

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
4TH DAY OF NOVEMBER, 1997 AT 5:00 P. M.**

On the 4th day of November, 1997 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
Percy Simond
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Bob Flournoy
Atha Stokes
Keith Wright
Stephen Abraham
Kenneth R. Williams

Mayor
Councilmember, Ward No. 1
Councilmember, Ward No. 4
Councilmember, Ward No. 5
Councilmember, Ward No. 6
City Manager
City Attorney
City Secretary
City Engineer
Director of Planning
Public Works Director

being present , and

Don Boyd
Betty Jones

Mayor pro tem
Councilmember, Ward No. 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. John Greene, Minister, Harmony Hills Baptist Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that the minutes of the Regular Meeting of October 21, 1997 be approved as presented. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL SINGLE FAMILY - SINGLE FAMILY/MIXED USE - WALTERS STREET - KNIGHT AVENUE - HODGE STREET - WOOD AVENUE - MARK PARKINS - LARRY PARKS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to change the zoning from "RS" Residential Small Single Family to "SF/MX" Single Family/Mixed Use on approximately 8.79 acres located between Walters Street, Knight Avenue, Hodge Street and Wood Avenue as requested by Mark Parkins on behalf of Larry Parks.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that Ordinance for zone change from "RS" Residential Small Single Family to "SF/MX" Single Family/Mixed Use on approximately 8.79 acres located between Walters Street, Knight Avenue, Hodge Street and Wood Avenue as requested by Mark Parkins on behalf of Larry Parks be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. REQUEST- WITHDRAWN - ZONE CHANGE - APARTMENT TO LOCAL BUSINESS - GOBBLERS KNOB ROAD - SOUTHWOOD DRIVE (FM 324) - PHILIP M. MEDFORD - GANN MEDFORD REALTY - NATHAN TAYLOR

Mayor Bronaugh stated that the next item for consideration was a request by Philip M. Medford & Gann Medford Realty on behalf of Nathan S. Taylor to change the zoning from "A" Apartment to "LB" Local Business on approximately four acres of land located at the southwest corner of the intersection of Gobblers Knob Road and Southwood Drive (FM 324).

Mayor Bronaugh stated that Mr. Medford had faxed a letter to the City requesting this request be withdrawn from consideration.

6. ORDINANCE - APPROVED - FIRST READING - RESIDENTIAL LARGE TO COMMERCIAL - 3406 COLLEGE DRIVE (FM 819) - OTIS ALEXANDER

Mayor Bronaugh stated that the next item for consideration was a request by Otis Alexander to change the zoning from "Residential Large" to "Commercial" on approximately 1.43 acres of land designated as 3406 College Drive (FM 819).

City Manager Maclin stated that included in the Council packet is a memorandum of explanation of the request and a unanimous recommendation of approval by the Planning & Zoning Commission.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance to change the zoning from "Residential Large" to "Commercial" on approximately 1.43 acres of land designated as 3406 College Drive (FM819) as requested by Otis Alexander be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ADOPTION OF 1997 STANDARD MECHANICAL CODE - 1996 NATIONAL ELECTRICAL CODE - 1997 STANDARD GAS CODE - 1997 STANDARD BUILDING CODE - 1997 STANDARD PLUMBING CODE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance adopting the 1997 Standard Mechanical Code, the 1996 National Electrical Code, the 1997 Standard Gas Code, the 1997 Standard Building Code and the 1997 Standard Plumbing Code, and all schedules and appendices.

City Manager Maclin stated that a couple of weeks back the Building Inspector and now the Director of Building Services, Clayton Havard, brought to staff's attention that it was time to consider updating our Codes. City Manager Maclin stated that the request was submitted to the City Attorney for review. City Manager Maclin stated that basically this is a procedure that we do every three years when it is time to update the National Codes. City Manager Maclin stated that the preliminary review of these changes did not provide any outstanding or significant substantial changes. There are some minor updates to improve safety and protect the consumer, but by and large this revision is not one that will have a significant impact to the building construction community.

Councilmember Gorden asked when Council reviews these Codes for approval do the various Boards within the City look at them too. City Manager Maclin stated that staff has meetings with the Boards if they have questions or concerns, and sometimes when they are submitted to the Board members and they have no comments staff assumes they have no objections.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that Ordinance adopting the 1997 Standard Mechanical Code, the 1996 National Electrical Code, the 1997 Standard Gas Code, the 1997 Standard Building Code and the 1997 Standard Plumbing Code and all

schedules and appendices be approved on First Reading as presented.

Councilmember Simond asked if the City is required to post these changes periodically. City Attorney Flournoy stated that staff will publish in the newspaper that the Codes have been adopted, but as far as posting the Codes it would be costly and timely because of the volume of information included in the Codes. City Manager Maclin stated that staff makes the Codes available to interested parties in the Building Inspection Services Division where people can come in and review them if they like.

Councilmember Simond asked if two weeks would be time enough for the plumbers, electricians, and whoever else is involved to have notice and be aware of the new Codes. City Manager Maclin stated that this item could be delayed until January 1st if Council so desires.

Mayor Bronaugh stated that the agenda had been published in the newspaper and anyone who was interested could attend the meeting.

Clayton Havard, Director of Building Inspection Services, stated that these Codes have been out for several months and the builders, plumbers, and electricians know about the revisions to the Codes and most of them have already ordered their own set of Codes for whatever craft they are in. Mr. Havard stated that he would like to come back in a couple of months and ask Council to revise the Standard Fire Prevention Code. Mr. Havard stated that the Fire Code had not been printed yet and that is why it was left out of this request.

Councilmember Simond stated that anyone who wanted to challenge this in some judicial setting would, in his opinion, have a pretty good case. Councilmember Simond stated that he did not think you could change the law over night and not let people know.

A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - COMMERCIAL MOTOR VEHICLES - PUBLIC RIGHT-OF-WAY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance prohibiting the parking of commercial motor vehicles in public right-of-way in the City of Lufkin except for certain purposes.

City Manager Maclin stated that he would preface this item by saying that what staff is seeking tonight is some input and consensus of opinion regarding a problem that we have had in this regard for several years. City Manager Maclin stated that staff has had numerous individual complaints, and some of the Councilmembers have had complaints. City Manager Maclin stated that every year that he has met with the North East Rainbow Neighborhood Association (NERNA) they have brought this item to staff's attention and they are concerned about it, both from the standpoint of large commercial vehicles as well as hazardous product vehicles (butane, propane trucks). City Manager Maclin stated that staff has also had citizens who have complained about large 18-wheel vehicles restricting their view when they come out of their driveway because they are parked on City streets. City Manager Maclin stated that the City has not had an Ordinance that allowed any legitimate enforcement of this problem. City Manager Maclin stated that what staff would like to gain from Council tonight is #1, is this something that Council desires to enact an Ordinance replacing some restrictions relating to large commercial vehicles, and #2, if Council does want to do this there is a wide range from a very broad inclusive category to a lot more narrow, a lot more focused category. City Manager Maclin stated that from Chief Collins' viewpoint we want to be sensitive about keeping the Ordinance simple from an enforcement standpoint. City Manager Maclin stated that if we get real complicated based on the weight of the vehicle or something like that it will create some additional enforcement problems.

Kenneth Williams, Director of Public Works, stated that a handout had been placed on the Council table detailing some information on some other cities and their parking regulations and prohibitions thereof. Mr. Williams stated that his research included Grande Prairie, Tyler and Longview. Mr. Williams stated that each of these cities have some form of parking prohibitions for commercial vehicles in their city. Mr. Williams stated that in the city of Grande Prairie they prohibit the parking of a vehicle class of three or more axles and/or one and 1/2 ton trucks and trailers upon the public streets. Mr. Williams stated that this also includes alleys, parkways, boulevards, or public places adjacent to residential property at all times. Mr. Williams stated that there are some exemptions to this Ordinance and they are street construction vehicles when they are working or repairing maintenance equipment, City emergency vehicles, utilities, buses loading and unloading, church buses on parking lots, and also mechanically defective vehicles. Mr. Williams stated that in Tyler parking is prohibited on public streets and alleys, parkways, boulevards and public places. Mr. Williams stated that truck tractors, trailers, one and 1/2 ton vehicles are prohibited by Ordinance. Mr. Williams stated that this Ordinance is in effect at all times. Mr. Williams stated that Tyler does prohibit recreational vehicles parking on their streets. Mr. Williams stated that disabled vehicles are exempt in Longview. Mr. Williams stated that Longview has an Ordinance that prohibits overnight storage of cars and trucks on any paved street. Mr. Williams stated that there is a copy of a sample Ordinance in the Council packet and it refers to commercial motor vehicles, and the definition is in the handout. City Manager Maclin stated that the definition of a commercial motor vehicles comes out of the Texas Government Code Section 522.003.

Chief Collins stated that his concerns about this subject are strictly from a safety viewpoint and it is blocking the view of vehicles entering and leaving residential areas. Chief Collins stated that if the City does adopt an Ordinance he would like to see it as simple as possible to prevent any enforcement problems dealing with the weight and other classifications. Chief Collins stated that he would suggest that if Council does decide to adopt this Ordinance to prohibit all vehicles from parking on public streets that they would exempt passenger vehicles and light trucks. Chief Collins stated that these things are defined in the Registration law which controls the classification of vehicles. Chief Collins stated that a light truck is one ton or less. Chief Collins stated that would provide an exemption for all service type vehicles while they are performing service to the residence. Chief Collins stated that this would prevent recreational vehicles because they have a separate classification from passenger vehicles that would prevent travel trailers and all the other vehicles, that by their very size, are the ones that are creating the problems by vision, and school buses getting up and down the narrow streets. Chief Collins stated that this would be a good tool to help ease some of the neighborhood concerns and improve the safety of our citizens, should Council chose to adopt this Ordinance.

In response to question by Mayor Bronaugh, City Manager Maclin stated that this might be a session this evening that Council directs staff as to what they want in an Ordinance and when we finish discussing this item tonight, table the item until staff completed Council's directions in terms of inclusive or exclusion and then bring it back at a future meeting. Councilmember Gorden stated that he was in favor of doing something about this, and asked if there was a simpler way of prohibiting vehicles other than by the size of the axle. Chief Collins stated that there is a simpler way but it would allow some very big vehicles to park on the street. Chief Collins stated that a three axle bob-tail truck with a 30' box van on it is a major impediment to traffic on a residential street. Chief Collins stated that some things that would escape under that classification would be the two axle butane trucks and the gasoline delivery trucks and all of the kind of vehicles you would want to keep off of residential streets. Mr. Flournoy stated that he thought those kinds of vehicles could be kept off just as hazardous materials vehicles.

Chief Collins stated that he would make this Ordinance effective only in residential districts. Mr. Flournoy stated that he had looked at that and it is hard to define a residential district, where it starts and where it stops. Mr. Flournoy stated that this is a safety problem and should be enforced on any right-of-way. Councilmember Gorden stated that he would assume that this would be like some of the other Ordinances the Council has adopted in that we would not be patrolling actively trying to enforce the Ordinance but would enforce it when someone brings it to our attention.

Mr. Flournoy stated that one other problem is that the trucks pull off on the edge of the road with only one wheel on the pavement that tears up the pavement. Mr. Flournoy stated that this is a pretty big problem especially in the areas where there is not curb and gutter.

Councilmember Gorden asked if it would be prudent to make the public aware of this Ordinance and encourage input before it is actually adopted. Mayor Bronaugh stated that the problem as he sees it is with loggers who live in town, and that is their transportation to and from their job.

Mr. Williams stated that he wanted to make it clear that the Ordinances from the other cities only prohibits parking on the street and not on private property. Mr. Williams stated that someone could drive their log truck home and park it on their private property.

Mayor Bronaugh opened discussion to the audience. Sam Paul Fields stated that he owns three log trucks, and some of the people who work for him do not own an automobile. Mr. Fields stated that he and his wife own one working vehicle which is a four door pickup truck. Mr. Fields stated that, in his opinion, if some research was done and the exact complaints looked at, this might be a way to ease the tension. Mr. Fields stated that he had recently read a magazine article that stated that people have an image of truck drivers as kind of being like motorcycle drivers. Mr. Fields stated that the article talked about changing the image of truckers. Mr. Fields stated that East Texas has been made up of truckers and the trucking industry has provided a lot of jobs and will continue to provide jobs for people like him. Mr. Fields stated that for 10 years he has been living at the same address at 103 N. Randolph and has been parking his truck there on a regular basis. Mr. Fields stated that if you looked at the pavement in front of his house you would not see any undue damage to the pavement that would not be normal in his situation only. Mr. Fields stated that he would think that there would already be laws on the books that contend with obstructing the view. Mr. Fields stated that in driving around Lufkin he sees trees that block his view at a four way stop, signs that block his view and shrubs, and if it is a matter of having the view blocked, these things should be considered in this Ordinance. Mr. Fields stated that he hoped that Council is not looking at something to eliminate a group of people. Mr. Fields stated that even though he holds two degrees, the logging business is how he fed his family. Mr. Fields stated that there are many people who make their living hauling chips or others with over-the-road trucks who are not able to come down and express their concerns. Mr. Fields stated that there is a Logging Council in East Texas and he would suggest that someone from the City get in touch with them, and they could help work toward some workable solutions.

Councilmember Simond asked what the average width of streets were in the older sections of town. Mr. Wright stated that they are 18-20' according to the Street Superintendent. Councilmember Simond stated that he would use 16' wide streets in the event that the 18-20' was an exaggerated number, and asked if a truck that was 10' wide was parked on a street 16' wide, would that make sense? Councilmember Simond stated that he agreed with Mr. Fields about blind intersections, and, in his opinion, something should be done about them. Councilmember Simond stated that he did not think you should operate this City on consensus by people who are truck drivers, and that the Council had to make some hard, tough decisions and sometimes it might not please everyone, but at least

he was trying to be concerned about the safety of all the people. Councilmember Simond stated that in the neighborhood where he lives, the street is very narrow. Councilmember Simond stated that Council needs to do something about this situation and he appreciated staff for bringing it to Council for consideration.

City Manager Maclin stated that one of the concerns or needs that staff has is for Council to give staff a starting point as far as inclusion or exclusion simply because if we don't give parameters the public will assume the worst and that may not necessarily reflect what Council ultimately adopts as an Ordinance. City Manager Maclin stated that to have some kind of definitions or consensus and maybe Council would just like to think about this for a couple of weeks and then Council could provide staff with consensus. City Manager Maclin stated that perhaps Council would like to talk with some of the constituents in their Wards and then come back with some suggestions and then staff will be happy to hold some Public Hearings.

City Manager Maclin stated that it would be remiss of him if he did not comment on one thing that was brought up regarding obstruction of intersections by bushes, shrubs, trees and others - that is an extremely high priority from a risk management standpoint. City Manager Maclin stated the instant staff gets those phone calls in to Public Works Administration there is an extremely short turn around time to remove them because it is a liability to the City. City Manager Maclin stated that two weeks ago the Tree Board addressed this concern at two different locations where City crews will be removing trees that will make adjacent property owners unhappy but it is in the best interest of the public from a safety standpoint. City Manager Maclin stated that for the record he wanted to point out that this is an extremely high priority item and if anyone of the Councilmembers call with a location like that, let staff know and it will be taken care of promptly.

Councilmember Bowman stated that he would like to see Council delay making a decision on this tonight and would like to have some input from the Neighborhood Associations. Mayor Bronaugh stated that, in his opinion, the consensus at this meeting is that the Council feels strongly about this issue and possibly they need to do something about it but to be cautious about it. Councilmember Gorden stated that he appreciated Mr. Fields appearing before the Council and he wished there was an easy way for people to come express themselves on this issue.

Mr. Fields stated that as time has progressed logging vehicles have really moved forward with safety and he would like to know how many vehicles (big trucks) have caused accidents inside the City limits and as a result of just being parked how many have caused accidents that could be related. Mr. Fields stated that in his 20 years of dealing with trucks inside the City limits he has never caused an accident, or any of his drivers, or any of his friends, caused an accident when their truck was parked or even pulling up to a position. Mayor Bronaugh stated that obviously at this meeting he could not give Mr. Fields an answer, but would suggest that he check with staff or the Police Department for those figures.

City Manager Maclin stated that statistically he did not know if the City had these kind of accidents, but what staff is bringing this to Council for is that staff does get complaints and complaints and accidents are two different things.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance prohibiting the parking of commercial motor vehicles in public right-of-way in the City of Lufkin except for certain purposes be tabled until further study has been done. A unanimous affirmative vote was recorded.

City Manager Maclin stated that staff would send out a notice to all the Neighborhood Associations and seek their input.

9. AMENDMENT -APPROVED - FIRST READING - ORDINANCE NO. 193 - VALET PARKING - CITY OF LUFKIN - CITY ENGINEER/TRAFFIC ENGINEER

Mayor Bronaugh stated that the next item for consideration was an Amendment to Ordinance No. 193 regulating valet parking in the City of Lufkin and designating the City Engineer as the Traffic Engineer for the City.

City Manager Maclin stated that included in the Council packet is an Ordinance draft reflecting the implementation of a valet parking area Ordinance. City Manager Maclin stated that this comes to Council as a recommendation from the Main Street Advisory Committee as a tool to provide some relief to traffic congestion and proximity to a business downtown, a downtown restaurant in this case. City Manager Maclin stated that after some review and study in other locations the Main Street Committee wanted to submit this to Council for consideration in that downtown parking area is limited in terms of access to this restaurant on First Street. City Manager Maclin stated that the Main Street Committee feels that this would enhance the success and provide some convenience for their customers that would further improve the business climate in the downtown area. City Manager Maclin stated that what staff is suggesting is that we try this out on a pilot basis to see how it goes and if there are problems staff will bring it back to Council and bring those problems to Council's attention. City Manager Maclin stated that if there are no problems, it would be something that would serve the downtown area. City Manager Maclin stated that this is a designated valet parking spot that would be located in front of the restaurant on First Street and be limited to operational hours between 5:30 p.m. and 7:00 a.m., and during the day time hours this would be a normal parking place under the City's Ordinances as they currently exist for the downtown area. City Manager Maclin stated that an applicant would have to pay a fee to obtain a license, which would be monitored on an annual basis.

In response to question by Mayor Bronaugh, City Manager Maclin stated that most of the valet parking in other areas is on private property. City Manager Maclin stated that this location does not have access to private property at the entrance to their business. City Manager Maclin stated that he would assume that the cars would be parked in the City's private parking area on Angelina behind the Library and Parks & Recreation facility, and up at the LCC/First Baptist Church area off of Bremond.

In response to question by Councilmember Gorden as to why we could not just try this on a 90-day basis without having to go through the Ordinance process, City Manager Maclin stated that the Ordinance is being proposed because staff did not feel like they had the authority to do that under the City's current Code. City Manager Maclin stated that if Council wanted to find some legal way the City Attorney feels that we can legally do this without violating existing Codes, he did not have a problem with trying it on a 90-basis without passing an Ordinance. City Manager Maclin stated that staff felt like if they didn't have definitive controls and very narrow parameters, that everyone would like to have a parking space in front of their business downtown that would have access to their business. City Manager Maclin stated that staff felt like if they did not put some definitions and controls in the Ordinance it might have a domino effect that would have an adverse impact to downtown rather than a positive impact to downtown.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the loading and unloading zones are set by the Traffic Ordinance.

Councilmember Simond stated that this was a good idea and might improve business for the restaurant.

Wayne Haglund, Main Street Advisory Committee, stated that he wanted to reiterate what the City Manager said, in that Main Street has had a difficult time with the Parking Ordinance, trying to make it work for everybody. Mr. Haglund

stated that the Committee's purpose in making this suggestion was to keep it as narrowly and tightly drawn as possible so that they accomplish the good without opening the gate and allowing for a lot of ill. Mr. Haglund stated that the Committee is certainly open, and would like to see it done on a trial basis, with review of the Ordinance in a year, and periodically thereafter. Mr. Haglund stated that this Ordinance is not designed for one business but for any business that could benefit from it.

Councilmember Gorden asked if any consideration was given to requiring insurance. Mayor Bronaugh asked why the valet parking could not be made a part of the same parking Ordinance that allows for a loading/unloading zone. City Manager Maclin stated that could be done but his viewpoint was that since this was "unplowed" ground that had never been broken before he felt it was important that staff get Council input and wanted to be assured of Council's support for this so we would not be doing something that was out of the norm that was not brought to Council's attention. Mr. Wright stated that this Ordinance is an Amendment to the Traffic Ordinance.

Mr. Haglund stated that if the owner of a business who provides for valet parking isn't insuring it himself, he won't be there long. Mr. Haglund stated that the claims will eat up the benefit. Mr. Flournoy stated that the problem with not having an Ordinance is that you could not enforce it.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that Amendment to Ordinance No. 193 regulating valet parking in the City of Lufkin and designating the City Engineer as the Traffic Engineer for the City be approved on First Reading as presented.

In response to question by Councilmember Weems, Mike Bieniek of the Planning Department stated that the reason for the time expiring at 7:00 a.m. was to be consistent with the existing parking regulations.

A unanimous affirmative vote was recorded.

10. ANNEXATION REQUEST - APPROVED - SABINE INVESTMENT - ELMO TAYLOR - CROWN COLONY SECTION VIII-B

Mayor Bronaugh stated that the next item for consideration was the request of Elmo Taylor of Sabine Investment to initiate annexation proceedings on approximately 19.188 acres of land to be known as Crown Colony Section VIII-B and generally located south of Champions Drive southwest of the Crown Colony Section VIII-A.

City Manager Maclin stated that included in the Council packet is a memorandum of explanation from the Planning Department along with attachments that include a location map, a letter requesting the annexation from Sabine Investment, field notes describing the location, and a proposed annexation schedule or calendar to be used for this request.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Percy Simond that the request of Elmo Taylor of Sabine Investment to initiate annexation proceedings on approximately 19.188 acres of land to be known as Crown Colony Section VIII-B and generally located south of Champions Drive southwest of the Crown Colony Section VIII-A be approved as presented and the annexation schedule be adopted as presented. A unanimous affirmative vote was recorded.

11. PROPOSAL - APPROVED - FRIBERG ENGINEERING CONSULTANTS - PLANS AND SPECIFICATIONS FOR REPAIRS - CITY HALL HVAC SYSTEM

Mayor Bronaugh stated that the next item for consideration was a proposal from Friberg Engineering Consultants to prepare plans and specifications for repairs to

City Hall HVAC System.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer along with a proposal from Friberg and Associates. City Manager Maclin stated that as a review, back in the summer we were experiencing some problems with the heating and cooling ventilation system and Council at that time requested that staff seek bids for these repairs. City Manager Maclin stated that staff obtained a consultant that had an independent situation and an excellent reputation in providing these types of services which is Friberg & Associates out of Ft. Worth. City Manager Maclin stated that Friberg came in and performed a study, a copy of which is on the Council table that includes appendices for the heating and air conditioning system of the City Hall, and gave some recommendations. City Manager Maclin stated that staff reviewed the recommendations and agreed the course of action to take. City Manager Maclin stated that the next step now would be to prepare plans and specifications so that local bidders and contractors can bid on this work for City Hall, which primarily consists of replacement of the controls and thermostats, and the ability to monitor changes or problems that would help save money in the long run. City Manager Maclin stated that staff is now seeking Council's input and consideration to award a contract with Friberg & Associates to do the plans and specifications after which we will go to bid. City Manager Maclin stated that after the bids are received and tabulated staff will come back to Council.

Keith Wright, City Engineer, stated that a revised proposal from Friberg & Associates is on the Council table. Mr. Wright stated that they broke the tasks down into four different parts: (1) final design and working drawings for mechanical at a cost of \$11,062.25 (2) electrical at a cost of \$3,769.00 (3) construction administration (bidding and negotiation) at a cost of \$1,031.75, and (4) shop drawings and observations at a cost of \$1,268.25 for a total cost of \$14,531.25. Mr. Wright stated that if Friberg would do the first two items for the design and staff would do the bidding and negotiation and shop drawings and observations in house it would reduce the cost by \$2,299.00. Mr. Wright stated that the engineering seemed high to him based on the percentage of construction and the reason they gave him was because of the retrofit and renovation nature of the project, which means that it is very difficult for one firm to come back in behind another firm and figure out exactly what they did.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that proposal from Friberg Engineering Consultants to prepare plans and specifications for repairs to the City Hall HVAC System, including the modifications proposed by the City Engineer, be approved as presented. A unanimous affirmative vote was recorded.

12. STREET NAME CLARIFICATION - APPROVED - 911 COMPLIANCE - TOM TEMPLE DRIVE - GOBBLERS KNOB ROAD - OLD GOBBLERS KNOB ROAD - WHITEHOUSE DRIVE

Mayor Bronaugh stated that the next item for consideration was street name clarification for 911 compliance.

City Manager Maclin stated that included in the packet is a memo from Scott Fair from the Engineering Department. City Manager Maclin stated that there are four streets that staff would like to clarify for purposes of input into the 9-1-1 computer aided dispatch so that we have consistency. City Manager Maclin stated that the four street changes that staff would like to request from Council are: Tom Temple Blvd. to Tom Temple Drive, Gobbler Knob Road to Gobblers Knob Road, Old Gobbler Knob Road to Old Gobblers Knob Road, and White House to Whitehouse Drive. City Manager Maclin stated that this basically reflects on the left hand side what was on the plat and on the right hand side what is common practice and utilization today.

Motion was made by Councilmember Bob Bowman and seconded by

Councilmember Jack Gorden, Jr. that Tom Temple Blvd. be changed to Tom Temple Drive, that Gobbler Knob Road be changed to Gobblers Knob Road, that Old Gobbler Know Road be changed to Old Gobblers Knob Road, and that White House Drive be changed to Whitehouse Drive. A unanimous affirmative vote was recorded.

13. INVESTMENT POLICY AND INVESTMENT STRATEGY - APPROVED - REVIEW AND REVISIONS

Mayor Bronaugh stated that the next item for consideration was the annual review and revision to the City of Lufkin's Investment Policy and investment strategy.

City Manager Maclin stated that this item was discussed at the last meeting when the Committee made their quarterly report. City Manager Maclin stated that State law provides two motivations for review of the policy (1) State law requires that City Council review their Investment Policy on an annual basis, and (2) and there were several changes in the law in the last Legislative session regarding 1997 Public Funds Investment Act. City Manager Maclin stated that the Committee had several recommendations that came from the City's Financial Advisor Dick Long, that was discussed by the Investment Committee at their last meeting two weeks ago. City Manager Maclin stated that a draft of the new policy had been included in the Council packet, and there is an updated draft on the Council table because the one on the table reflects the final comments given to him by Mr. Long yesterday. City Manager Maclin stated that he would bring several things to Council's attention that have been discussed previously and they are the fact that the new law does not require you to invest in AAA rated instruments, where in the past it did and the new law will allow more flexibility in that. City Manager Maclin stated that it was the desire of the Investment Committee to continue to maintain the AAA minimum standard as opposed to exercising our options under the new law to take investments with a lower rating than that. City Manager Maclin stated that the AAA rating will remain in the City's Investment Policy. City Manager Maclin stated that most of the other changes were purely grammatical, or to be in strict compliance with the Public Funds Investment Act of 1997.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the City of Lufkin's Investment Policy and investment strategy review and revisions be approved as presented. A unanimous affirmative vote was recorded.

14. DESIGNATION OF PROCEEDS - APPROVED - LUFKIN INDUSTRIAL DEVELOPMENT AUTHORITY'S CERTIFICATE OF DEPOSIT - INSURANCE LOSS FUND

Mayor Bronaugh stated that the next item for consideration was the designation of proceeds from the Lufkin Industrial Development Authority's Certificate of Deposit.

City Manager Maclin stated that this was brought to Council's attention a couple of weeks ago and they directed staff to bring it to Council for consideration of utilization. City Manager Maclin stated that these funds were created in the early '80's when the State of Texas and the City of Lufkin participated in the issuance of industrial revenue bonds. City Manager Maclin stated that industrial revenue bonds ceased to exist in 1986 after numerous changes in the law and collateralization requirements. City Manager Maclin stated that when the City of Lufkin was issuing industrial revenue bonds through the Industrial Development Authority there was a fee that was paid by those participants who purchased industrial revenue bonds for capital expansion of their businesses, people like Chromium, Texas Foundry, First Bank & Trust and a couple of others participated in that program. City Manager Maclin stated that the \$19,739.17 represents the fees that were paid plus the interest that has been earned on the CD over that period of time. City Manager Maclin stated that staff is bringing this to Council's attention for direction in regard to dispensation of these funds.

In response to question by Mayor Bronaugh, City Manager Maclin stated that this CD will mature in June of 1998. City Manager Maclin stated that if this CD is cashed in before that date there will be a penalty of \$78.

City Manager Maclin stated that Councilmember Gorden had desired that these funds be deposited in the City's Insurance Loss Fund, which would be a worthwhile and noteworthy utilization predicated on the decreasing volume of that fund over the last seven years.

Motion was made by Councilmember Jack Gorden, Jr. and seconded by Councilmember Tucker Weems that when the Lufkin Industrial Development's Certificate of Deposit matures in June of 1998 the proceeds from the Certificate of Deposit will be deposited into the Insurance Loss Fund. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - STORM SEWER INSTALLATION - SHADYWOOD DRIVE - J & D CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was bids for storm sewer installation on Shadywood Drive.

City Manager Maclin stated that included in the Council packet is a bid tabulation for this 54" pipe. City Manager Maclin stated that this is a drainage problem that was discussed by Council several months ago. City Manager Maclin stated that the citizens will be paying for half of the cost of the pipe and the City will be paying for the other half plus installation because of the magnitude of this problem and the size of the pipe being a little different than our normal policy of 18-24" pipe, which the citizen pays 100% of the cost.

City Manager Maclin stated that staff is recommending the low bid of J & D Construction in the amount of \$47,750.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems that the bid of J & D Construction for storm sewer installation on Shadywood Drive in the amount of \$47,750 be approved as submitted. A unanimous affirmative vote was recorded. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - AMBULANCES - FRAZER INCORPORATED - THE ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was bids for two ambulances for the Fire Department.

City Manager Maclin stated that there are actually two different bids, one for an ambulance for the Fire Department and one for the transfer service, both of which were included in the 1997-'98 fiscal year budget. City Manager Maclin stated the staff recommendation for the Fire Department is the low bid of Frazer Incorporated in the amount of \$89,575, and the bid from Frazer for the transfer service is \$90,325, with lease purchase financing with The Associates at an interest rate of 5.89%.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that bid of Frazer Incorporated in the amount of \$89,575 for a lease purchase of one 9-1-1 ambulance and the lease purchase of one transfer ambulance in the amount of \$90,325 with financing with The Associates at an interest rate of 5.89% be approved as submitted. A unanimous affirmative vote was recorded.

15c. BID - APPROVED - HALF TON TRUCKS - WATER COLLECTIONS - PARKS & RECREATION - TIPTON FORD

Mayor Bronaugh stated that the next item for consideration was bids for two 1998 full size V6 half ton trucks to be used in the Water Collections Department and the Parks and Recreation Department.

City Manager Maclin stated that two half-ton pickups were bid out, one for Water Collections and one for the Parks & Recreation Department. City Manager Maclin stated that eight bids were received and the low bid is from Tipton Ford in the amount of \$14,371.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Bob Bowman that the bid of Tipton Ford in the amount of \$14,371 per unit for two units be approved as submitted. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session to enter into Executive Session at 6:23 p. m. Regular Session was reconvened at 6:51 p.m. and Mayor Bronaugh stated that Council had discussed appointments to Boards and Commissions and Attorney/Client matters.

17. APPOINTMENT - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS - KAREN HEATON

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Karen Heaton be appointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

18. COMMENTS

Mayor Bronaugh stated that tomorrow Keep Texas Beautiful will be visiting five Texas cities and they will be in Lufkin at 11:00 a.m. at the Recycling Center for the Texas Recycles Day.

City Manager Maclin stated that staff sent Council a memo last week informing them that Phase I of the Drainage Master Study was complete, and Council received with their packet a large notebook that was a copy of that particular study. City Manager Maclin stated that staff wanted to give Council a few days to glance through the study, and then post a workshop to allow the consulting engineer Dwayne Barrett with Dotson & Associates to present the findings and recommendations that they have for flood planning and master drainage planning for the future. City Manager Maclin stated that at this point it is the Cedar Creek water shed, Phase II will be Hurricane Creek and Phase III will be Mill Creek.

It was the consensus of Council that the Workshop be held on Wednesday, November 12th since Council will already be at City Hall for the Leadership Lufkin luncheon discussion. The meeting will begin at 10:30 a.m. in the Council Chambers and will adjourn at 12 noon for lunch with Leadership Lufkin.

19. There being no further business for consideration, meeting adjourned at 6:55 p.m.



Louis A. Bronaugh - Mayor

ATTEST



Atha Stokes - city Secretary