not go exactly as we want them, but Council feels that this request is in the best interest of the City of Lufkin and its development.

7. ORDINANCE - APPROVED - SECOND READING - SEWER FEE REDUCTION - GREASE TRAP ORDINANCE

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Amendment to an Ordinance for sewer fees to reflect reduction in rates for businesses in compliance with the Grease Trap Ordinance.

City Manager Maclin stated that basically this is a 10% reduction in sewer rate calculations for those who are in compliance with the Grease Trap Ordinance.

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

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - LOOP 287 - NORTH MEDFORD DRIVE - JIMMY HORTON

Mayor Bronaugh stated that the next item for consideration is a request of Jimmy E. Horton to change the zoning of a strip of land that fronts the west side of Loop 287 and runs from 2502 N. Medford Drive south to 2401 N. Medford Drive from Residential Large to Commercial.

City Manager Maclin stated that this is basically a "housekeeping" item and, if approved, will bring this piece of property into compliance with the rest of this area. City Manager Maclin stated that this request received unanimous approval by the Planning & Zoning Commission.

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

9. FUNDING - APPROVED - SUMMER YOUTH CAMP - CONCERNED BLACK MEN OF LUFKIN, TEXAS, INC.

Mayor Bronaugh stated that the next item for consideration is a request for funding from the Concerned Black Men of Lufkin, Texas, Inc. for summer youth camp.

City Manager Maclin stated that he would remind Council that the City did participate in this program last summer and it was very successful. Funds have been included in this fiscal year's budget for potential consideration of supporting this program again.

Asst. City Manager Darryl Mayfield introduced Wilbert Adams, Asst. Secretary of the CBMLT, Inc. Mr. Adams stated that he wanted to personally thank City Manager Maclin for allowing them to be on the agenda today and a special thanks to the Council for hearing the request. Mr. Adams stated that he is present to request funding to sponsor the second annual summer youth camp. Mr. Adams stated that this year the program will include several new things: (1.) Use of the Lufkin High School girls gym (2.) The camp will run for eight weeks, giving each participant group two full weeks of activity, and (3.) An introduction to a computer skills course has been added. Mr. Adams stated that the objectives for this camp are to provide athletic activities for 200 City of Lufkin youth, provide an introduction to computer skills, and provide instruction in character development. Mr. Adams stated that the program will operate for eight (8) weeks beginning June 6th and ending the week of July 29th. Mr. Adams stated that the athletic activities will be conducted by current coaches in Angelina County school districts.

Mr. Adams stated that some of the projected expenditures for the camp this summer are: T-shirts - \$1,125; Refreshments - \$280; Salaries for coaches - \$6,400; Salaries for teachers - \$320; A celebrity speaker - \$3,000; and, Bus rental and driver to the

Astrodome in Houston - \$900. Total expenditures are \$12,025.

Mr. Adams stated that at the end of last year the unused funds received from the City were returned.

Mayor Bronaugh stated that Sunday, June 12th will be declared Lufkin Day at the Astrodome. Mayor Bronaugh stated that there will be a number of people participating from Lufkin, and perhaps this group of youngsters could participate as well.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that funding for a summer youth camp as requested by the Concerned Black Men of Lufkin, Texas, Inc. be approved as presented.

Councilmen Boyd and Kegler recused themselves from voting since they are members of the Concerned Black Men of Lufkin, Texas, Inc.

Motion carried with five (5) affirmative votes.

10. **AUTHORIZATION - APPROVED - STREET CLOSURES - BRIDGE REPLACEMENTS - TEXAS DEPARTMENT OF TRANSPORTATION**

Mayor Bronaugh stated that the next item for consideration is authorization of street closures for bridge replacements by the Texas Department of Transportation.

City Manager Maclin stated that last summer in the budget process application for replacement of some bridges throughout the City was discussed, and now is the time to see those bridges replaced with assistance from the Texas Department of Transportation. City Manager Maclin stated that included in the packet is a letter from Tom Hunter, Engineer with TxDOT, and a letter from Ron Wesch the Asst. City Manager of Public Works, defining the five bridges and when the proposed tentative letting date is scheduled for those five projects. City Manager Maclin stated that the City does need to grant authorization, as requested from TxDOT, to close the streets where these bridges are for the period necessary to replace the bridge. The estimated time for roadway closure is six (6) months.

In response to question by Mayor Bronaugh, City Manager Maclin stated that staff will work with the media in an attempt to inform residents of the street closures, and will also use the LufkinLetter as a means of informing the residents of the impending street closures.

In response to question by Councilman Bowman, City Manager Maclin stated that the City had applied for funds to replace these bridges and will be receiving an 80% grant. TxDOT needs the City's approval to close the streets while the bridges are being repaired.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems to grant authorization for the street closures for bridge replacement as requested by the Texas Department of Transportation. A unanimous affirmative vote was recorded.

11a. **BID - APPROVED - PIPE & MATERIAL - FM ROAD 58 - GOLDEN TRIANGLE PIPE**

Mayor Bronaugh stated that the next item for consideration is bids for pipe and material for the FM Road 58 project.

City Manager Maclin stated that this material is needed to complete the installation of some new water lines on FM Road 58. City Manager Maclin stated that while the City is replacing sewer lines in this area it is appropriate that the water lines be relocated so that they will not be in the easement the State will be required to have

in order to expand FM Road 58.

City Manager Maclin stated that the staff recommendation is to award the low bid of Golden Triangle in the amount of \$19,835.09.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that bid of Golden Triangle Pipe in the amount of \$19,835.09 be approved as submitted. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - ELEVATED TANK TRANSMISSION LINE - FM ROAD 58 AND WHITEHOUSE DRIVE - ALLCO INCORPORATED

Mayor Bronaugh stated that the next item for consideration is bids for an elevated tank transmission line.

City Manager Maclin stated that this is part of the revenue bond project of expanding the water system. City Manager Maclin stated that staff recommendation is to award the low bid of Allco, Incorporated in the amount of \$468,777.35

Pictures of the elevated storage tank were passed around the Council table.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that bid of Allco Incorporated in the amount of \$468,777.35 be approved as submitted. A unanimous affirmative vote was recorded.

11c. BID - APPROVED - PIPE & MATERIAL - FM ROAD 819 - WATER LINE/SEWER LINE - INDUSTRIAL PARK - INTERNATIONAL SUPPLY OF LUFKIN - SPI MUNICIPAL SUPPLY

Mayor Bronaugh stated that the next items for consideration are:

- 1) Sewer pipe for FM Road 819
- 2) Water pipe for FM Road 819
- 3) Sewer pipe to service Industrial Park off of FM Road 819
- 4) Water pipe to service Industrial Park off of FM Road 819

City Manager Maclin stated that staff recommendation for the sewer pipe for FM Road 819 is to award the low bid of International Supply of Lufkin in the amount of \$8,214.36.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the bid of International Supply of Lufkin for sewer pipe for FM Road 819 in the amount of \$8,214.36 be approved as submitted. A unanimous affirmative vote was recorded.

City Manager Maclin stated that staff recommendation for the water pipe for FM Road 819 is to award the low bid of SPI Municipal Supply in the amount of \$19,367.80.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the bid of SPI Municipal Supply for water pipe for FM Road 819 in the amount of \$19,367.80 be approved as submitted. A unanimous affirmative vote was recorded.

City Manager Maclin stated that staff recommendation for the sewer pipe to service the Industrial Park off of FM Road 819 is the low bid of International Supply of Lufkin in the amount of \$5,225.36.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the bid of International Supply of Lufkin in the amount of \$5,225.36 be approved as submitted. A unanimous affirmative vote was recorded.

City Manager Maclin stated that staff recommendation for the water pipe to service the Industrial Park off of FM Road 819 is the low bid of International Supply of Lufkin in the amount of \$14,463.14.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the bid of International Supply of Lufkin in the amount of \$14,463.14 be approved as submitted. A unanimous affirmative vote was recorded.

11d. BID - APPROVED - GROUND STORAGE TANK AND AERATOR TOWER REHABILITATION & PAINTING - TIMBERLINE CONSTRUCTORS

Mayor Bronaugh stated that the next item for consideration is bids for a ground storage tank and aerator tower rehabilitation and painting.

City Manager Maclin stated that staff recommendation is to award the low bid of Timberline Constructors in the amount of \$99,248.28. Funding for this item is appropriated in the FY 93-94 budget at \$144,500.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that bid of Timberline Constructors in the amount of \$99,248.28 be approved as submitted. A unanimous affirmative vote was recorded.

11e. BID - APPROVED - SELF-CONTAINED BREATHING APPARATUS - CASCO INDUSTRIES - FIRE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration is bids for self-contained breathing apparatus for the Fire Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Casco Industries in the amount of \$10,999.98.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that bid of Casco Industries in the amount of \$10,999.98 be approved as submitted. A unanimous affirmative vote was recorded.

11f. BID - APPROVED - LEASE PURCHASE - TYPE II AMBULANCES - HGAC/ASSOCIATES COMMERCIAL CORPORATION

Mayor Bronaugh stated that the next item for consideration is lease purchase of three (3) Type II Ambulances for the Fire Department.

City Manager Maclin stated that staff recommendation is for participation with the Houston Galveston Area Council Cooperative Purchasing Program for the purchase of the ambulances at \$39,869.82 each, for a total cost of \$119,609.48. Staff recommendation is to finance these units for three years on a lease purchase with Associates Commercial Corporation at a rate of 5.38%.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that lease purchase agreement with HGAC in the amount of \$119,609.48, with financing by Associates Commercial Corporation at a rate of 5.38%, be approved as submitted. A unanimous affirmative vote was recorded.

11g. BID - APPROVED - GRACE DUNN RICHARDSON PARK - MOORE BROTHERS CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration is bids for the construction of the Grace Dunne Richardson Park.

City Manager Maclin stated that the bids came in above what had been projected, and staff has some recommendations as to how we can stay within budget for this project. City Manager Maclin stated that staff is recommending acceptance of the

low bid of Moore Brothers in the amount of \$244,613. City Manager Maclin stated that staff is recommending that item 6, which is the volleyball courts and item 11, which is fencing, be deleted for a total amount of \$22,644. Items 6 and 11 are not a part of the grant funding and do not affect the grant. (The volleyball court can be constructed with City force account without any major difficulty and at minimal expense. Since the fencing is security perimeter fencing it will be possible to wait and see if there is a need. City Manager Maclin stated that because of the proximity of this park to the Department of Public Safety and their new expansion, a consensus of agreement has been reached with Lt. Johnson that they will provide some monitoring security services - the City will install some security cameras at high elevations in the park near the playground and picnic facilities, and the monitors will be housed in the Dispatch Office of the Department of Public Safety. Twenty-four hour security will be provided to the City.) City Manager Maclin stated that it is further recommended that the \$229,854 savings from the trail portion of the project be used to fund the park project.

Motion was made by Councilman Percy Simond and seconded by Councilman Don Boyd that bid of Moore Brothers Construction in the amount of \$244,613 be approved with deletions of items 6 and 11. A unanimous affirmative vote was recorded.

11h. BID - APPROVED - FIREWORKS - ELLEN TROUT PARK - JULY 4TH CELEBRATION - RAY POLK/MOBIL OIL CORP. - ALPHA-LEE ENTERPRISES, INC.

Mayor Bronaugh stated that the next item for consideration was fireworks for the July 4th celebration at Ellen Trout Park.

Mayor Bronaugh stated that a letter from Ray Polk of Polk Oil stating that he would fund the fireworks again this year had been passed out to all the Councilmembers. Mayor Bronaugh stated that he would like to commend Mr. Polk and Mobil Oil for their commitment of \$10,000 to the fireworks celebration.

City Manager Maclin stated that staff recommendation is to award the low bid of Alpha-Lee Enterprises, Inc. in the amount of \$8,950.

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

12. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:55 p. m. to enter into Executive Session. Regular Session reconvened at 6:26 p.m. and Mayor Bronaugh announced that Council had discussed legal matters, appointments to boards and commission, and dilapidated houses to be demolished.

Motion was made by Councilman Percy Simond and seconded by Councilman Bob Bowman that houses at the following locations be demolished and debris be removed from the property:

1. 605 McHale
2. 105 N. Chestnut
3. Kurth and Lofton
4. 1702 Wood
5. 406 Dale
6. 1517 Higgins Street
7. 2211 Atkinson Drive

A unanimous affirmative vote was recorded.

13. APPOINTMENTS - APPROVED - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS - RAY SCOTT - JERRY PAYNE - GARY JENKINS - IRVIN McWILLIAMS - RICK AINSWORTH - GENE TIOGO - JOE SCOTT - WILBERT ADAMS

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that the following people be appointed to the Construction Board of Adjustment & Appeals:

Ray Scott - Chairman - Design Architect Professional
Jerry Payne - Electrician
Gary Jenkins - Plumber
Irvin McWilliams - Air Conditioning, Heating
Rick Ainsworth - Construction Industry/Builder
Gene Tiogo - Design Engineer
Joe Scott - Construction Industry, and
Wilbert Adams (Citizen at large) and Lane Pittman (Building Industry) as alternates.

A unanimous affirmative vote was recorded.


14. COMMENTS

Councilman Kegler stated that he would like to commend City Manager Maclin for the Employees Award Banquet Thursday night.

City Manager Maclin stated that he would like to bring the Councilmembers up to date on an item that had been discussed previously relating to a property situation the City has had an interest in for some 2 1/2 years now. City Manager Maclin stated that there is a piece of property, triangular shaped and approximately 1/2 acre, behind AutoZone and Aunt Allie's, which fronts on Third Street and is contiguous to Kiwanis Park. City Manager Maclin stated that the Kiwanis Club and the City have been working together to try and either obtain and have use of that property or to own the property just for the upkeep and maintenance that has been in violation of the City's Code Ordinance for some time. City Manager Maclin stated that the property also presents itself as a security problem as far as security relating to Kiwanis Park, since the property is all grown up. City Manager Maclin stated that today at 2 P.M. the law firm of Calame, Lineberger Graham & Pena, the legal firm that handles delinquent tax collection for the City, County and School, had a foreclosure on the tax lien on the property and declared the City of Lufkin as the trustee of the property. City Manager Maclin stated that at this point it will be up to the City to work with the other taxing entities to come up with some resolution for the City to receive clear title to the property through tax lien foreclosure. City Manager Maclin stated that he was seeking Council's consideration and input to allow him to begin to negotiate with the other taxing entities about the City taking possession of the property. City Manager Maclin stated that the Kiwanis Club has agreed to work with the City in making improvements to the property and making it part of Kiwanis Park.

Mayor Bronaugh reminded Councilmembers that Clifford Grum, CEO at Temple-Inland, will be the guest speaker at the First Friday luncheon.

15. There being no further business for consideration, meeting adjourned at 6:37 p.m.


Louis A. Bronaugh - Mayor

ATTEST

Atha Stokes - City Secretary