MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH OF JANUARY, 2002

On the 15th day of January 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
Dennis Robertson	Mayor pro tem
R. L. Kuykendall	Councilmember, Ward No. 1
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
James Hager	Asst. City Manager/Finance
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Stephen Abraham	Director of Planning

Being present when the following business was transacted.

1. Reverend Rick Williams, Pastor, Carpenter's Way Church, opened meeting with prayer.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the regular meeting of December 18, 2001 were approved on a motion by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson. A unanimous affirmative vote was recorded.

4. PROCLAMATION – LUFKIN PANTHERS – STATE CHAMPIONSHIP

Mayor Bronaugh presented a Proclamation to the Lufkin Panther Football Team recognizing them as the 5-A Division 2 State Champions. Mayor Bronaugh stated that he was genuinely impressed with the Lufkin Panther football team in the way they demonstrated the way to play the game the way it should be done. Mayor Bronaugh stated that the City of Lufkin is very proud to recognize the Lufkin Panther Football Team as the 5-A Division 2 State Champions.

Coach John Outlaw stated that he had asked all 41 of the seniors on the football team to be present along with the members of the coaching staff. Coach Outlaw stated that he wanted to say "Thank You" to the City for the tremendous job the City did by endorsing this group of young men. Coach Outlaw stated that he appreciated the tremendous support the football team received from those people who came to the game in Houston to rally around a unique group of young men. Coach Outlaw stated that these young men, from a standpoint of the seniors, are the type of people we want sitting where the Councilmembers are sitting. Coach Outlaw stated that these young men were of high character, great morals, great work habits and great in every possible way. Coach Outlaw stated that any time you are behind in football games as many times as they were, you must have something inside you, not as a football player, but as a person. Coach Outlaw stated that this was a total, complete community effort and the team appreciated it.

The Coach and team received a standing ovation from the Councilmembers and those present in the audience.

Pictures taken of the Mayor and Coach Outlaw and several of the football players were placed on the City's website.

5. **ORDINANCE – APPROVED – SECOND READING – ALLEY CLOSING – BYNUM AND FALVEY SOUTH OF KILN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to close an alley between Bynum and Falvey south of Kiln Street.

City Manager Maclin stated that staff had received a call from a concerned citizen that in 1936 this alley had been closed and the property had been quit claimed back to the people, but there is no documentable record of that. Mr. Maclin stated that staff has searched City and County records and have been unable to verify that information. Mr. Wright stated that staff is checking with the Appraisal District, but it appears that they are also showing this as City property as far as taxation purposes. Mr. Maclin stated that if staff is able to find any verification, then the City will act accordingly to whatever legal documentation staff finds, otherwise, we will proceed with Second Reading of this Ordinance.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Lynn Torres that Ordinance to close an alley between Bynum and Falvey south of Kiln Street be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE – APPROVED – SECOND READING – REQUIREMENT OF COVERS FOR GARBAGE TRUCKS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance requiring covers for garbage trucks.

Councilmember Robertson stated that on First Reading of this Ordinance there was a question as to whether or not we were covering all the potential problems with the specifications on the rear loading trucks. Kenneth Williams, Director of Public Works, stated that the City only has two vehicles that this would address and it would only affect rear loaders, which is what the City has.

In response to question by Councilmember Robertson, Mr. Williams stated that the rear loaders are basically coming from out of town and they are the ones who are spilling garage along FM Road 58, and this is what the Ordinance was to address. Mr. Williams stated that the Police Department just needed an Ordinance to enforce the use of netting on the rear loaders. Mr. Flournoy stated that the real culprits are the rear loaders and this should take care of the bulk of the problem. Mr. Maclin stated that if staff finds that there is a loop hole in this Ordinance we can always come back with an Amendment.

Councilmember Robertson stated that AB/C had their board meeting last week at the Angelina County Landfill and Chris Fitzgerald took the members out to watch some of the operations. Mr. Robertson stated that some of the folks who have covers coming in may have residue coming out of the vehicle as they leave. Mr. Robertson stated that when this Ordinance is implemented it should apply to the drivers whether they are coming to or leaving the landfill. Mr. Maclin stated that any thrash that is coming out of a vehicle within the corporation City limits would be liable to prosecution by the law.

Motion was made by Councilmember Don Boyd and seconded by Councilmember R. L. Kuykendall that Ordinance requiring covers for garbage trucks be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE – APPROVED – FIRST READING – ESTABLISHMENT OF MAXIMUM SPEENDS OF MOTOR VEHICLES – US HIGHWAY 69 NORTH AT LOOP 287 FRONTAGE ROADS**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance establishing maximum speeds of motor vehicles on US Highway 69 N at Loop 287 frontage roads.

City Manager Maclin stated that included in the Council packet is a letter of request from Richard Ivey, Traffic Systems Manager, for the Lufkin District of TxDOT along with an Ordinance. Mr. Maclin stated that staff is seeking Council's approval on First Reading of this Ordinance adopting a 45 mph speed limit in this area.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance establishing maximum speeds of motor vehicles on US Highway 69 N at Loop 287 frontage roads be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. RESOLUTION – APPROVED – PARTICIPATION IN THE DEEP EAST TEXAS NARCOTICS TRAFFICKING TASK FORCE

Mayor Bronaugh stated that the next item for consideration was a Resolution for continuing participation in the Deep East Texas Narcotics Trafficking Task Force.

City Manager Maclin stated that included in the Council packet is a letter of request from Chief Brazil and a Resolution for Council's consideration to approve the participation. Mr. Maclin stated that the City's matching funds of $13,900 are required and included in the Police Department budget this year.

Mr. Maclin stated that the City has been a participant in this program for several years. Mr. Maclin stated that the Task Force has a new Director and the new format will be mirroring the Texas Department of Public Safety rules for enforcement of the Task Force.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Dennis Robertson that Resolution for continuing participation in the Deep East Texas Narcotics Trafficking Task Force be approved as presented. A unanimous affirmative vote was recorded.

9. **LETTER OF APPEAL – TABLED – SUSPENSION OF JOURNEYMEN ELECTRICAL LICENSE – GARY WALLER**

Mayor Bronaugh stated that staff had received a letter of request from Attorney Joe Lee Register asking that this item be tabled until the February 5th Council meeting.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that request of Attorney Joe Lee Register that the suspension of journeymen electrical license for Gary Waller be tabled until the February 5th meeting be approved as presented. A unanimous affirmative vote was recorded.

10. **BID – APPROVED – BLEACHERS – CIVIC CENTER – TIMBERLINE CONSTRUCTORS, INC.**

Mayor Bronaugh stated that the next item for consideration was bids for bleachers to be used at the Civic Center.

City Manager Maclin stated that included in the Council packet is a memorandum from the City Engineer reviewing the process, the particular seating product, and the bids and tabulation of the bids. Mr. Maclin stated that we have samples of the seats and are recommending that Council accept the low bid of Timberline Constructors in the amount of $291,500 for the base bid and alternates 1 and 3 in the amounts of $66,068 and $2,525, for a total of $360,093.

Mr. Wright stated that staff looked at two types of chairs, one a hard plastic and one a cushion chair. Mr. Wright stated that the base bid is the hard plastic chair throughout the Civic Center, which is approximately 716 chairs. Mr. Wright stated that the alternate #1 for $66,068 is putting about 140 of the cushion chairs in the center area. Mr. Wright stated that these are all telescoping bleachers where they pull in and out from the wall. Mr. Wright stated that the exact colors have not been selected, and staff will be working with the architect and City staff to determine a color scheme for the Civic Center before the chairs are ordered.

Mr. Wright stated that staff received only one bid from a general contractor, however, the general contractor did receive two different bids from two different manufacturers of the chairs. Mr. Wright stated that staff was limited on the chairs themselves when we went into the bid process because the manufacturer will not act as a general contractor so staff had to find some general contractors to work with them to install the chairs. Mr. Wright stated that there was only one general contractor who expressed any interest and that was Timberline Constructors.

In response to question by Councilmember Robertson, Mr. Wright stated that if we bought the total number of chairs in the cushion chairs it would be $291,500 plus $216,070.

In response to question by Councilmember Gorden, Mr. Wright stated that essentially we have one bid from one general contractor and that general contractor accepting quotes from the various sub-contracto, and the sub-contractors in this case are two different chair manufacturers that provide the telescoping chairs. Mr. Wright stated that staff did, in effect, receive two different prices for these chairs even thought we have one general contractor bid.

Mr. Wright stated that the two chairs are made by the same manufacturer. Mr. Wright stated that staff is looking at trying to get the best chair that would take the least amount of maintenance and last the longest.

Mr. Wright stated that there are three people involved in this bid – the manufacturer, the rep for the manufacturer and the general contractor. Mr. Wright stated that there were two manufacturers and two reps for the manufacturers that quoted the chairs to the general contractor. Mr. Wright stated that what staff was expecting is that the chair manufacturer would come and install the chairs but they would not do that.

Mr. Wright stated that alternate #1 was for 140 of the theater type chairs for the center section of the Civic Center, and alternate #2 was if we took all the chairs in plastic. Mr. Wright stated that all the chairs as theater type chairs is out of our budget.

In response to question by Councilmember Bowman, Mr. Wright stated that the 140 chairs for the center section of the Civic Center is for comfort and because this is the section that is used most often.

In response to question by Councilmember Boyd, Mr. Wright stated that the budget for this item was $375,000.

In response to question by Councilmember Robertson, Mr. Wright stated that they looked at several options when selecting these particular chairs and the Civic Center has several limitations, one of which is storage. Mr. Wright stated that the second limitation is that the floor space is needed so you have to have some type of telescoping system to provide that type of seating. Mr. Wright stated that there may be some more manufacturers nationwide but these are the two that staff found in this area where we could get representation. Councilmember Robertson stated that he did not want the City to buy something that may become obsolete.

In response to question by Mayor Bronaugh, Mr. Wright stated that staff would look at the overall color scheme of the Civic Center and move towards that scheme in everything that they do.

In response to question from Councilmember Gorden, Mr. Wright stated that there had not been any problems with vandalism, only stains.

Malcolm McKinley stated that the difference in the two chairs is how the mechanism will hold up.

Motion was made by Councilmember Lynn Torres and seconded by Councilmember Dennis Robertson that the bid of Timberline Constructors, Inc. in the amount of $360,093 for bleachers for the Civic Center be approved as submitted. A unanimous affirmative vote was recorded.

11. **BID – APPROVED – WATERLINE REPLACEMENT – CULVERHOUSE – COBURN SUPPLY**

Mayor Bronaugh stated that the next item for consideration was bids for waterline replacement on Culverhouse.

City Manager Maclin stated that included in the Council packet is the bid tabulation on this project for materials only and the City forces will be making the installation. Mr. Maclin stated that staff recommendation is the low bid of Coburn Supply in the amount of $38,989.26.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that bid of Coburn's Supply in the amount of $38,989.26 for waterline replacement on Culverhouse be approved as submitted. A unanimous affirmative vote was recorded.

12. **BID – APPROVED – REPLACEMENT PARTS FOR TWO CAMERAS – SEWER LINE INSPECTIONS – KINLOCH EQUIPMENT**

Mayor Bronaugh stated that the next item for consideration was bid for replacement parts for two cameras used for sewer line inspections.

City Manager Maclin stated that staff is recommending the low bid of Kinloch Equipment in the amount of $27,872.

In response to question by Councilmember Bowman, Mr. Maclin stated that these cameras are a little more current technology than the ones we had a few years ago and they are within budget. Mr. Maclin stated that this item has been a real asset to the City and has saved thousands of dollars in time in terms of locating leaks.

In response to question by Councilmember Robertson, Mr. Wright stated that the average life of the camera is about five years.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember R. L. Kuykendall that bid of Kinloch Equipment in the amount of $27,872 for replacement parts for two cameras used for sewer line inspections be approved as submitted. A unanimous affirmative vote was recorded.

13. **REPORT FROM FINANCE COMMITTEE**

Mayor Bronaugh stated that the next item for consideration was a report from the Finance Committee.

Councilmember Gorden stated that the Committee had met earlier this afternoon and reviewed transactions for the last quarter of the year. Mr. Gorden stated that the Committee approved an approach to the City's investments which is still well within the policy outline approved by Council. Mr. Gorden stated that the Committee met with Richard Rudel from the City's outside accounting firm that related to the audit of the City and looked at a preliminary copy of their audit report which will be on the next Council agenda. Mr. Gorden stated that the audit looked good and was approved by the Committee. Mr. Gorden stated that this was a good meeting and the City is well on track financially with the goals the Council has set prior to this.

Mayor Bronaugh stated that the three Councilmembers who serve on this Committee come two hours early prior to a Council meeting and he appreciated their efforts on the Finance Committee.

14. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:45 p.m. to enter into Executive Session. Regular Session reconvened at 6:12 p.m. and Mayor Bronaugh stated that real estate matters had been discussed.

15. **CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER**

City Manager Maclin stated that on Thursday at 5:00 p.m. there would be a parade in downtown Lufkin for the Lufkin Panther Football Team.

City Manager Maclin stated that Monday, January 21st, is Martin Luther King's birthday and would be a City holiday.

City Manager Maclin stated that January 23rd is the date for the Lufkin/Nacogdoches Reception in Austin beginning at 5:00 p.m.

City Manager Maclin stated that January 24th is the DETCOG meeting.
City Manager Maclin stated that also on the 24th is the Lufkin Landscape Task Force lecture with Jeff Abt at 7:00 p.m. in City Hall.

City Manager Maclin stated that January 29th is the Chamber Banquet at the Civic Center.

City Manager Maclin stated that January 30th is the full board meeting of the Economic Development Partnership at noon at the Chamber.

City Manager Maclin stated that February 21st is the DETDA annual meeting and the speaker will be the CEO at Temple-Inland.

16. There being no further business for consideration, meeting adjourned at 6:16 p.m.

Louis Bronaugh
Mayor

ATTEST:

Atha Martin

Atha Stokes Martin - City Secretary