MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF SEPTEMBER, 1990, AT 5:00 P.M.

On the 4th day of September, 1990, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Ron Wesch	Public Works Director/ Assistant to City Manager
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present, and

Paul Mayberry	Commissioner, Ward No. 6

being absent when the following business transacted.

1. Meeting was opened with prayer by Rev. Bettye Kennedy, Minister, Collins Chapel Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of August 21, 1990, Workshop meetings of August 14 and August 21, and Special meeting of August 28, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - PROPOSED BUDGET - FISCAL YEAR 1990-'91

Mayor Bronaugh officially opened Public Hearing to consider the proposed City budget for fiscal year 1990-'91.

Mayor Bronaugh recognized A. M. Jeffero, 802 Rowe Street, who stated that he had been a resident of the City for the last 30 years and felt that a lot of progress had been made in that 30 years, but there was still a lot to be done. Mr. Jeffero stated that he was concerned that a Department Head for the City of Lufkin is a Department by himself and has no help. Mr. Jeffero stated that it is humanly impossible for one person in a City as large as Lufkin, to do an effective job without having at least a secretary. Mr. Jeffero stated that, in his opinion, this was unfair to the Department Head (Kenneth Williams/Code Enforcement Officer) because there is not another Department Head in City Hall without a secretary. Mr. Jeffero stated that his Commissioner is Percy Simond, and he had confidence in Mr. Simond and supported the rest of the Commissioners. Mr. Jeffero stated that it is time for progress in the City of Lufkin.

Mayor Bronaugh recognized A. L. Jasper, 510 Dixon Street, who stated that his remarks would not be directly connected with the recent conflict in the newspaper. Mr. Jasper stated that he was concerned about other conditions that exist in a section of the City he grew up in that he sees as deteriorating. Mr. Jasper stated that he was referring to the streets and parks. Mr. Jasper stated that he had heard some time ago that Dixon Street was on a list to be repaved and he was trying to find out what provisions have been made for this street. (Mr. Wesch stated that there is a new list for repaving and repairs to City streets and he was unsure whether Dixon Street was on the list.)

Mr. Jasper stated that in North Lufkin there is a great potential for a recreation area at Jones Park. Mr. Jasper stated that it is sad to see the present condition of Jones Park (and the lake), and it would not take a lot of money to make it one of the most attractive sites in that part of town. Mr. Jasper stated that the public is only using a small portion of the frontage to the lake. Mr. Jasper stated he hopes that some funding could be found to enhance the area around the lake.

Mayor Bronaugh recognized Grose Kiel, 1922 Williams Street, who stated that he was concerned about some trees in his neighborhood that need to be trimmed and ditches in the area that need to be cleaned out. Mr. Kiel stated that he is also concerned about absentee landowners who do not maintain their property.

Mayor Bronaugh stated that this is what a Public Hearing is all about and he appreciated Mr. Kiel coming to the meeting and sharing his concerns. Mayor Bronaugh stated that if Mr. Kiel will let the staff know where these places are, the City crew will come around and take care of these problem areas. Mayor Bronaugh stated that the City cannot do all of the cleaning alone and he appreciated those residents who helped to maintain their own neighborhoods. Mayor Bronaugh stated that this is a team effort and everyone has to work together to get the work done.

Mayor Bronaugh recognized Linda Pendland who stated she has been working on a project since March 8th to save Jones Park, and because of a community effort Jones Park is now a different place. Ms. Pendland stated that since she has been involved in this project she realizes how much help is needed, and to do the things that need to be done, funds are needed. Ms. Pendland stated that it is their intention to make Jones Park a safe and beautiful place for people to go, but they will need help from the City. Mayor Bronaugh complimented Ms. Pendland on her efforts in cleaning up Jones Park.

Mayor Bronaugh thanked the citizens in attendance for coming to the meeting and for their input. Mayor Bronaugh stated that sometimes the City Commission meets and the members and staff are the only ones present and he would encourage citizens to attend the meetings and would welcome their input. Mayor Bronaugh stated that the City Commission is working toward doing what is best not only for North Lufkin, but for South Lufkin, East Lufkin and West Lufkin as well. Mayor Bronaugh stated that the City Commission sometimes has to make decisions that are unpopular with maybe one of the Commissioners, but the City Commission is a team and the team effort is what the Commission needs to put together to make it work and get the most out of the available revenues.

Mayor Bronaugh stated that, in his opinion, in the last two years this City Commission as a team has done a great deal more than has been done in a long time for all of Lufkin. Mayor Bronaugh stated that he was speaking about the Ordinances that allow the City to pick up cars that are abandoned, tear down dilapidated houses, and mow and clean up vacant lots. Mayor Bronaugh stated that the City has cleaned up 29 lots, torn down 44 dilapidated houses, and created a Neighborhood Alliance with 10 or 12 Neighborhood Associations around the City working to beautify their neighborhood. Mayor Bronaugh stated that last summer the City staff spent a great deal of time on the supervision of a TLL Temple Foundation grant in the amount of $10,000 in one particular area of the City. Mayor Bronaugh stated that the City needs citizen help in keeping the City clean, and that Jones Park is a good example of citizen participation. Mayor Bronaugh stated that Jones Lake was in such a deplorable state the law abiding citizens could not go there and enjoy themselves and with the efforts of the Police Department it was cleaned up and handed back over to the citizens of North Lufkin and they have made it a fine place for children to play - a team effort between the City and the community.

Mayor Bronaugh stated that the decision made by the City Commission may not have been a popular one but it is the Commission's job to do the best job with the funds available.

Mayor Bronaugh recognized Royce Garrett who stated that, in his opinion, what the citizens are saying is that they want to see an equal distribution of services. Mr. Garrett stated that the citizens who are present at tonight's meeting travel to Brookhollow and Crown Colony and see how the conditions are in these neighborhoods and then go back to North Lufkin and see the difference. Mr. Garrett stated that the citizens are asking for fairness. Mr. Garrett stated that he hears comments from citizens of North Lufkin who say that if the City wants to do something they can do it, they can find the money to do what they want to do and if they don't want to do it they can find a reason not to do it. Mr. Garrett stated that all of the black people present represent all of Lufkin, not just North Lufkin, because they are part of Lufkin. Mr. Garrett stated when Commissioner Simond and Commissioner Boyd speak they know they are really fighting a fight for the people of North Lufkin who have been unrepresented in the past. Mr. Garrett stated that when the people feel they are treated unfairly they will be back to the City Commission meetings. Mr. Garrett stated that this is not a black-or-white issue, but a issue of fairness. Mr. Garrett stated that when it comes to disbursing the money in the budget, it is a matter of where the Commission sets it's priorities. Mr. Garrett stated that there are two black Commissioners fighting for North Lufkin, but they also fight for other parts of Lufkin as well. Mr. Garrett stated they also support Crown Colony, the Expo Center, the Library and all the other issues the City of Lufkin represents but in this particular case they supported an issue that the other Commissioners may not have seen as a priority. Mr. Garrett stated that all of the citizens present were appearing in support of Commissioners Simond and Boyd and were saying that they also feel that this issue is a priority.

Mayor Bronaugh recognized Benny Moye who stated that he was present to appeal to the City Commission for consideration pertaining to the Code Enforcement Officer. Mr. Moye stated that there are some segments of Lufkin that need a little more concentration on the enforcement of the City Code. Mr. Moye stated that the Code Enforcement Officer has been a very effective tool for the North Lufkin area. Mr. Moye stated that in November 1988 he was approached by the City of Lufkin to work towards making the area of North Lufkin a little more desirable and a better place to live. Mr. Moye stated that since that time his group has made great strides in North Lufkin and he would like to continue but he needs a little help especially in Code enforcement. Mr. Moye stated that he was asking the City Commission to help him and the citizens of North Lufkin stamp out some of the undesirable sights that exist. Mr. Moye stated that he will continue to do what the City of Lufkin has asked him to do.

Mayor Bronaugh stated that the City Commission meets on the first and third Tuesdays of each month at 5:00 p.m. and the meetings are open to the public. Mayor Bronaugh stated that he would like to assure those present that Kenneth Williams will have help in doing his work and if everyone pulls together the City of Lufkin will be a better place to live.

Mayor Bronaugh officially closed the Public Hearing.

Mayor Bronaugh stated that Second Reading of the Ordinance adopting the budget will be held on September 18th and he would like to invite those citizens who are present to come back and be in attendance for this meeting.

5. ORDINANCE - APPROVED - SECOND READING - STANDARD FIRE PREVENTION CODE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance adopting the Standard Fire Prevention Code.

City Manager Westerholm stated that adoption of this Ordinance will allow the Fire Marshall to work with the Code Enforcement Officer on dilapidated houses.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that Ordinance adopting the Standard Fire Prevention Code be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. APPOINTMENTS - APPROVED - STANDARD FIRE PREVENTION CODE BOARD OF ADJUSTMENT AND APPEALS

Mayor Bronaugh stated that the next item for consideration was appointment of members to the Standard Fire Prevention Code Board of Adjustment and Appeals.

Mayor Bronaugh stated now that the Standard Fire Prevention Code has been adopted there needs to be an appeals process whereby someone could appeal a decision by the Fire Marshall if they do not agree. The City Attorney has recommended that members of the Standard Building Code Board of Adjustment & Appeals also serve as an Appeals Board for the Standard Fire Prevention Code. Members of the Standard Building Code Board of Adjustment & Appeals are: Jerry Hill (Chairman), Jack Jumper, Lynn Pavlic, Ray Scott and Terry Dwire.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that members of the Standard Building Code of Adjustment & Appeals serve on the Standard Fire Prevention Code Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - CLYDE HERRINGTON ET AL/JOHN R. FUTCH ET AL - DUNAWAY ASSOCIATES, INC. - EAST OF AND ADJACENT TO U.S. 59 AND NORTH OF AND ADJACENT TO WHITE HOUSE DRIVE - COMMERCIAL, RESIDENTIAL LARGE, AND MOBILE HOME TO COMMERCIAL, SPECIAL USE (SHOPPING CENTER) WITH THE FOLLOWING AMENDMENTS: 6' PRIVACY FENCE RUNNING THE ENTIRE DISTANCE OF THE REAR OF THE PROPERTY, REVIEW AND AGREE ON A SUITABLE SIGN, INCREASE MOST NORTHERLY ENTRANCE AND EXIT RADIUS TO 50', LIGHTING TO BE REVIEWED WITH FINAL SITE PLAN APPROVAL, AND SUBMIT FINAL SITE PLAN FOR REVIEW

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change request by Clyde Herrington et al and John R. Futch et al for Dunaway Associates, Inc. covering property located east of and adjacent to U.S. 59 and north of and adjacent to White House Drive from Commercial, Residential Large, and Mobile Home to Commercial, Special Use (Shopping Center) with the following amendments: 6' privacy fence running the entire distance of the rear of the property, review and agree on a suitable sign, increase most northerly entrance and exit radius to 50', lighting to be reviewed with final site plan approval, and submit final site plan for review.

Mayor Bronaugh recognized Tom Galbreath with Dunaway Associates of Ft. Worth representing Wal-Mart and the property owners on this zoning request change. Mr. Galbreath stated that Dunaway Associates is acting as the engineer and planner for this project. Mr. Galbreath introduced Tom Hudson, Wal-Mart's broker on the property.

Mr. Galbreath stated that the zoning request was made up of 16.7 acres at the northeast corner of White House Road and U. S. 59. Mr. Galbreath stated that Mr. Herrington's property is the southern 11.4 acres and Mr. Futch's property is the northern most 5.3 acres. Mr. Galbreath stated that present zoning of the site consisted of a strip of Commercial along U. S. 59 that is approximately 250' in dept, Mr. Futch's tract which functions as a Mobile Home Park and is zoned as such, and Mr. Herrington's tract which consists of two residential dwellings and pasture land and is zoned Residential Large. Mr. Galbreath stated that minutes of the Planning & Zoning Commission were very thorough and highlighted all of the issues that were talked about at that meeting.

Mr. Galbreath stated that he had met with Rita Ellison, City Planner, in May when this project was first being considered. Mr. Galbreath stated that at that time he was advised to go with Commercial, Special Use (Shopping Center) because the City likes to have some control over shopping centers over three acres in size. Mr. Galbreath stated that one of the issues Wal-Mart is asked to deal with when they submit a site plan is parking. The City's requirements are 581 spaces prior to expansion and Wal-Mart is providing 727 spaces. After expansion, the City would require 731 and Wal-Mart is providing 906 spaces. Mr. Galbreath stated that the City's requirement at the truck unloading space would require at least 2,000 SF solely dedicated to just moving trucks in and around the site - Wal-Mart will have 27,000 SF.

Mr. Galbreath stated that another item under Special Use which requires approval is ingress and egress. Mr. Galbreath stated that he has received a letter from the Highway Department which approves both the drainage and the drive approaches. (A copy of the letter was passed out to members of the Commission). Mr. Galbreath stated that one of the things the Highway Department requested of Wal-Mart in the letter was to move the most northern drive 100' south, and that has been done. Mr. Galbreath stated that the Planning & Zoning Commission had requested Wal-Mart to increase the drive radius at this same drive to 50' instead of the 35' that had been submitted, and this has been done. Mr. Galbreath stated that he had also received a letter from the City's consulting engineer approving the storm drainage. (A copy of the letter was passed out to members of the Commission). Mr. Galbreath stated that he would like to point out a subtle change that had taken place since the last meeting which will be beneficial to the City as well as to the project. Mr. Galbreath stated that at the last hearing Wal-Mart had proposed a 10' concrete flume at the rear of the property. Mr. Galbreath stated that the automotive area had been shifted to a north-south orientation and in doing that shift they were forced to re-think the drainage and now it is all being picked up in pipes and brought to the detention pond. Mr. Galbreath stated that because of this change there will not be an exposed 10' concrete flume - it will all be in a pipe below the ground.

Mr. Galbreath stated that another issue that is required of a site plan is the approval of the building size and location - and that speaks for itself. Mr. Galbreath stated that the other issue that was not available at the Planning & Zoning Commission meeting was lighting, and that is because Wal-Mart does it's own lighting design and it was not available at that meeting. Mr. Galbreath stated that he had submitted the lighting plans to Ms. Ellison. Mr. Galbreath stated that the lights will be on 39' poles and will be 400-watt metal Haolite lamps.

Mr. Galbreath stated that screening was another issue and was negotiated at the last hearing. Mr. Galbreath stated that the proposed pine trees as shown on the site plan were intended to buffer the existing neighbors at the rear of the Wal-Mart store. Mr. Galbreath stated that during the course of the P&Z hearing the adjacent residents requested a 6' wooden sight-bearing fence along the entire distance of the property and Wal-Mart has complied with their request.

Mr. Galbreath stated that the one issue that was not worked out in detail at the P & Z hearing was the signage issue. Mr. Galbreath stated that when the signage issue came up he was caught off-guard because the only criteria he had as a planner coming into the City of Lufkin was the Zoning Ordinance and a Thoroughfare Ordinance, which is applicable to developments which are on U. S. 59, U. S. 69, State Highways 103 and 94. Mr. Galbreath stated that under Commercial districts for U. S. 59 it indicates under signage that one free standing sign and one wall sign shall be allowed for each lot on premises except where there is multiple frontage on the dedicated right-of-way, then one free-standing sign shall be allowed on each frontage location. Mr. Galbreath stated that by this Ordinance Wal-Mart would be allowed to have two signs on U. S. 59, but they are not asking for two signs, they are just asking for one. Mr. Galbreath stated that if he is interpreting the Ordinance correctly they would also be allowed a sign somewhere along White House Drive. Mr. Galbreath stated that he has been reminded that there is a Special Use on the zone change request, and the purpose of a Special Use is to work out these kinds of issues, and nothing is tied down to a specific Ordinance when you are in a Special Use. Mr. Galbreath stated he felt like it was important to point out that coming into the City of Lufkin not having any other basis other than what is written on paper, which is somewhat clear, there was no indication that there would be a signage problem. Mr. Galbreath stated that he was questioned at the P&Z hearing about the size of the sign and at that time he had a set of working drawings which were the actual plans to develop the project. Mr. Galbreath passed out examples of the sign as proposed to P&Z on August 13th and the sign that is actually being proposed by Wal-Mart. Mr. Galbreath stated that as he was explaining the details of the sign to the P&Z Commission he was informed by Debra Hodges of Wal-Mart's Real Estate Division that Wal-Mart had gone to a new prototype and that was not the sign that would be used. Mr. Galbreath stated that it was mentioned by the Chairman of the P&Z that the dimension of the sign which was focused on (6' x 20'), thought that it was too large and asked if he could do something about the size. Mr. Galbreath stated that he agreed to look at it - and it is important to say that he did not agree to reduce it - and come back with a study that shows the profiles of U. S. 59 and the grade relationships that are taking place there because it is an underpass situation. Mr. Galbreath stated that he brought an exhibit for the Commissioners to view. Mr. Galbreath stated that he had taken the Highway Department plans and developed a plan view as well as a section elevation view of the conditions at the site. Mr. Galbreath stated that the vertical scale is 1" = 10' and on the horizontal scale 1" = 50' (a distorted look per section, but will be easier to know what is going on). Mr. Galbreath stated that Wal-Mart will not have a southbound problem but a northbound problem on U. S. 59. Mr. Galbreath stated that the lower grade at the lowest point is approximately 257' (plus or minus) and the base of the sign is 267' - a 10' grade difference just in the relationship between the existing grade at the sign and the bottom of the underpass. Mr. Galbreath stated that in Section BB (which shows the existing ground behind the overpass where the ground would be at the sign) there are a lot of existing pine trees that Wal-Mart does not have control over. Mr. Galbreath stated that Wal-Mart is a one-stop destination which is a different type of shopping than going to the Mall where you go to a number of stores. Mr. Galbreath stated that he felt that the Commissioners were aware that there were taller and larger signs in Lufkin. Mr. Galbreath passed out photographs of different signs at various locations throughout the City. Mr. Galbreath stated that Shoney's sign is 60' and 240 SF (Wal-Mart is asking for 30' tall and 136 SF). Mr. Galbreath stated that Arby's sign is 29' above grade and has 192 SF; McDonald's sign is 55' above grade and is 196 SF; and the existing Wal-Mart's sign is 29' above grade and 320 SF of signage. Mr. Galbreath stated that the main frustration for him was that the City of Lufkin does not have a Sign Ordinance in place and that there are a lot of larger signs that exist in Lufkin. Mr. Galbreath stated that Wal-Mart is working with a very difficult site.

Commissioner Bowman stated that his personal observation is that the sign requirements are fairly reasonable. Mayor Bronaugh stated that the City Commission must take into consideration the request as presented by the P & Z Commission, i.e., "review and agree on a suitable sign". Mr. Galbreath stated that he was unclear whether the City Commission takes the P&Z Commission recommendations as recommendations or as a requirement. Mayor Bronaugh stated that the recommendations are made to the City Commission by the P & Z Commission and the City Commission makes the final decision. Mr. Galbreath stated that he senses that several members of the P&Z Commission really did not have a problem with the sign - one or two did, and they were very vocal. City Attorney Flournoy suggested that the site plan be presented to the P&Z Commission at their meeting Monday night (September 10th), and the City Commission vote on the zone change request tonight subject to P&Z's final recommendation on the site plan. Mr. Flournoy stated that final acceptance of the site plan will be the decision of the City Commission.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance (to include the amendments recommended by the P&Z Commission) be approved on First Reading. A unanimous affirmative vote was recorded.

In response to question by Commissioner Gorden, Mr. Flournoy stated that what has brought about some of the confusion in this request is that the Zoning Ordinance requires that a shopping center over three acres requires a Special Use designation and obviously this needed to be a Commercial, Special Use. Mr. Flournoy stated that under Special Use, the P&Z Commission and ultimately this Commission, has the right to use it's judgment in what is necessary in a particular situation - landscaping, setbacks, lighting, etc., even though something else may be legally allowable. Mr. Flournoy stated that the judgment of the P&Z Commission, after seeing the new sign, might say that it is fine. Mr. Flournoy stated that the P&Z Commission has the responsibility of looking at the sign and making a recommendation.

Ms. Ellison stated that the P&Z Commission has not seen either of the diagrams.

Richard Donovan of Donovan Realty spoke in support of the sign.

8. ORDINANCE - APPROVED - FIRST READING - TAX LEVYING ORDINANCE

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

City Manager Westerholm stated that changes made in the budget workshop were reflected on page 1 of the budget. City Manager Westerholm stated that $250,000 had been put back in the Street Department budget and the contingency reserve is now $186,883.50.

City Manager Westerholm stated that the proposed tax of .3862 on each one hundred dollars ($100) valuation of property, is levied and apportioned at .2812 for the maintenance and support of the general government and .1044 for the interest and sinking fund.

Commissioner Simond stated that he had some comments he would like to make. Commissioner Simond stated that he would like to set the record straight regarding a statement someone made about a $10,000 donation from the TLL Temple Foundation. Commissioner Simond stated that he had asked for this grant and not the City. Mayor Bronaugh stated that the grant had been administered by the City staff.

Commissioner Simond stated that he had noticed several policemen present at tonight's meeting. Chief Collins stated that these men were attending the meeting on their own time. Commissioner Simond stated that when the westside association or the Crown Colony citizens were present for a meeting, the Police were not in attendance. Commissioner Simond stated that it was not necessary to have the Police present when a group of black citizens were meeting.

Commissioner Simond stated that there has been some indication that the City spent a lot of money on water line replacement in North Lufkin and he has been told that these water lines were at least 60 years old, were leaking, and some of them had as many as 20 or 30 clamps on one pipe. Commissioner Simond stated that the City has been loosing thousands of gallons of water out of these lines.

Commissioner Simond stated that for the record Keltys Street was not constructed by the City but by a grant from the Federal government. Commissioner Simond stated that the storm drainage that included O'Quinn and Glenn Street was also a grant by the Federal government. Commissioner Simond stated that Cain, O'Quinn, Glenn, Scarborough and Washington Streets were paved with citizen participation and not solely by the City.

Commissioner Simond stated that, in his opinion, this budget is unfair, it is raw power of arrogance, and people who have the political muscle to do the things they want to do and they are riding roughshod over people that have the least power.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - APPROPRIATIONS ORDINANCE

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

City Manager Westerholm stated that the Appropriations Ordinance appropriates the money in the budget into different categories:

Section II	- General Fund for the payment of operating expenses and necessary capital outlay for the City government	$12,188,105.80
Section III	- Sinking and Interest Fund for General Obligation Bonds and Warrants of the City	831,719.00
Section IV	- Water & Sewer Utility Funds for operating expenses and necessary capital outlay	4,300,132.09
Section V	- Interest & Sinking Fund for the Water & Sewer Departments	1,009,760.51
Section VI	- Civic Center Fund	404,987.96
Section VII	- Ellen Trout Zoo Fund	16,950.00

Section VIII - Special Recreation Fund 89,687.00

Section IX - Convention Center Operating Fund 117,350.00

City Manager Westerholm stated that this Ordinance officially adopts the 1990-91 budget for the City of Lufkin.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading as presented.

The following vote was recorded:

Aye - Commissioners Roper, Bowman, Gorden, Mayor Bronaugh

Nay - Commissioners Simond and Boyd

Motion carried by a vote of 4 to 2.

10. ORDINANCE - APPROVED - FIRST READING - AMENDMENT TO WATER RATES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for amendment to water rates.

City Manager Westerholm stated that this Ordinance basically provides that the water rate will be .80 per thousand gallons for anyone who uses over 500,000 gallons (the old rates were .53 and .71).

Mayor Bronaugh stated that these rates are strictly for the large water users (schools, hospitals, and major industries).

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - AMENDMENT TO SANITATION RATES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for amendment to sanitation rates.

City Commissioner Westerholm compared the old rates against the new rates as provided for in the new Ordinance.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - AMENDMENT TO SEWER RATES

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

City Manager Westerholm stated that Maury Stiver's letter recommending the new rates had been included in the Commissioner's packets.

Mayor Bronaugh stated that these rates will be increased in accordance with the requirements set forth by the EPA. City Manager Westerholm stated that Mr. Stiver has recommended that these rates be reviewed annually and adjusted accordingly.

In response to question by Commissioner Roper, City Manager Westerholm stated that the cost of the study by Mr. Stiver was $3,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

13. MUSEUM OF EAST TEXAS - TRANSFER OF UNUSED FUNDS - EXTERNAL REPAIRS TO OLD PORTION OF MUSEUM

Mayor Bronaugh stated that the next item for consideration was request from Museum of East Texas for transfer of unused funds in janitor services to make external repairs to old portion of museum.

City Manager Westerholm stated that the museum stopped their janitorial service last year when they began construction on the new building and did their own janitorial work. City Manager Westerholm stated that the museum is requesting that the unused funds which were set aside for the janitorial services be used for repair work on the older portion of the building. City Manager Westerholm stated that the amount of the unused funds is $2,750.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that request of the Museum of East Texas to use $2,750 in unused janitorial services for repairs to the older portion of the museum building be approved as presented. A unanimous affirmative vote was recorded.

14. AUTHORIZATION - APPROVED - PATROL VEHICLE - INSURANCE LOSS FUND

Mayor Bronaugh stated that the next item for consideration was authorization to pay balance of insurance loss on patrol vehicle from the Insurance Loss Fund.

City Manager Westerholm stated that the City had a Police car that was involved in a wreck, with the other driver being at fault. City Manager Westerholm stated that the other insurance company paid $11,343.43 for the Police vehicle (this amount was less mileage depreciation of $942.27 and less 10% at fault in the accident for $1,260). City Manager Westerholm stated that to replace the vehicle the City will have to pay an additional $1,900 and he was requesting that this amount be taken from the Insurance Loss Fund.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that balance of insurance loss on Police patrol vehicle be paid from the Insurance Loss Fund. A unanimous affirmative vote was recorded.

15. TRANSFER OF INACTIVE BANK ACCOUNTS - GENERAL FUND

Mayor Bronaugh stated that the next item for consideration was transfer of inactive bank accounts to General Fund.

City Manager Westerholm stated that funds in the inactive bank accounts amount to $6,829.32.

In response to question by Commissioner Roper, City Manager Westerholm stated that the City of Lufkin was incorporated on October 20, 1890. Commissioner Roper stated that he would like to suggest that these funds be used in some way to commemorate the anniversary of the City's incorporation.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that the transfer of inactive bank account funds be moved into the General Fund and if there is a centennial celebration of the City's incorporation these funds be used for that purpose. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Regular meeting adjourned at 6:53 p.m. for Executive Session. Mayor Bronaugh reconvened regular session at 7:46 p.m. and stated that personnel matters, appointments to the Planning and Zoning Commission, and demolition of dilapidated houses had been discussed.

The following list of dilapidated houses was submitted for demolition:

2809 Freeman
101 Spikes
1800 block of South First (13 houses)
Whiteoak off of Feagin (owner has been given 30 days to demolish; City will demolish if he does not)
1207-1211 Keltys (houses have been demolished; need authority to remove debris)
1205 Keltys
903 Hoo Hoo

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden for approval of demolition of dilapidated houses as submitted. A unanimous affirmative vote was recorded.

17. APPOINTMENTS - APPROVED - P&Z COMMISSION - AIR CONDITIONING, MECHANICAL, REFRIGERATION AND HEATING BOARD

Motion was made by Commissioner Don Boyd and seconded by Bob Bowman that Robert McGee be reappointed to the Planning and Zoning Commission. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Rabon Brock, Jimmy Lawrence and Richard Gardemal be reappointed to the Air Conditioning, Mechanical, Refrigeration, and Heating Board. A unanimous affirmative vote was recorded.

18. There being no further business for discussion, meeting adjourned at 7:51 p. m.

Louis A. Bronaugh
Louis A. Bronaugh, Mayor

ATTEST:

Atha Stokes
Atha Stokes, City Secretary