

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF JUNE, 1988, AT 5:00 P.M.

On the 21st day of June, 1988, 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
Paul Mayberry	Commissioner, Ward No. 6
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Harvey Westerholm	City Manager
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Clark Rivas, Minister, Bethel Church of the Nazarene.
2. Mayor Bronaugh welcomed visitors present.

Mayor Bronaugh recognized Matthew Rowe of Boy Scout 140 who is working on his Life Badge.

3. APPROVAL OF MINUTES

Minutes of regular meeting of June 7, 1988 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. OATHS OF OFFICE

Mayor Bronaugh administered the Oath of Office to William H. Scott, Examining and Supervising Board of Electricians; Jack Jumper, Standard Building Code Board of Adjustment and Appeals; Paul Mayberry, Percy Simond, Bob Bowman to the Tree Board, and Fenner Roth, Zoning Board of Adjustment and Appeals.

5. PUBLIC HEARING - STREET CLOSING - MOORE STREET OFF OF BYNUM - MEMORIAL MEDICAL CENTER OF EAST TEXAS

Mayor Bronaugh officially opened Public Hearing to consider Street Closing covering property located on the west end of Moore Street off of Bynum as requested by the Memorial Medical Center of East Texas.

Don Duran, Attorney, representing the request for Memorial Medical Center, stated that Moore Street runs in a westerly direction from Bynum and stops just before reaching the Hospital property. Mr. Duran stated that the hospital presently owns property on the east, north and south and is requesting that this portion of Moore Street be closed so that they can purchase the property from the City. Mr. Duran stated that he has submitted utility agreements from Lufkin Telephone Exchange, Cablecom, Entex and TU Electric. Mr. Duran stated that the hospital will allow each of the utility companies the right of ingress and egress to service the utility lines.

There was no opposition present.

Mayor Bronaugh officially closed public hearing.

6. NORTH LUFKIN - WATER IMPROVEMENTS PROJECT - DISCUSSED

Mayor Bronaugh stated that the Commission now had for consideration discussion on the North Lufkin water improvement project.

Mayor Bronaugh stated that over the last 3 years the City has made grant applications for monies to improve the North Lufkin water lines. Mayor Bronaugh stated that the criteria for approving grants has been changed.

Commissioner Don Boyd stated that there is no guarantee that the City will receive the grant the next time it is submitted and the Commission needs to look at other alternatives for the project. Commissioner Boyd stated that, in his opinion, the project will become more expensive the longer it takes to get started.

Commissioner Boyd stated that Public Works Director Ron Wesch has come up with a good plan and he would like to see a portion of the project in the budget for next year, and possibly consider Certificates of Obligation as a way of funding.

In response to question by Commissioner Boyd, Mr. Wesch stated that 10% of the total annual water leaks are in the North Lufkin area.

Commissioner Percy Simond stated that in the next year's budget the City administration received a proposal to spend \$500,000 to keep water from standing in the downtown area. Commissioner Simond stated that, in his opinion, the North Lufkin water leaks should take priority over this proposal.

In response to question by Commissioner Jack Gorden as to the time frame for the next grant application, Mayor Bronaugh stated that the application would be submitted in September, heard in March, with construction in May if approved.

In response to question by Mayor Bronaugh, City Attorney Bob Flournoy stated that Certificates of Obligation could be used for this purpose, although it is fairly expensive, and would have to be approved by the Attorney General's office.

Commissioner Paul Mayberry stated that, in his opinion, the City needs a maintenance program to replace water lines and not just repair them.

Mr. Wesch stated that his department does replace some lines in areas where there is not a heavy concentration of clamps. Mr. Wesch stated that the replacement of lines has not been done due to manpower and lack of funds. Mr. Wesch stated that 40% of the City's water lines are galvanized.

In response to question by Commissioner Danny Roper, Assistant City Manager Brian Boudreaux stated that the City cannot be reimbursed for money spent prior to submitting an application, and that the grant will not pay for the cost of issuing Certificates of Obligation.

Mayor Bronaugh stated that funds could be allocated in the new budget for a section of the area, and then the City would apply for a grant in September for the remainder of the project.

Mr. Wesch stated that he had added an additional 6,000' of water line above what had been previously submitted for the grant, and he would suggest putting funds in the budget for this, and allow the grant money to be used for the original area.

In response to question by Commissioner Bob Bowman, Assistant City Manager Brian Boudreaux stated that the grant application was in the amount of \$321,000 and the City's part was \$64,000.

After checking the 1987-88 budget, Mayor Brounaugh was advised by Assistant City Manager Brian Boudreaux that the \$64,000 was not in the budget, but was to be taken from the Contingency Fund.

Commissioner Simond stated that he would suggest taking \$200,000 for this project from the \$500,000 that the administration has proposed to keep water from standing in the downtown area.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that this item be tabled until next meeting. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - STREET CLOSING - MOORE STREET OFF OF BYNUM - MEMORIAL MEDICAL CENTER OF EAST TEXAS

Mayor Bronaugh stated that the Commission would now consider First Reading of an Ordinance for Street Closing covering property located at the west end of Moore Street off of Bynum as requested by the Memorial Medical Center of East Texas.

Mayor Bronaugh stated that the Commission had received a letter of appraisal on the property from David Cochran in the amount of \$15,500.

Don Duran, Attorney representing Memorial Medical Center of East Texas, stated that this was the first time he had heard a figure mentioned and was surprised that it was that high.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that Ordinance be approved on First Reading contingent upon the Memorial Medical Center of East Texas accepting the fair market value appraisal of the property. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - DREFUS AND LINDA THOMPSON - 2902 ATKINSON DRIVE - RS TO LB

Mayor Bronaugh stated that the next item for consideration was Zone Change Request from Drefus and Linda Thompson covering property located at 2902 Atkinson Drive from Residential Small to Local Business.

Mr. Thompson stated that he proposes to put in a sales, service and repair air compressor business at this location. Mr. Thompson stated that the maximum pressure used will be 175 lbs.

In response to question by Commissioner Danny Roper, Mr. Thompson stated that the property to the north of him is zoned LB and the Credit Union on the other side of the street is also zoned LB.

There was no opposition present.

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

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - JOHN V. LOVE/KENNETH W. SMITH - LOOP 287 AND PERSHING - LOCAL BUSINESS AND RESIDENTIAL LARGE TO LOCAL BUSINESS, SU (DEVELOPMENT STANDARDS)

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change Request from John V. Love and Kenneth W. Smith covering property located at the intersection of Loop 287 and Pershing from Local Business and Residential Large to Local Business, Special Use (Development Standards).

John Fleming, attorney, stated that this request had been unanimously recommended to the City Commission by the Planning and Zoning Commission. Mr. Fleming stated that the property consists of approximately 6 acres and is surrounded by property that is zoned Local Business. Mr. Fleming stated that included in the Mayor's and Commissioners' packets are detailed copies of four separate meetings before the Planning and Zoning Commission where the developer and the Planning and Zoning Commission worked together to develop a set of development criteria for this site which addresses the concerns of drainage, access, screening, lighting and other factors.

Mr. Fleming stated that as the Commission takes a look at the recommendations of the Planning and Zoning Commission and the development criteria that have been adapted for this lot, it will be clear that this represents a substantial effort by the Planning and Zoning Commission working together with the proposed developer to set forth a number of guidelines by which the City can have a project brought to it of which it will be proud.

Mr. Fleming stated his client intends to subdivide the property and is in the process of preparing a subdivision plat which will be submitted to the Planning and Zoning Commission as set forth in the development criteria.

In response to question by Commissioner Paul Mayberry, Mr. Fleming stated that no specific traffic count has been assessed at this time but access was a very important concern of the Planning and Zoning Commission. Mr. Fleming stated that the restrictions on access on both Loop 287 and Pershing were the results of meetings with the Planning and Zoning Commission and the developer who believes that they are appropriate, given the current traffic and the traffic as it may be increased by the opening of the Post Office, and the anticipated traffic which might be generated by this particular development.

Mr. Fleming stated that the developer has agreed to donate a portion of the property along Pershing for a turning lane to alleviate traffic at the intersection.

Commissioner Bob Bowman stated that he had noticed in the minutes where some of the area residents were concerned about the drainage. Mr. Fleming stated that the Development Standards, which are conditions of obtaining a building permit, call for a comprehensive drainage plan for the entire six acres to be submitted at the time the subdivision plat is presented to the Planning & Zoning Commission. Mr. Fleming stated that prior to a person getting a building permit, he has to submit a proposed development plan to the building department, who will determine whether or not the drainage from that particular lot will be consistent with the overall drainage for the entire project. Mr. Fleming stated that at the Planning and Zoning Commission meetings area residents Ben Hollis, Mr. or Mrs. Richard Hendricks, and Rev. Pete Cooper were present, and at the last meeting there were no objections from the residents to the proposed plan.

Mayor Bronaugh recognized E. M. Tate, 1305 Reen Drive, Chairman of the Southwest Lufkin Neighborhood Association. Mr. Tate stated that the Association encompasses property starting at the Loop from Reen to Allendale then south on Allendale to the Loop again. Mr. Tate stated that all of the people within this area are seriously concerned about the drainage. Mr. Tate presented pictures of his home on Reen Drive when it was flooded in 1969. Mr. Tate stated that at that time there

were no other homes west of his on either Reen or Wildbriar and that the Seventh Day Adventist Church, St. Cyprian's School, Gaslight Shopping Center, and Woodland Heights Hospital were not there. Mr. Tate stated that since that time Loop 287 has had the second lane added to the Loop, and the Loop has been raised approximately 8 to 12 inches.

Mr. Tate state that when it flooded in November, 1985 he had 2" of water in his house. Mr. Tate stated that John Smith who lives at the corner of Turtle Creek and the Loop, had 16" of water in his house.

Mr. Tate presented another group of pictures which were taken last week.

Mr. Tate stated that picture #1 illustrates the drainage under the Loop and in that drainage there are four rectangular drains. Mr. Tate stated that the farther most drain is stopped up from 3 1/2' on the exit side and approximately 5' on the entrance side. Mr. Tate stated that picture #2 shows blockage in the southern most drainage, a large log which the City removed after he called. Mr. Tate stated that there is a sewer line on the east side of the Loop which gathers debris and causes flooding.

Mr. Tate stated that when his house was built in 1962 it was not in a flood plain. Mr. Tate stated that with the drainage problem as it is, and after the flood of 1985, there was a meeting with representatives from the City, the Highway Department and himself representing the homeowners association. Mr. Tate stated that the Highway Department was not sure there would be adequate drainage in this area, and a civil engineering firm he consulted stated that the drainage under the Loop is not adequate. Mr. Tate stated that at that meeting the Highway Department agreed to do a drainage study. Mr. Tate stated that since that time he has talked with Bob Walker who is supposed to be conducting the study, and the study has not been done by the Highway Department. Mr. Walker assured him that it was part of their program and would be done.

Mr. Tate stated that he was quoted a figure of \$430 for flood insurance and that his house had been reduced in value by 20% by the appraisal district because of being flooded.

Mr. Tate stated that he was asking that the City insist that a drainage study be done before any action is taken on this application.

Mayor Bronaugh stated that he had been in contact with J. L. Beard and had been assured that the drainage study will be done immediately.

Mr. Fleming stated that the Planning and Zoning Commission has indicated its continuing concern about this problem by the inclusion of a development standard that makes review of drainage site plans, or this site, a condition of subdividing and of the conditions of granting a building permit.

Mr. Fleming stated that his client needs this zone change now. Mr. Fleming stated that his client submitted his request for a zone change in February and has had four separate meetings before the Planning and Zoning Commission attempting to work out some of these concerns. Mr. Fleming stated that Mr. Tate had not been present at any of the four meetings. Mr. Fleming stated that if the request is approved, Mr. Tate will have an opportunity to address his concerns before the Planning and Zoning Commission when the drainage plan is presented to them.

In response to question by Mr. Tate, City Planner Nick Finan stated that the City Commission will be granting the Zone Change but not all the answers concerning the Zone Change will be answered at that

time. Mr. Finan stated that drainage does have to go back to the Planning and Zoning Commission for approval. If there is a change, in any area such as driveways, that also will have to go back to Planning and Zoning.

Mr. Finan stated that he would like to correct the statement that Mr. Fleming made about the Subdivision plat coming back before the City Commission for approval - it does not.

In response to question by Commissioner Roper, City Planner Finan stated that the City does set aside a certain amount in the budget every year for work that has to be reviewed by other engineers.

Woody Gann stated that, in his opinion, the budget cuts in Mr. Wesch's department need to be restored, rather than spend money on studies. Mr. Gann stated that he would suggest getting some volunteer work from Bill Moreau and some other engineers to correct the drainage problem from Pershing. Mr. Gann stated that the bridge at Pershing is the beginning of the problem - there is no problem from Pershing north - but the bridge at Pershing is a serious problem for the City.

Mr. Gann stated that it is not the developers responsibility to take care of all the drainage on this 6 acre tract, or the drainage down Cedar Creek. Mr. Gann stated that he would like for the City to get some volunteer effort to present a plan to correct the serious problem of drainage and not have to let Mr. Tate come back and protest future drainage problems downstream. Mr. Gann stated that this Zone Change Request deserves to be passed, and the City Commission needs to pass a Resolution tonight to keep the drainage problem active from the bridge on Pershing to Cedar Creek, with the problem being addressed quickly and some money spent, not on studies, but on correcting the problem.

Bill Moreau stated that he would like to concur with Mr. Gann, and would like to see the City urge the Highway Department to take some action on the two bridges (at Pershing and at the Loop).

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading contingent on the Development Standards set forth by the Planning and Zoning Commission and that the Highway Department be requested to do a drainage study on the bridge at the Loop and the bridge at Pershing. A unanimous affirmative vote was recorded.

10. TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION - FEAGIN DRIVE - URBAN SYSTEM FUNDING PROGRAM

Mayor Bronaugh stated that the next item for consideration was requesting the Texas Department of Highways and Public Transportation to place Feagin Drive on the Urban System for funding program.

Mayor Bronaugh stated this request is for widening Feagin Drive as a four-lane thoroughfare.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden that the City Commission request that the Texas Department of Highways and Public Transportation place Feagin Drive on the Urban System for their funding program. A unanimous affirmative vote was recorded.

11. APPOINTMENTS - APPROVED - ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - EDA ECONOMIC DEVELOPMENT STUDY PROJECT

Mayor Bronaugh stated that the next item for consideration was appointment of an Economic Development Advisory Committee as required in the EDA Economic Development Study Project.

Mayor Bronaugh stated that the Chamber of Commerce has recommended the following list for consideration.

Jack Gorden
Percy Simond
Vardaman Johnson
Johnny Jones
Jay Shands
Bob Hill
Frank Stevenson
Bob Brown
Bill Moreau
Ron Butler

Raymond Fore
Don Langston
Pat Foley
Bonnie Donovan
Peggy Lankford
Cooper Castleberry
Tom Crespin
Dale Green
Bob Smith
Robert McGee

Commissioner Percy Simond requested that Lacy Chimney be added to the list.

Commissioner Bob Bowman requested that Gary Deer be added to the list.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that list of appointments by the Chamber of Commerce with the addition of Gary Deer and Lacy Chimney be approved as submitted. A unanimous affirmative vote was recorded.

12. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - PROJECT PERFORMANCE - SEWER PLANT

Mayor Bronaugh stated that the next item for consideration was an invoice from Everett Griffith & Associates on the Project Performance at the Sewer Treatment Plant.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that invoice from Everett Griffith & Associates in the amount of \$700.28 be approved as submitted. A unanimous affirmative vote was recorded.

13. APPOINTMENTS - APPROVED - ANGELINA COUNTY & CITIES HEALTH DISTRICT ADVISORY BOARD - LUFKIN HEALTH FACILITIES DEVELOPMENT CORPORATION - LUFKIN INDUSTRIAL DEVELOPMENT AUTHORITY - LUFKIN HOUSING FINANCE CORPORATION

Mayor Bronaugh stated that the next item for consideration was appointments to the Angelina County & Cities Health District Advisory Board, Lufkin Health Facilities Development Corporation, Lufkin Industrial Development Authority and the Lufkin Housing Finance Corporation.

Mayor Bronaugh stated that the City Commission had received a letter of resignation from Pitser Garrison as the City's representative on the Health District Advisory Board and a replacement needed to be appointed.

Mayor Bronaugh stated that historically, the members of the City Commission have been the Board of Directors of the other three agencies with the Mayor acting as Chairman.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Mayor Louis Bronaugh be appointed to the Angelina County and Cities Health District Advisory Board; Mayor Louis Bronaugh, Commissioner Danny Roper, Commissioner Bob Bowman and Commissioner Paul Mayberry be appointed to the Lufkin Health Facilities Development Corporation; Mayor Louis Bronaugh, Commissioner Bob Bowman and Commissioner Paul Mayberry be appointed to the Lufkin Industrial Development Authority; and that Mayor Louis Bronaugh, Commissioner Danny Roper, Commissioner Bob Bowman and Commissioner Paul Mayberry be appointed

to the Lufkin Housing Finance Corporation. A unanimous affirmative vote was recorded.

14. SANITATION UNIT - APPROVED-PUBLIC WORKS

Mayor Bronaugh stated that the next item for consideration was authorization to purchase a new sanitation unit.

Ron Wesch, Public Works Director, stated that Billy Ratcliff, garage superintendent, has informed him that there is a severe problem with a residential side loader garbage truck and he was recommending that a replacement unit be purchased on a 24 or 36 month lease purchase program.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden authorizing the City staff to advertise for bids for a new sanitation unit. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - UNIFORMS - VARIOUS DEPARTMENTS

Mayor Bronaugh stated that the Commission would now consider bids for uniforms to be used in various departments.

In response to question by Commissioner Don Boyd, Ron Wesch, Public Works Director, stated that employees who wear uniforms receive one complete set each year, and that they are allowed to keep old uniforms. Mr. Wesch stated that employees who are terminated must return their uniforms in order to receive their final paycheck.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Reliable Uniforms Services in the amount of \$44.60 be accepted as the best bid. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - ALUMINUM SHELVES & STORAGE - HAZARDOUS MATERIALS STEP VAN - FIRE DEPARTMENT - WALLER SHEET METAL & ROOFING CO.

Mayor Bronaugh stated that the next item for consideration was a bid for aluminum shelves and storage for the hazardous material step van for the Fire Department.

Chief Kenneth Snyder stated that \$27,500 had been budgeted for the hazardous materials van and he was requesting that the bid of \$4,673.85 from Waller Sheet Metal and Roofing Company be accepted for the build out of cabinets and shelves.

Commissioner Paul Mayberry stated that he was concerned that only one bid had been received and he would suggest rebidding these items. Chief Snyder stated that representatives of the Fire Department had talked with several sheet metal companies and the only company that did aluminum fabrication was Waller Sheet Metal.

Purchasing Agent David Cochran stated that the major concern of the Fire Department was that the frame had to be aluminum, and there is limited expertise in this area for this type of work.

Chief Snyder stated that Lufkin Industries had been contacted when the Department learned of their interest in the project but they did not respond with a bid.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that bid of Waller Sheet Metal & Roofing Company in the amount of \$4,673.85 be accepted. A unanimous affirmative vote was recorded.

Commissioner Paul Mayberry stated that in the future he would recommend not acting on any bid item when only one bid was received, unless there is a letter of justification.

16. EXECUTIVE SESSION

Mayor Bronaugh stated that the City Commission would now go into Executive Session. Mayor Bronaugh recessed formal open meeting in the City Commission at 6:57 P.M. Mayor Bronaugh reconvened meeting of the City Commission and made announcements to those present regarding results of the Executive Session at 7:25 P.M.

17. APPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - DALE GREEN

Mayor Bronaugh stated that the City Commission discussed one real estate matter and the appointment of a new member to the Planning and Zoning Commission.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that Dale Green be appointed to the Planning and Zoning Commission, subject to his approval. A unanimous affirmative vote was recorded.

18. FIREFIGHTERS EXAM - CITY FUNDS - CABLECOM - MAYOR PRO TEM - STREET NAMED FOR PITSER GARRISON

In response to question by Commissioner Don Boyd, Assistant City Manager Brian Boudreaux stated that 176 applications had been received for the firefighters examination which will be administered at 9:00 A.M., Wednesday, June 22nd.

Commissioner Percy Simond stated that with all the recent publicity regarding banks he would like to know how safe the City's funds are over \$100,000, and if there is a law that protects City funds.

Mayor Bronaugh stated that he would see that Commissioner Simond's question was answered before the next meeting.

In response to question by Commissioner Simond, City Attorney Bob Flourney stated that he would look at Cablecom's franchise and see if they needed City Commissioner approval to change the programming of channels.

In response to question by Commissioner Simond, Mayor Bronaugh stated that naming a Mayor pro tem will be discussed at next meeting when City Manager Harvey Westerholm will be present.

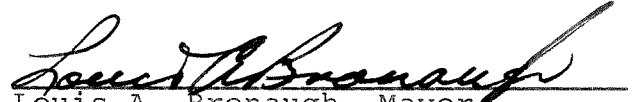
Commissioner Simond stated that he was especially pleased with the fine editorial by Dan Hill in today's newspaper concerning the North Lufkin water line replacement project.

Commissioner Simond stated that he would like to suggest naming a street after Mr. Pitser Garrison or perhaps naming the City Hall Council Chambers as the Pitser Garrison Auditorium.

Mayor Bronaugh stated that he would suggest a study on this subject before taking any action. Commissioner Bob Bowman stated that, in his opinion, Mr. Garrison should be consulted before any undertaking of this nature is proposed.

Mayor Bronaugh stated that he would like to remind City Commissioners about the Austin recycling field trip at 2:00 P.M. Friday.

19. There being no further business for consideration, the meeting was adjourned at 7:33 P.M.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary