MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF AUGUST, 1995 AT 5:00 P. M.

On the 15th day of August, 1995 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis Bronaugh	Mayor
Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Johnny Cook, Minister, St. Cyprian's Episcopal Church.

2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh stated that it had been brought to the attention of the City Council by the Lufkin Daily News that a young man in the community had rescued a gentleman from a burning house. Mayor Bronaugh presented a Certificate of Commendation to Jacob Fitzgerald in recognition of his heroic and unselfish rescue efforts during a house fire on 2011 Allendale Street on August 9, 1995.

3. APPROVAL OF MINUTES

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of August 1, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION - SPENCE STREET - LOOP 287 - PLANNING DEPARTMENT

Mayor Bronaugh opened the Public Hearing to consider annexation of approximately 90.029 acres of land located on the west side of Spence Street and just north of Loop 287 as requested by the Planning Department.

No one present spoke for or against the annexation.

Mayor Bronaugh closed the Public Hearing.

5. PUBLIC HEARING - ANNEXATION - FM 324 - SOUTHERN PACIFIC RIGHT-OF-WAY - LOOP 287 - DANIEL MC CALL DRIVE - U. S. 59 - PLANNING DEPARTMENT

Mayor Bronaugh opened the Public Hearing to consider annexation on approximately 703 acres of land generally situated east of FM 324 and the Southern Pacific Railroad right-of-way, south of Loop 287, north of Daniel McCall Drive and west of U. S. 59 as requested by the Planning Department.

Truett Watts of 208 Oak Hollow asked what area this would cover and how it would be zoned. City Planner Stephen Abraham showed Mr. Watts the proposed area on the map, and Mr. Watts stated that his question had been answered.

Mayor Bronaugh closed the Public Hearing.

6. **PUBLIC HEARING - LIMOUSINE SERVICE PERMIT - ORAN UPSHAW**

Mayor Bronaugh opened the Public Hearing to consider request of Oran Upshaw for a limousine service.

City Manager Maclin stated that included in the Council packet was a letter to Mr. Upshaw from Kenneth Williams, Code Enforcement Director, bringing to Mr. Upshaw's attention that a Limousine Permit is required to operate a limousine service in the City of Lufkin. City Manager Maclin stated that Mr. Upshaw has been operating the limousine service without a permit. A letter from Mr. Upshaw requesting to be placed on the Council agenda was also included in the packet.

City Manager Maclin stated that Mr. Upshaw has provided an application for a limousine license, and a copy of his current insurance coverage as required by Ordinance.

Mayor Bronaugh closed the Public Hearing.

7. **PUBLIC HEARING - BUDGET - FISCAL YEAR 1995-'96**

Mayor Bronaugh opened the Public Hearing to consider the budget for fiscal year 1995-'96.

No one present spoke for or against the budget for fiscal year 1995-'96.

Mayor Bronaugh closed the Public Hearing.

8. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE TO HEAVY MANUFACTURING - LOOP 287 - SAYERS STREET - GERALD PARKER - LACY CHIMNEY**

Mayor Bronaugh stated that the next item for consideration was a request of Gerald Parker and Lacy Chimney to change the zoning on approximately 2.96 acres of land located at the southeast corner of Loop 287 and Sayers Street from Residential Large to a Heavy Manufacturing Zoning District.

City Manager Maclin stated that the Planning & Zoning Commission had met on Monday night to review this item, and is recommending, by unanimous decision, approval of this request to City Council. City Manager Maclin stated that Mr. Parker had been present at Monday's meeting, but had to return to Houston.

City Planner Abraham stated that Mr. Parker had made an inquiry of the Planning Department as to the zoning classification of his property. Mr. Abraham stated that Mr. Parker is not quite sure what he is going to do with the property but might use it for a restaurant or some type of small retail establishment. Mr. Abraham stated that Mr. Chimney was contacted and asked if he, too, would like to have his property rezoned at this time. Mr. Abraham stated that it was the recommendation of the Planning Department because of all the surrounding zoning that is Heavy Manufacturing, that Mr. Chimney be given a similar zoning classification.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the Ordinance for a zone change from Residential Large to Heavy Manufacturing as requested by Gerald Parker and Lacy Chimney be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. **LIMOUSINE LICENSE - APPROVED - ORAN UPSHAW**

Mayor Bronaugh stated that the next item for consideration was authorization of a license for a limousine service as requested by Oran Upshaw. Mayor Bronaugh stated that Mr. Upshaw's request for a limousine license had been discussed earlier in a Public Hearing, and it appears that his application is in order.

Mr. Upshaw stated that he had nothing new to add. Mr. Upshaw stated that he was familiar with the City's Ordinance.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the license for a limousine service as requested by Oran Upshaw be approved. A unanimous affirmative vote was recorded.

10. **ORDINANCE - APPROVED - FIRST READING - APPROPRIATIONS**

Mayor Bronaugh stated that the next item for consideration was First Reading of the Appropriations Ordinance.

City Manager Maclin stated that staff made a budget draft presentation to Council last Wednesday, August 9th, predicated on Council's input into the process through the priority ranking. City Manager Maclin stated that no changes were made at the August 9th meeting.

Mayor Bronaugh stated that during this budget process, Council has recognized City Department Heads and the Council itself for the work that has gone into the preparation of the budget. Mayor Bronaugh stated that he would also like to recognize members of the Lufkin Board of Development chaired by Jim Haley. Members of the Board are Debbie Johnston (present), Tom Brewer, Stanley New, Anne Haynes, Kevin Smithhart, and Bob Cook. Mayor Bronaugh stated that the Board of Development budget is $375,000, and is monies collected as Hotel/Motel Tax.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that First Reading of the Appropriations Ordinance be approved as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - TAX LEVYING ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was First Reading of the Tax Levying Ordinance.

City Manager Maclin stated that the only increase in property tax that is being proposed in this budget is the two cents attributed to the remaining balance from the Bond Election in May, 1994, for the four street improvements. City Manager Maclin stated that the Bond Election approval authorized the City Council to provide a five cent tax increase to cover the bonded indebtedness for the four streets. City Manager Maclin stated that in last year's budget, three cents of that five cents was passed along October 1, 1994 as part of that budget. City Manager Maclin stated that this coming year the construction will be completed so the balance of the funds will be needed to pay the contractors doing the street work. City Manager Maclin stated that basically the tax rate will be going from 46 cents/$100 to 48 cents/$100, and this will complete the five cents increase approved by the voters in May of 1994.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that First Reading of the Tax Levying Ordinance be approved as presented. A unanimous affirmative vote was recorded.

12. **ORDINANCE - APPROVED - FIRST READING - RESIDENTIAL AND COMMERCIAL WATER RATES REVISED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance revising residential and commercial water rates.

City Manager Maclin stated that this is a 5.5% increase attributed to increased debt requirement for projects the City has had to do in order to accommodate EPA mandates or the growth of the City, which represents approximately 3%, and the other 2.5 % comes from increases in electrical rates at the Water Production facility, which is predicated on a PUC ruling that says cities can no longer receive a more favorable rate per kilowatt hour than commercial industry does.

City Manager Maclin stated that acording to the survey in the new issue of the TML magazine, for cities our size, Lufkin's residential and commercial water and sewer rates are below the average listed in the survey.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that First Reading of an Ordinance revising residential and commercial water rates be approved as presented. A unanimous affirmative vote was recorded.

13. **ORDINANCE - APPROVED - FIRST READING - SEWER RATES REVISED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance revising sewer rates.

City Manager Maclin stated that this is basically the same as item 12; the 5.5% increase is included in sewer and water alike in order to accommodate debt retirement and electrical costs.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that First Reading of Ordinance revising sewer rates be approved as presented. A unanimous affirmative vote was recorded.

14. **ORDINANCE - APPROVED - FIRST READING - SOLID WASTE RATES REVISED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance revising Solid Waste Rates.

City Manager Maclin stated that this basically will retain the same rate as last year in the Commercial sector but it proposes a 5% reduction in Residential Solid Waste Collection rates. City Manager Maclin stated that the primary reason the City is able to pass along to the citizens a 5% reduction in their residential garbage collection rates is two-fold: (1) Because of the success of automation of the Solid Waste Department. City Manager Maclin stated that by bringing in the automated system, staff was able to reduce costs and reduce personnel thereby streamlining the efficiency of that department in terms of the collection service. (2) The success of the Regional Recycling Center and the recycling participation of the citizens of Lufkin and the ability to sell some of these materials in an increased market for recyclables.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that First Reading of an Ordinance revising Solid Waste Rates be approved as presented. A unanimous affirmative vote was recorded.

15. **ORDINANCE - APPROVED - FIRST READING - WATER METER DEPOSIT RATES REVISED**

Mayor Bronaugh stated that the next item for consideration was First Reading of an

Ordinance revising water meter deposit rates.

City Manager Maclin stated that this has been the time for the last three years that Council has chosen along with the Ordinances adopting water and sewer rates, to update the water meter deposits. City Manager Maclin stated that approximately three years ago when staff reviewed this situation, water meter deposits were not adequate enough to handle the average two month billing of the customer, thereby resulting in losses in the Water and Sewer Fund. City Manager Maclin stated that staff proposed to Council that $5 to $10 per year be added to the deposits to get them up to a level that will minimize the losses. City Manager Maclin stated that staff is proposing a $5 increase this year bringing the deposit up to $65.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that First Reading of Ordinance revising water meter deposit rates be approved as presented. A unanimous affirmative vote was recorded.

16. <u>ORDINANCE - APPROVED - FIRST READING - CODIFICATION OF CITY OF LUFKIN ORDINANCES</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to revise, amend, restate, and codify the general ordinances of the City of Lufkin.

City Manager Maclin stated that in this year's budget Council approved rewriting and reorganization of the City's Code of Ordinances and Charter, to update the Code and make it more user-friendly. City Manager Maclin stated that within the last two or three weeks Councilmembers had received their copy of the Code in a new three-ring binder in a notebook format. City Manager Maclin stated that in order to make this the City's new, official format, the Ordinance needs to be approved.

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

17. <u>ORDINANCE - APPROVED - FIRST READING - ALARM ORDINANCE</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance amending the Alarm Ordinance No. 360.

City Manager Maclin stated that included in the Council packet is a letter from the Chief of Police stating that basically the City is no longer in the alarm monitoring business, and the Ordinance needs to be updated to delete the $10 alarm permit fee. City Manager Maclin stated that this is an item that has been privatized by alarm services. City Manager Maclin stated that the only alarms that will be monitored by the Police Department are those that are owned by the City of Lufkin.

In response to a question by Councilmember Gorden, Chief Collins stated that the City of Lufkin has four alarms and they are at the warehouse, range, impound yard and the garage.

In response to a question by Councilmember Boyd, Chief Collins stated that when the City first passed the Alarm Ordinance the Department was monitoring about 70% of the alarms in the Police Station. Chief Collins stated that the Department updated the alarm information every two years and to cover those costs a $10 permit fee was charged, requiring the permit holders to update their information every two years. Chief Collins stated that since the alarm monitoring has been privatized, the alarm companies themselves are responsible for the monitoring of all alarms in accordance with State requirements. Chief Collins stated that there are an estimated 6,000 alarms in the City. Chief Collins stated that the Department will continue to provide a free inspection of the alarm system so that citizens can receive a discount on their homeowner's insurance.

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

18. **RESOLUTION - APPROVED - HOME PROGRAM**

Mayor Bronaugh stated that the next item for consideration was a Resolution establishing a policy for the provision of temporary relocation assistance to homeowners being assisted under the City's HOME Program.

City Manager Maclin stated that included in the Council packet is a Resolution prepared as required by the City's participation in the Home Investment Partnership Act (HOME) Program. City Manager Maclin stated that the Resolution is needed to adopt and define a policy to address temporary location assistance for participants in the HOME Program.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the Resolution establishing a policy for provision of temporary relocation assistance to homeowners being assisted under the City's HOME Program be approved as presented. A unanimous affirmative vote was recorded.

19. **CHASE AND PURSUIT POLICY - POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was the Police Department's Chase and Pursuit Policy. Mayor Bronaugh stated that this item was on the agenda at the request of Councilmember Simond.

City Manager Maclin stated that included in the packet is a complete copy of the motor vehicle section of the Police Department Policy (Chapter 12 - Department Motor Vehicles). City Manager Maclin stated that when legal action took place at the City of Mesquite lawsuit this brought reason for concern by Police Departments all over the State of Texas. City Manager Maclin stated that the Policy included in the packet was developed by the Police Department and, submitted to the City insurance carrier, Texas Municipal League Risk Pool for their review and comment.

Chief Collins stated that as the City Manager mentioned the Travis vs Mesquite case several years ago made all law enforcement agencies look at this issue very closely. Chief Collins stated that Chief Brazil's memo included in the packet is a good history of how the Department went about developing the Police Department's policy. Chief Collins stated that the Department has had a pursuit driving policy for some time in the Lufkin Police Department, but it was revised when the Travis vs Mesquite case was finalized. Chief Collins stated that members of the Police Department attended a number of seminars, one of which was sponsored by TML, one sponsored by the Texas Police Association where model policies around the country were reviewed. Chief Collins stated that it was the consensus of the group at the Texas Police Association that the best one to fit the law in Texas was a Troop Policy from Little Rock, Arkansas. Chief Collins stated that this is the Policy the Police Department is using, with modifications to fit their particular situation. Chief Collins stated that the Policy was sent to TML and to the City Attorney for review, and upon approval by both, it was instituted as Policy by the Police Department. Chief Collins stated that the Policy gives the Supervisor the authority to terminate any chase, and limits the number of vehicles that can get involved in a chase, it outlines the responsibilities of those units that are involved as a primary unit and a backup unit, it limits the use of marked vehicles for Police pursuit (with the exception of a Narcotics Officer observing a felony offense and when the escape of the that individual is likely to endanger the public, it allows him to initiate a pursuit, but turn it over to a marked unit upon their arrival). Chief Collins stated that this policy is designed to limit the City's liability under the current court rulings of civil liability and Police pursuits. Chief Collins stated that the harsh rulings that came from the case of Travis vs Mesquite has been modified somewhat by two cases that were decided in the Texas Supreme Court - the City of Lancaster vs Chambers and Harris County vs Ochoa reinstituted the principle of a good faith chase if an officer initiates a pursuit in good faith believing that he can do it safely, etc., official immunity can be had if the conditions are just right. Chief Collins stated that the Police Department has not modified its Policy for that, and in his opinion, the Department has a good policy. Chief Collins stated that basically the Department wants to discourage pursuits, bearing in mind that there are certain crooks that need to be caught for the public safety's benefit.

Chief Collins stated that the Department examines every pursuit that officers are involved in, with the Supervisor and the Officer filling out an evaluation form to evaluate the performance of the Officers involved in the pursuit. Chief Collins stated that last year the Department had nine pursuits; this year they have had four.

Councilmember Simond stated that he and Councilmember Jones attended a TML seminar in Austin, where pursuits were discussed, and that a City could be sued. Councilmember Simond stated that, in his opinion, when citizens start suing the City, the City officials will stop this nonsense of chasing people for driving 36 mph in a 30 mile zone or for not wearing a seatbelt.

Councilmember Simond stated that he had received some information from TML's legal counsel, which spells out a whole litany of reasons the City can be sued.

Councilmember Simond stated that he had taken the time to go over the Policy and he was pleased with the results.

City Manager Maclin stated that he wanted to assure the City Council that risk management is an extremely high priority in this administration and has been for the last 4 1/2 years. City Manager Maclin stated that numerous policies that address risk management, from weekly playground equipment inspections to a broken water meter box replacement, are a high priority with this administration. City Manager Maclin stated that the risk management efforts over the last 4 1/2 years have produced positive results in that the City's insurance premiums have either gone down or stabilized from what they were in the past. City Manager Maclin stated that this is a direct result of City employees and Department Heads who have made a high priority of risk management. City Manager Maclin stated that predicated on the number of law suits that have been filed and the number of law suits that have been lost, and how few that is, and how the City's insurance premiums have not gone up as a result, it is a testimony to the efforts that are made to risk management by this organization.

20. **CONSTRUCTION AND ENGINEERING COSTS INCREASE - APPROVED - CHESTNUT STREET - TxDOT**

Mayor Bronaugh stated that the next item for consideration was an increase in the City's share of construction and engineering costs on the Chestnut Street Project from TxDOT.

City Manager Maclin stated that included in the Council packet is a letter from Cheryl Flood, which indicates that the North Chestnut Street improvement project was completed on April 27th. City Manager Maclin stated that the City had placed $194,409.41 in escrow as its share, but the final cost created a City-share portion of $216,822.67 leaving a deficit of $22,413.26. City Manager Maclin stated that TxDOT is requesting a check in the amount of $22,413.26. City Manager Maclin stated that the City's portion of this project was primarily in acquisition of right-of-way, relocation of utilities, and curb and gutter costs. City Manager Maclin stated that since this was not a budgeted item, City Council approval was needed in order to pay this $22,413.26 as requested by TxDOT.

In response to a question by Councilmember Bowman, City Manager Maclin stated that he would recommend that this amount be taken out of the Street Department budget overlay program, which might cause one or two streets to be delayed until next year.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. authorizing payment of $22,413.26 to TxDOT, and that this amount be taken from the Street Department overlay program. A unanimous affirmative vote was recorded.

21a. **BID - APPROVED - CHAIRS - CIVIC CENTER - KING'S OFFICE FURNITURE WAREHOUSE**

Mayor Bronaugh stated that the next item for consideration was bids for chairs for the Civic Center.

City Manager Maclin stated that included in the Council packet is a bid tabulation of the three bids received for this item. City Manager Maclin stated that the staff recommendation is to award the low bid of King's Office Furniture Warehouse in the amount of $54.15 per chair (1,050 chairs for a total of $56,857.50), and $1,142.50 to be used to purchase carts to move the chairs.

In response to a question by Councilmember Simond, Mrs. Brandenburg stated that this replaces only half of the chairs for the Civic Center.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond that bid of King's Office Furniture Warehouse in the amount of $56,857.50 for 1,050 chairs and $1,142.50 for carts be approved as submitted. A unanimous affirmative vote was recorded.

21b. **BID - APPROVED - REHABILITATION OF SEWER PIPE - LOOP 287 AND U S 59 SOUTH - HALL ALBERT CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for rehabilitation of sewer pipe under Loop 287 and U S 59 South.

City Manager Maclin stated that this line goes under a major highway and it would be virtually impossible to dig this line up. City Manager Maclin stated that there is new technology that has been available for several years where a line can actually be replaced underground. One of those companies is on the bid tabulation and is Insituform Gulf South, Inc. City Manager Maclin stated that Insituform basically goes in and takes the product and relines the inside of an existing pipe with a multi-material that hardens and then gives a new interior surface of the pipe. City Manager Maclin stated that there is another company, the Hall Albert Construction Company, that uses the pipe bursting method, and they are the low bidder.

Mr. Wesch stated that underneath Loop 287 directly across from Lufkin Mall the City has an 18" sewer line that crosses the Loop at that point. Mr. Wesch stated that that same sewer line crosses U S 59 just south of the bridge between the two Malls. Mr. Wesch stated that the line, in both cases, is an asbestos cement line. Mr. Wesch stated that sewer gas eats cement up, and this line has been in the ground for 25 years. Mr. Wesch stated that by using the pipe bursting method he will be able to increase the 18" line to a 24" line.

Mr. Wesch showed a video tape of the pipe bursting method, which was developed in England several years ago.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that bid of Hall Albert Construction in the amount of $115,900 be approved as submitted. A unanimous affirmative vote was recorded.

21c. **BID - APPROVED - SEWER LINE INSTALLATION - RAGUET STREET - LUFKIN INDUSTRIES - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for sewer line installation on Raguet at Lufkin Industries.

City Manager Maclin stated that included in Councils packet is a full review of this request to include a letter from the Asst. City Manager of Public Works stating that the primary motivation for this request is EPA compliance with the City's Pre-Treatment Program required for all major industry. City Manager Maclin stated that Lufkin Industries is the only industry in town that has co-mingled effluent. City Manager Maclin stated that the problem this produces is that in the City's Pre-Treatment Program their effluent has to be monitored to be sure they are complying with the Pre-Treatment permit they are issued in order to meet BOD, TSS, PS and metals. City Manager Maclin stated that only way to resolve this problem is to put in a new sewer line that would service Lufkin Industries. In the packet is competitive bidding for installation of that line. City Manager Maclin stated that staff recommendation is the low bid of J & D Construction in the amount of $298,120.17.

City Manager Maclin stated that staff had talked with Lufkin Industries on several occasions about this since it is a mutually shared problem, and both the City and Lufkin Industries would be out of compliance with EPA without correcting the problem and could be subject to Administrative Orders and Administrative Fines if it is not corrected. City Manager Maclin stated that LI had been approached about fronting some of costs with the installation and they agreed to provide $100,000 up front towards construction costs, and the City would agree then to rebate them over the next 24 months approximately 25% of their monthly water and sewer bill to reimburse them for the $100,000. The remaining $198,000 is being proposed to come from remaining bond proceeds from the original $7.3 million issue that included a 16" line on the east Loop, and the two million gallon elevated storage tank. City Manager Maclin stated that the intent then would be to reimburse these funds over the next two fiscal years so that we could continue to do those projects that were allocated in the bond money.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Betty Jones that the bid of J & D Construction in the amount of $298,120.17 be approved as submitted.

Councilmember Bowman recused himself, and motion carried with six affirmative votes.

22. **CITY COUNCIL CODE OF ETHICS**

Mayor Bronaugh stated that the next item for consideration was the City Council Code of Ethics.

Mayor Bronaugh reviewed the changes that had been requested by Councilmembers.

Councilmember Jones stated, in her opinion, the changes covered all the concerns that were previously expressed.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Bob Bowman that the City Council Code of Ethics be adopted by the Council as presented. A unanimous affirmative vote was recorded.

23. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:30 p.m. to enter into Executive Session. Regular Session reconvened at 7:00 p.m. and Mayor Bronaugh stated that appointments to Boards and Commissions and legal matters had been discussed.

24. **APPOINTMENTS - APPROVED -TREE BOARD - RON BILLINGS - JOHN COURTENAY - TUCKER WEEMS - NEIGHBORHOOD IMPROVEMENTS COMMITTEE - GIG LANGSTON - EARL THOMAS**

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that Ron Billings and John Courtenay be reappointed, and that Councilmember Tucker Weems be appointed to the Tree Board. A unanimous affirmative vote was recorded.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Gig Langston and Earl Thomas be appointed to the Neighborhood Improvements Committee. A unanimous affirmative vote was recorded.

25. **COMMENTS**

In response to a question by Councilmember Weems, Asst. City Manager Ron Wesch stated that there are 12 streets left on the street overlay program and they should be finished by the end of August. Mr. Wesch stated that he would prepare a new list in September. Councilmember Weems stated that the street overlay program is very important to the City of Lufkin, and Councilmember Bowman concurred.

City Manager Maclin reminded Councilmembers of the DETCOG meeting next Thursday in Trinity County.

City Manager Maclin stated that on the Council table is some information prepared by Mario Canizares, SFA intern, regarding house moving fees.

Mayor Bronaugh invited Councilmembers to a reception for Senator Kay Bailey Hutchison at 3:30 P. M. Saturday in City Hall.

26. There being no further business for consideration, meeting adjourned at 7:05 p.m.

Louis A. Bronaugh
Louis A. Bronaugh - Mayor

ATTEST: Atha Stokes
Atha Stokes - City Secretary