

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LUFKIN, TEXAS, HELD ON THE  
3<sup>rd</sup> OF SEPTEMBER 2002**

On the 3<sup>rd</sup> day of September 2002 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Lynn Torres	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Rose Faine Boyd	Councilmember, Ward No. 2
Bob Bowman	Councilmember, Ward No. 4
C. G. Maclin	City Manager
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Kenneth Williams	Director of Public Works
Stephen Abraham	Director of Planning

being present, and

Jack Gorden, Jr.	Councilmember, Ward No. 5
Dennis Robertson	Councilmember, Ward No. 6
James Hager	Assistant City Manager

1. Meeting was opened with prayer by Rev. Hugh Bell, Jr., First Episcopal Church.
2. Mayor Bronaugh welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of the Regular Meeting of August 20, 2002 were approved on a motion by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman. A unanimous affirmative vote was recorded.

**4. PROCLAMATION IN COMMEMORATION OF SEPTEMBER 11, 2001**

Mayor Bronaugh stated on the agenda tonight is a Proclamation in commemoration of the events of September 11, 2001. Mayor Bronaugh stated this Proclamation has been furnished by the National League of Cities and they have encouraged cities across the nation to read the Proclamation in memory of those who lost their lives on September 11.

**5. PUBLIC HEARING – PROPOSAL TO INCREASE TOTAL TAX REVENUES FROM PROPERTIES ON THE TAX ROLL**

Mayor Bronaugh opened Public Hearing to consider a proposal to increase total tax revenues from properties on the tax roll in the preceding year by 7.652418 percent.

No one was present to speak for or against the proposal to increase the total tax revenues from properties on the tax roll in the preceding year by 7.652418 percent.

Mayor Bronaugh closed Public Hearing.

**6. ORDINANCE – APPROVED – SECOND READING – SPECIAL USE PERMIT – MEDIUM SINGLE FAMILY DWELLING – MOORE AVENUE AND BONNER STREET – RICHARD BYLER – EARNEST RUTLAND**

Mayor Bronaugh stated that the next item for consideration was an Ordinance to grant a Special Use Permit for a sixteen-space parking lot within a "Medium Single Family Dwelling" zoning district on approximately 0.32 acres of land located at the northwest corner of the intersection of Moore Avenue and Bonner Street as requested by Richard Byler on behalf of Earnest Rutland.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Rose Faine Boyd that Ordinance to grant a Special Use Permit for a sixteen-space parking lot within a "Medium Single Family Dwelling" zoning district on approximately 0.32 acres of land located at the northwest corner of the intersection of Moore Avenue and Bonner Street as requested by Richard Byler on behalf of Earnest Rutland be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**7. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – LARGE SINGLE FAMILY DWELLING TO COMMERCIAL – NORTH MEDFORD DRIVE AND LUFKIN AVENUE – ALTON J. MEYER**

Mayor Bronaugh stated that the next item for consideration was an Ordinance to change the zoning from "Large Single Family Dwelling" to "Commercial" on approximately 2.88 acres of land located at the northeast corner of the intersection of North Medford Drive and Lufkin Avenue as requested by Alton J. Meyer.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance to change the zoning from "Large Single Family Dwelling" to "Commercial" on approximately 2.88 acres of land located at the northeast corner of the intersection of North Medford Drive and Lufkin Avenue as requested by Alton J. Meyer be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE – APPROVED – SECOND READING – ZONE CHANGE – MEDIUM SINGLE FAMILY DWELLING TO LOCAL BUSINESS – NORTH MEDFORD DRIVE AND GREER STREET – OCTAVIO VELASQUEZ**

Mayor Bronaugh stated that the next item for consideration was Ordinance to change the zoning from "Medium Single Family Dwelling" to "Local Business" on approximately 4.22 acres of land located at the southwest corner of the intersection of North Medford Drive and Greer Street as requested by Octavio Velasquez.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that Ordinance to change the zoning from "Medium Single Family Dwelling" to "Local Business" on approximately 4.22 acres of land located at the southwest corner of the intersection of North Medford Drive and Greer Street as requested by Octavio Velasquez be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE – APPROVED – SECOND READING – WATER RATE INCREASE – RESIDENTIAL – COMMERCIAL – INDUSTRIAL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance reflecting increases in residential, commercial and industrial water rates.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Ordinance reflecting increase for residential, commercial and industrial water rates be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**10. ORDINANCE - APPROVED – SECOND READING – SEWER RATE INCREASE – RESIDENTIAL – COMMERCIAL**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance reflecting increases in residential and commercial sewer rates.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Ordinance reflecting increases in residential and commercial sewer rates be approved on Second Reading as presented with the stipulation that the industrial sewer rates be considered at the December 3<sup>rd</sup> Council meeting. A unanimous affirmative vote was recorded.

**11. ORDINANCE – APPROVED – SECOND READING – APPROPRIATIONS ORDINANCE**

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

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Ordinance amending the existing electric franchise between the City of Lufkin and Oncor Electric Delivery Company be approved on Second Reading as presented. A unanimous affirmative vote was recorded.

**12. ORDINANCE – APPROVED – SECOND READING – AMENDMENT TO THE EXISTING ELECTRIC FRANCHISE – ONCOR ELECTRIC DELIVERY COMPANY**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending the existing electric franchise between the City of Lufkin and Oncor Electric Delivery Company.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember R. L. Kuykendall that Ordinance amending the existing electric franchise between the City of Lufkin and Oncor Electric Delivery Company be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**13. RESOLUTION – APPROVED – 2003/2004 TEXAS COMMUNITY DEVELOPMENT PROGRAM GRANT APPLICATION**

Mayor Bronaugh stated that the next item for consideration was a Resolution authorizing submission of a 2003/2004 Texas Community Development Program (TCDP) grant application.

City Manager Maclin stated that included in the Council packet is a Resolution that represents this application along with some cost estimates and a map showing the area of the two locations in Walker Circle and behind the Pinewood Park Apartments for proposed 8" and 12" sewer line. Mr. Maclin stated that there is also a supplemental sheet of a completed budget showing that the grant would be for \$250,000 of Texas Community Development Program funds and \$50,000 in local match for a total of \$300,000.

City Manager Maclin stated that these are two projects that the City wants to be doing because of the age and problems with the older sewer pipe. Mr. Maclin stated that the City has the opportunity in an area that can qualify for some TDCH funds and staff is asking Council to consider approval of this grant application so that it can be submitted through the DETCOG process for the 2003-2004 funding cycle.

Kathleen Seal of Raymond K. Vann & Associates stated that she was writing the grant application and would be happy to answer any questions by Council.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that a Resolution authorizing submission of a 2003/2004 Texas Community Development Program (TCDP) grant application be approved as presented. A unanimous affirmative vote was recorded.

**14. HIPPA RESOLUTION – APPROVED**

Mayor Bronaugh stated that the next item for consideration was a HIPPA Resolution.

City Manager Maclin stated that this is an item that the City has been approving since 1996 by the virtue of the fact that the City is a self-funded health insurance program

and is able to take advantage of legislation provided to the City by the Congress that allows us to exempt some of the items related to the health insurance Portability Act. Mr. Maclin stated that staff is recommending that the City exercise that option again for this year.

Motion was made by Councilmember R. L. Kuykendall and seconded by Councilmember Rose Boyd that the HIPPA Resolution be approved as presented. A unanimous affirmative vote was recorded.

**15. RESOLUTION – APPROVED – CREATION OF A REINVESTMENT DISTRICT**

Mayor Bronaugh stated that the next item for consideration was a Resolution providing for a Public Hearing to be held on the creation of a reinvestment district, providing for notice of such Public Hearing and resolving other matters incident and related to creation of such reinvestment district.

City Manager Maclin stated that included in the Council packet is a Tax Increment Financing District Schedule for Creation, which includes a Public Hearing Notice to be held on October 1<sup>st</sup>. Mr. Maclin stated that there is also a Resolution and the property description of the Zone, which is six pages worth of surveying notes. Mr. Maclin stated that there is also a letter that has already been delivered to the taxing units. Mr. Maclin stated that he had personally delivered letters to Dr. Phillips, Judge Joe Berry and David Sharp, and two of three have already sent letters back granting the 60-day waiver of the waiting time period so we can go ahead and have our Public Hearing on October 1<sup>st</sup>. Mr. Maclin stated that there is a map showing the Tax Increment Financing District. Mr. Maclin stated that basically what he is seeking from Council tonight is approval to move forward with the establishment of the Tax Increment Financing District as the vehicle to finance the construction of the infrastructure staff feels like will stimulate economic development in this area. Mr. Maclin stated that it would provide for the extension of White House Drive from U. S. 59 to FM 819 and will come out somewhere in the vicinity of the entrance to the Industrial Park. Mr. Maclin stated that likewise it will extend Daniel McCall Drive north to the south Loop in the vicinity of the Palms Shopping Center, thereby providing access to the area which staff believes will stimulate economic development by the creation of additional commercial businesses. Mr. Maclin stated that staff also believes, and has documented in the paperwork, that this will be able to pay for itself based on the projections that staff calculates for the development of the area through the property value increases of the area. Mr. Maclin stated that this is not a tax rate increase and is not a sales tax increase but is simply taking the value of the new buildings that will be built in the tax increment financing district, applying the increased value to the debt retirement for the infrastructure of these two new street extensions, and with all three taxing entities participating it could be as short as 10 to 12 years. Mr. Maclin stated that it would be a maximum of 20 years but with the others participating and the anticipated growth to the area that in 10 or 12 years it would pay for itself based on the value of the new improvements from new retailers and commercial ventures that would develop in the area.

Mr. Maclin stated that staff is asking that Council adopt the calendar and the Resolution relating to the Tax Increment Financing District.

Mr. Maclin stated that for the October 1<sup>st</sup> meeting he has invited members of the Commissioners Court, the School Board, and the College Board to be in attendance at that meeting to hear the public presentation, the formal plan presented. Mr. Maclin stated that LISD would not participate in this because of the double jeopardy that since State law was changed they would actually lose money twice from the State and from the lost values. Mr. Maclin stated that he had received a letter from David Sharp indicating they do not wish to participate but they would grant the 60-day waiver.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember R. L. Kuykendall that Resolution providing for a Public Hearing to be held on the creation of a reinvestment district, providing for notice of such Public Hearing and resolving other matters incident and related to creation of such reinvestment district be approved as presented. A unanimous affirmative vote was recorded.

**16. REVISIONS TO PERSONNEL POLICIES – APPROVED**

Mayor Bronaugh stated that the next item for consideration was revisions to personnel policies.

City Manager Maclin stated that included in the Council packet is an executive summary letter from David Koone, Director of Human Resources and Civil Service, that gives the substantiate changes. Mr. Maclin stated that a copy of the whole Personnel manual was provided to Council in their packets. Mr. Maclin stated that basically there are some clarification issues with Family Medical Leave Act and funeral leave. Mr. Maclin stated that each year at this time staff reviews the Personnel Policies and if there are some areas that staff feels can be improved or updated to reflect current law then these items are brought to Council for approval. Mr. Maclin stated that 90% of the changes are cosmetic and for clarification to make it easier to understand and interpret.

Mr. Maclin stated that the only significant item is the addition of one more holiday for City employees and staff is requesting consideration for inclusion of Good Friday as an employee holiday.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Bob Bowman that revisions to the personnel policies with the inclusion of Good Friday as an employee holiday be approved as presented. A unanimous affirmative vote was recorded.

**17. BID – APPROVED – WOODLAND DRIVE STORM SEWER REPLACEMENT - B & J EXCAVATING**

Mayor Bronaugh stated that the next item for consideration was bids for the Woodland Drive storm sewer replacement.

City Manager Maclin stated that the bid tabulation has been included in the Council packet and the staff recommendation is B & J Excavating in the amount of \$34,712.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that the bid of B & J Excavating in the amount of \$34,712 for the Woodland Drive storm sewer replacement be approved as submitted. A unanimous affirmative vote was recorded.

**18. BID – APPROVED – WATER TREATMENT PLANT AERATOR REHABILITATION - WATER TREATMENT COMPANY**

Mayor Bronaugh stated that the next item for consideration was bids for the water treatment plan aerator rehabilitation.

City Manager Maclin stated that one sheet has been added to the Council information that says “Goodwin-Lasiter” at the top and is signed by Mike J. Walker, Project Engineer, to go along with the information that was included in the packet. Mr. Maclin stated that staff is recommending the low bid, which was the only bid received, from Water Treatment Company in the amount of \$21,202. Mr. Maclin stated that there would be some other items that will complete out the project and will still be less than the budgeted amount. Mr. Maclin stated that this is a very specialized type of service. Mr. Maclin stated that this company is the company that installed this aerator when it was built in 1972.

Motion was made by Councilmember Rose Faine Boyd and seconded by Councilmember Bob Bowman that the bid of Water Treatment Company in the amount of \$21,202 for the water treatment plant aerator rehabilitation be approved as submitted. A unanimous affirmative vote was recorded.

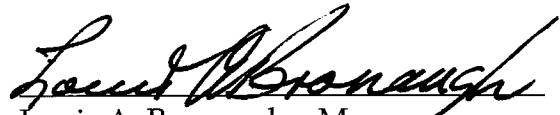
19. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 5:28 p. m. and Councilmembers entered into Executive Session. Regular Session reconvened at 5:55 p.m. and Mayor Bronaugh stated that the Council had discussed attorney/client matters and real estate.

20. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER

City Manager Maclin stated that the First Friday luncheon speaker would be Kim Ross, a medical lobbyist.

21. There being no further business for consideration, meeting adjourned at 6:57 p. m.

  
Louis A. Bronaugh – Mayor

ATTEST:

  
Atha Martin – City Secretary