

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF LUFKIN, TEXAS, HELD ON THE  
17TH DAY OF SEPTEMBER, 1996 AT 5:00 P.M.**

On the 17th day of September, 1996 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  
Don Boyd  
Percy Simond  
Betty Jones  
Bob Bowman  
Jack Gorden, Jr.  
Tucker Weems  
C. G. Maclin  
Darryl Mayfield  
Bob Flournoy  
Atha Stokes

Mayor  
Mayor pro tem  
Councilmember, Ward No. 1  
Councilmember, Ward No. 3  
Councilmember, Ward No. 4  
Councilmember, Ward No. 5  
Councilmember, Ward No. 6  
City Manager  
Asst. City Manager/Finance  
City Attorney  
City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by City Manager C. G. Maclin.
2. Mayor Bronaugh welcomed visitors present.
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 September 3, 1996 be approved as presented. A unanimous affirmative vote was recorded.

**4. PUBLIC HEARING - ANNEXATION - UNITED PENTECOSTAL CHURCH -  
HIGHWAY 59 AND FM 819**

Mayor Bronaugh opened Public Hearing to consider the request of Danny Russo of United Pentecostal Church for annexation of two tracts of land approximately 29.3895 acres adjacent to the campground and generally located at the southwest corner of U S Highway 59 and FM 819.

Danny Russo stated that he is making this request on behalf of their District Office. Mr. Russon stated that the church plans some additional improvements to their facilities and felt like annexation of this property would be an asset to the church. Mayor Bronaugh stated that answering the request of the church would be in the best interest of the City.

There was no opposition to the request.

Mayor Bronaugh closed Public Hearing.

**5. ORDINANCE - APPROVED - SECOND READING - WATER METER  
CONNECTION FEES REVISION**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to revise water meter connection fees.

City Manager Maclin stated that this is an updating of the deposit fees that are required on new accounts, in order to protect the City on bad debt collections.

Motion was made by Councilmember Don Boyd and seconded by Councilmember  
9/17/96

Betty Jones that Ordinance to revise water meter connection fees be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - AT&T WIRELESS COMMUNICATIONS - WHITE HOUSE DRIVE**

Mayor Bronaugh stated that the next item for consideration was request of Bob Steinweg of AT&T Wireless Communications to grant a Special Use Permit in a "RS" Residential Small District on approximately 30.823 acres of land located at 1310 White House Drive.

City Manager Maclin stated that this item was tabled at last meeting due to some activity that took place following the Planning & Zoning's first hearing of this item. City Manager Maclin stated that several residents who had been in opposition in the first Planning & Zoning meeting, the following day, contacted the Planning Department indicating their desire to change their position of not being opposed to this request. City Manager Maclin stated that Council then tabled the item at their meeting and sent the request back to the Planning & Zoning Commission. City Manager Maclin stated that the Planning & Zoning Commission then heard this request at their meeting last Monday and included in the Council packet is an explanation of that meeting and a recommendation from the Planning & Zoning Commission this time by unanimous vote for approval of the zone change with four conditions. The four conditions are: (1) A certificate of operations be obtained from the Federal Aviation Administration (FAA) prior to the construction of the tower (2) The maximum height for the communications tower shall be 450', or less, if so specified by the FAA (3) The communications tower and the alignment of the guy wires shall be placed in accordance with the site plan, and (4) Vegetation shall be maintained on Lot 1 of the Nathan Thomas Gann Estates in a manner which shields the communication tower and appurtenances (including accessory buildings and guy anchors) from view at those property lines indicated on the screening diagram. For the purpose of this ordinance, "shielded from view" shall be to a minimum height of six feet above ground.

Bob Steinweg, representing AT&T Wireless Services, stated that basically as their user base in Lufkin and the surrounding areas grows as a result of cellular telephones increased popularity in safety and security, they realize that they need to increase their services in the southern part of Lufkin. Mr. Steinweg stated that his number one objective was to seek a site which would be the least conspicuous site possible of those areas available. Mr. Steinweg stated that the site selected, in his opinion, met that condition. Mr. Steinweg stated that homeowners had been consulted and adjustments have been made to further address issues they had. Mr. Steinweg stated that if this request is granted, AT&T will be in a position to dramatically increase the coverage of their service in this part of the City.

In response to question by Mayor Bronaugh, Mr. Steinweg stated that AT&T has four antennas surrounding the City of Lufkin at this time.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Don Boyd that request of Bob Steinweg of AT&T Wireless Communications to grant a Special Use Permit in a "RS" Residential Small District on approximately 30.823 acres of land located at 1310 White House Drive be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**7. BID - APPROVED - PAUL STREET CONSTRUCTION - CCE**

Mayor Bronaugh stated that the next item for consideration was bids for Paul Street construction.

City Manager Maclin stated that the staff recommendation is to award the low bid

for Option 1 - Concrete Pavement Base Bid for a total of \$1,579,076.05. City Manager Maclin stated that there was a question about the cost for adding a sidewalk from the Loop to Herty School, and to add that as an option would be an additional \$8,753.25. City Manager Maclin stated that the base bid includes sidewalks the entire length of the Herty School property.

In response to question by Councilmember Boyd, City Manager Maclin stated that there was a request to have sidewalks from where the paving begins, where it currently ends the three lanes at Lubbock Street, and starts the new three lanes, it would be \$96,873.00 as an add on.

In response to question by Mayor Bronaugh, City Manager Maclin stated that if the option for the additional \$8,753.25 is approved the funds would come out of the bond proceeds. In response to question by Mayor Bronaugh, City Manager Maclin stated that from a staff standpoint they would anticipate that the bids for Tulane and MLK would probably utilize all of the funds that are available, and it is hard to know until staff goes to bid, which will probably be after Christmas, on these two streets whether there are adequate dollars. City Manager Maclin stated that based on engineers estimates and what has been spent as of this date, in his opinion, there probably would not be \$96,000 available for the additional sidewalks. City Manager Maclin stated that staff has been trying to make sure that there were adequate funds for a sidewalk on MLK for its entirety, and predicated on that thought, it would probably be best that Council did not consider the \$96,000 expenditure for additional sidewalks at Herty School to insure that there would be adequate funds for sidewalks at MLK as well as the base job on Tulane.

City Manager Maclin stated that most of the comments from the citizens were strictly related to the school areas where the requests for the sidewalks were.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Betty Jones to award the low bid of CCE in the amount of \$1,579,076.05, and approval of the sidewalk from the exterior of the Loop to Herty School in the amount of \$8,753.25, as submitted. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - FIRST READING - ANNEXATION - UNITED PENTECOSTAL CHURCH - HIGHWAY 59 AND FM 819**

Mayor Bronaugh stated that the next item for consideration was annexation of two tracts of land approximately 29.3895 acres adjacent to the campground and generally located at the southwest corner of U S Highway 59 and FM 819 as requested by Danny Russo of the United Pentecostal Church.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that annexation of two tracts of land approximately 29.3895 acres adjacent to the campground and generally located at the southwest corner of U S Highway 59 and FM 819 as requested by Danny Russo of the United Pentecostal Church be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE - TABLED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE SINGLE FAMILY TO NEIGHBORHOOD RETAIL - ROBERT TAYLOR - PERSHING AVENUE**

Mayor Bronaugh stated that the next item for consideration was the request of Robert Taylor to change the zoning from "RL" Residential Large Single Family to "NR" Neighborhood Retail on approximately a 0.17 acre tract of land located at 1103 Pershing Avenue.

City Manager Maclin stated that the Planning and Zoning Commission tabled this request at their last meeting and requested that the Planning Department staff review the Comprehensive Plan for this area and bring back to the next Planning &

Zoning Commission meeting some alternatives for revisions to the Comprehensive Plan after which the zone change request would be addressed and ultimately brought back to the City Council for consideration.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that the request of Robert Taylor to change the zoning from "RL" Residential Large Single Family to "NR" Neighborhood Retail on approximately a 0.17 acre tract of land located at 1103 Pershing Avenue be tabled at this time. A unanimous affirmative vote was recorded.

**10. GENERAL AND UTILITY FUND BALANCE DESIGNATION - SPECIFIC PROJECTS - 1995-1996 FISCAL YEAR BUDGET**

Mayor Bronaugh stated that the next item for consideration was establishing a designation of General and Utility Fund balance for specific projects in the 1995-1996 Fiscal Year Budget, which have not yet been completed.

City Manager Maclin stated that included in the Council packet is a memo from the Assistant City Manager that designates projects within the General Fund, Water & Sewer Fund and the Solid Waste Disposal Fund that are projects that were approved in this years fiscal budget but due to timing and ordering of equipment have not been completed. City Manager Maclin stated that in some cases the item has been ordered but has not been delivered yet, and in some cases there are problems with weather, etc. City Manager Maclin stated that what designating the fund balance does is it leaves an audit trail whereby it sends a clear message in the City's accounting procedures, and in the audit, that these were funds that were previously allocated in an existing budget, in this case the 1995-'96 budget, and they will be shown as designated fund balance in the audit. City Manager Maclin stated that this will reflect in a positive manner with the rating agencies. City Manager Maclin stated that when Moodys and Standard and Poor sees a City that draws from their fund balance they look at it as a negative in terms of establishing a bond rating. City Manager Maclin stated that when it is a designated fund balance and they know then through the paper trail of government accounting procedures that this was a previously approved project in the previous budget and was a carry over, they will not hold it against you and recognize it as an acceptable expense.

City Manager Maclin stated that what staff is seeking from Council, this being the last meeting in the City's 1995-'96 fiscal year, is to designate fund balance for the projects within each of the funds that are listed in the memo from Mr. Mayfield.

In response to question by Councilmember Boyd, City Manager Maclin stated that the problem with the computers in the Police Department started when staff initially realized they were looking at in excess of \$600,000 worth of computer purchases, and felt a little uncomfortable in pursuing that without some professional expertise. City Manager Maclin stated that staff did not want to make a mistake that would be expensive or wasteful to the citizens of Lufkin, but wanted to select something that would be "at the top of the chart" in today's technology and would meet the needs of the City's public safety for several years. City Manager Maclin stated that the bulk of this purchase is a Computer Aided Dispatch System. City Manager Maclin stated that there is also car-to-car lap top computers where the officers can do their own license plate checks. City Manager Maclin stated that also in the Utility Fund is replacement of the City's System 36 with an AS400. City Manager Maclin stated that when staff saw how broad and the variety of options that were available in the public safety arena, staff requested from Council permission to retain the services of a professional consultant who had a track record of experienced activity in selecting public safety hardware and software. City Manager Maclin stated that staff engaged the services of Chip Collins out of Plano who had the most experienced credentials in dealing with assistance to cities in public safety software and hardware selection. City Manager Maclin stated that Mr. Collins has met with department heads, Police Department officials, water department, data processing, purchasing officials, and gathered information of what

the needs of the City are and from that information will develop plans and specifications, and go to bid and after going to bid, evaluate the bids, and he is now in the evaluation and negotiation process. City Manager Maclin stated that some of the proposals included options of five years of maintenance for the software paid up front. City Manager Maclin stated that staff did not want to pay five years up front, but rather year to year, because there is no guarantee that the company would still be in business five years from now. City Manager Maclin stated that this is the type thing that the professional consultant has a track record of negotiating on behalf of the City. City Manager Maclin stated that staff will be bringing to Council a final recommendation next month from the consultant and staff on this particular bid.

In response to question by Councilmember Gorden, City Manager Maclin stated that the Street Department and Parks & Leisure Services Department were the only two departments asking to move some of their contingency to next year's budget.

Councilmember Gorden stated that he might of missed a meeting where the grant from Pineywoods RC&D for composting was discussed, but he did not remember hearing about the grant. City Manager Maclin stated that basically the City would be receiving \$10,000 in a grant, and staff was wanting to have it designated in next year's budget so it could be spent towards composting activities at our facility. City Manager Maclin stated that this is actually non-budgeted revenue that will come from a grant from the Pineywoods RC&D. City Manager Maclin stated that the purpose of the project is where the City will haul our compost to a site on SFA property and they will test the compost and perform a series of analyses of the testing of the quality of it, nitrogen content, etc. to hopefully produce a bigger market for compost materials in the future. City Manager Maclin stated that the City received the \$10,000 for providing the compost.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that designation of General and Utility Fund balance for specific projects in the 1995-1996 Fiscal Year Budget be approved as presented. A unanimous affirmative vote was recorded.

**11. CONTRACT - TABLED - GRANT MANAGEMENT SERVICES - GARY R. TRAYLOR & ASSOCIATES, INC. - 1996 HOME PROGRAM GRANT**

Mayor Bronaugh stated that the next item for consideration was a contract with Gary R. Traylor & Associates, Inc. for grant management services for the City's 1996 HOME Program Grant.

City Manager Maclin stated that staff would like to request that Council table this item. City Manager Maclin stated that in review of the contract staff found that this was a "boiler plate" agreement, where the same material is used repetitively. City Manager Maclin stated that this particular contract addresses rehab which is what the City has had in the past, but the money the City was just funded from the Texas Department of Community Affairs is for a new home buyer assistance program. City Manager Maclin stated that staff is respectfully requesting that this item be tabled today and allow them to work with Gary Traylor for the updated correct contractual documentation for next meetings agenda.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that contract with Gary R. Traylor & Associates, Inc. for grant management services for the City's 1996 HOME Program Grant be tabled until next meeting. A unanimous affirmative vote was recorded.

**12. CONDEMNATION - PAUL AVENUE AND LOOP 287 - BUFORD MATTUX**

Mayor Bronaugh stated that the next item for consideration was condemnation of property at Paul Avenue and Loop 287 owned by Buford Mattux.

City Manager Maclin stated that on the Council table is a letter faxed to him prior to the Council meeting from the City's negotiator, Sid Medford, who received a call from Mr. Mattux this afternoon recognizing that this was about to go to City Council for final condemnation purposes. City Manager Maclin stated that Mr. Medford was able to obtain an agreement for the purchase of the property without utilization of condemnation, so this item does not have to be addressed today.

### 13. COMMENTS

In response to question by Councilmember Simond, City Manager Maclin stated that he had met with the County Commissioners regarding tax abatement and had given a brief report in one of his Council newsletters. City Manager Maclin stated that basically some of their concerns were discussed with representation from the Angelina County Economic Partnership as well as Dr. Phillips from Angelina College, I. D. Henderson, James Risinger, Murphy George, Jerry Huffman, Stephen Abraham and Dawn Glover. City Manager Maclin stated that he had gone over the Policy and the changes that were made in 1995, and discovered from Mr. Henderson and Mr. Risinger was that they felt like there was an education gap where people do not understand what Tax Abatement is. City Manager Maclin stated that Ms. Glover has worked on some materials that the City would use to assist the County Commissioners in answering questions they receive from their constituents about tax abatement. City Manager Maclin stated that staff had gone back and done a tabulation of the abatements that have been granted in recent years and how long they were for, and those that were requested but have not been able to take advantage of them because they did not meet the criteria. City Manager Maclin stated that there will be a follow up meeting with them in October.

City Manager Maclin stated that Council had discussed, at a called meeting last Friday morning, the appointment of a temporary Municipal Court Judge, and would have addressed today the salary or compensation for a temporary Municipal Court Judge but due to the fact that Judge Sloan has recovered from his illness and is back at work Monday morning, there is no longer a need to have a temporary Municipal Court Judge. City Manager Maclin stated that he had visited with Judge Sloan yesterday morning and he stated that he did not anticipate that he would have to use any more sick time.

City Manager Maclin stated that he had provided a copy of the current Lufkin Letter which has been placed on the Council table and will be mailed to the citizens this week. City Manager Maclin stated that this newsletter addresses one of the most often discussed subjects and that is building permits.

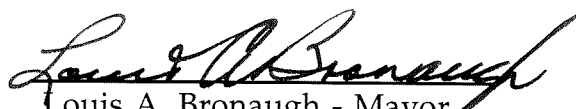
City Manager Maclin stated that he would like to request consideration from Council in their schedule for a brief called workshop meeting to address a development issue. City Manager Maclin stated that staff has been approached by an area developer about a subdivision development, but in order to develop the subdivision it would require access through some existing City property, and would require Council consideration and/or commitment. City Manager Maclin stated that because he anticipates that Council would have questions, they would be better served to discuss this in a workshop meeting. City Manager Maclin stated that he was requesting a meeting at 11:00 with lunch following to conclude no later than 1:00 p.m. City Manager Maclin stated that the property in question is located next to the elevated storage tank on White House Dr. After discussion it was the consensus of opinion that this item be placed on the agenda for next Council meeting.

Mayor Bronaugh stated that Council is invited to a fish fry dinner meeting at the Moore farm immediately following the Council meeting which is being sponsored by the Texas Good Roads and TxDOT.

Mayor Bronaugh stated that the next DETCOG meeting will be held in Woodville.

Councilmember Bowman stated that the Pineywoods Foundation at a meeting last Friday agreed to placing five murals in the downtown area over the next five years.

14. There being no further business for consideration, meeting adjourned at 5:50 p.m.

  
Louis A. Brounagh - Mayor

ATTEST:

  
Atha Stokes - City Secretary