

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE 20TH DAY OF SEPTEMBER, 1988, AT 5:00 P.M.

On the 20th day of September, 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
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, Minister, First Lutheran Church.

2. Mayor Bronaugh extended a special welcome to members of the current Leadership Lufkin class.

3. APPROVAL OF MINUTES

Minutes of regular meeting of September 6, 1988 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. SECOND PUBLIC HEARING - PROPOSED TAX RATE INCREASE

Mayor Bronaugh officially opened Second Public Hearing on the proposed tax rate increase.

Bill Little addressed the Commission in opposition of the proposed tax rate increase.

Mayor Bronaugh closed Public Hearing.

5. PUBLIC HEARING - BUDGET FOR FISCAL YEAR 1988-89

Mayor Bronaugh officially opened Public Hearing to consider budget for fiscal year 1988-89.

There was no discussion by citizens or the Commission.

Mayor Bronaugh closed Public Hearing.

6. PUBLIC HEARING - TAX ABATEMENT/REINVESTMENT ZONE - BOBBY BYRD -
210 NORTH SECOND

Mayor Bronaugh officially opened Public Hearing.

Applicant was not present.

City Manager Westerholm stated that Mr. Byrd has made application to participate in the Tax Abatement Program in restoring a burned out building at 210 North Second Street. City Manager Westerholm stated

that once the area is designated as a Reinvestment Zone (an area of deteriorating circumstances) then it is eligible for Tax Abatement. The value of the property is frozen at its present level and the improvements are abated from taxation for a period of 5, 10 or 15 years. Mr. Byrd is requesting a 15 year abatement.

There was no opposition present.

Mayor Bronaugh closed Public Hearing.

7. ORDINANCE - APPROVED SECOND READING - SANITATION RATES

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance increasing Sanitation rates.

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

8. ORDINANCE - TABLED - SECOND READING - CABLECOM PERMIT RENEWAL

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for Cablecom permit renewal.

City Attorney Flournoy stated in response to question raised at last meeting that the window time frame is six months (August 1st to February 1st).

Mayor Bronaugh stated that this item had been tabled at last meeting to give Cablecom time to visit with those people who were interested in trying to get the Christian programs on the cable.

Mayor Bronaugh stated that the City Commission does not have the authority to tell Cablecom what programming they can carry; it can only encourage involvement of the community.

Rev. Brance Moyer, president of the Angelina Ministerial Alliance, stated that negotiations with Cablecom had been unacceptable and he was respectfully requesting that further time be granted to the AMA before granting this franchise.

Rev. Bob Lewis, pastor of First Assembly of God Church, passed out information to members of the Commission, and read a prepared statement. Rev. Lewis stated that Mr. Neal had offered to put Channel 5's programming on Channel 9, which they would have to share with Lufkin High School. Rev. Lewis stated that the school would have priority over programming during school hours and that was not acceptable.

In response to question by Commissioner Gorden, City Attorney Flournoy stated that there is no legal requirement that the contract be signed at this particular time. Mayor Bronaugh stated that any delay at this point will cost the City money - a difference of 2% to 5% on the cable company's gross receipts.

Bill Troth, minister of Believer's Bible Church, stated that he was appealing to the City Commission as a representative of the community, because, in his opinion, negotiations have not been done in good faith.

Motion was made by Commissioner Don Boyd that Ordinance be passed on Second and Final Reading.

Mayor Bronaugh stated that motion failed for lack of a second.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that Second Reading of the Ordinance be delayed until

October 4th, and that definitive action be taken at that time. A unanimous affirmative vote was recorded.

Wayne Neal of Cablecom stated that the cable company supports any local programming they can get within the community. Mr. Neal stated Cablecom does feel a need to add a religious program to the cable since CBN has now changed their format to a family network. Mr. Neal stated that he would like to have time to poll subscribers for programming preference.

9. FINALIZATION OF BUDGET - FISCAL YEAR 1988-89

Mayor Bronaugh stated that the next item for consideration was finalization of the budget for fiscal year 1988-89, adoption of a Tax Levying Ordinance for October 1, 1988 - September 30, 1989, and the adoption of an Appropriation Ordinance adopting the 1988-89 budget.

City Manager Westerholm stated that a summary of changes in the budget that have been suggested by members of the Commission were shown on page 3 of the budget documents. City Manager Westerholm stated that the new budget includes salary adjustments, the retirement program, Kurth Memorial Library, the Exposition Center and support for the Chamber of Commerce Economic Development Program. City Manager Westerholm stated that the new budget takes into consideration the \$421,000 deficit from the fiscal year 1987-87. Estimated revenue is based on a .34 cents tax rate, 1/2 cent sales tax and the increase of gross receipts tax from Cablecom from 2% to 5%, transfer of \$410,000 from the Utility Fund to the General Fund for it's share of the administration of it's operation, plus an additional transfer of \$147,000 from the Utility Fund to help support the General Fund Operation.

In response to question by Commissioner Roper, City Manager Westerholm stated that he would request budget information from the City of Carrollton to be able to present a one page summary of the budget on a monthly basis to the Commission. Commissioner Roper stated that this type information would allow the Commission to make changes as needed rather than at the end of the year.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that the City Commission review the budget on a quarterly basis and that the budget information be provided in a simplified form. A unanimous affirmative vote was recorded.

Commissioner Paul Mayberry stated that the most important function of the City Commission is to pass the budget.

Commissioner Mayberry read a prepared statement which addressed:

- Lack of Job Performance Standards
- Wages and Salaries
- Salary Vacancy Lapse Funds
- Overtime Payments
- Take Home Car Program
- Minority Hiring and Affirmative Action
- Travel Expenses
- Taxpayers Appreciation
- Purchasing Procedures

Commissioner Mayberry stated that he was voting against the 20% property tax increase and the 1988-89 budget.

City Manager Westerholm stated that it had been proposed that a contribution of \$25,000 be budgeted for the Exposition Center and a \$30,000 contribution to the Chamber of Commerce Economic Development Program.

Mayor Bronaugh stated that the Civic Center Operating Fund had an ending balance of \$41,923 and perhaps \$25,000 could be taken from the Hotel/Motel Tax for the Exposition Center contribution.

In response to question, City Manager Westerholm stated that the City had asked the County for a total contribution of \$153,000 towards the ambulance operation. City Manager Westerholm stated that the County has agreed to contribute \$70,000 and it is anticipated that revenue from the adjusted ambulance rates will generate the difference.

Commissioner Roper stated that he would like the City Commission to assume the position of putting the County on notice, giving them 6 - 9 months to prepare for other sources of ambulance service.

Commissioners Simond and Boyd expressed concern over the dumping fees charged by the County.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden to approve the Appropriation Ordinance adopting the Budget for the fiscal year 1988-89 as presented, to include a \$25,000 contribution to the Exposition Center and a \$30,000 (in quarterly payments) to the Chamber of Commerce Economic Development Program.

The following vote was recorded:

Aye: Commissioners Gorden, Roper, Boyd, Bowman, and
Mayor Bronaugh

Nay: Commissioners Simond and Mayberry

Mayor Bronaugh stated that motion carried by a vote of 5 to 2.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd to adopt the Tax Levying Ordinance for October 1, 1988 - September 30, 1989.

The following vote was recorded:

Aye: Commissioners Roper, Boyd, Bowman, Simond, Gorden and
Mayor Bronaugh

Nay: Commissioner Mayberry

Mayor Bronaugh stated that the motion carried by a vote of 6 to 1.

Mayor Bronaugh stated that he would like to recognize the staff for all the hard work that went into preparing the budget.

10. COUNTY AMBULANCE CALLS - ADJUSTED RATES ESTABLISHED

Mayor Bronaugh stated that the next item for consideration was establishing adjusted rates for County ambulance calls.

City Manager Westerholm stated that Chief Snyder had sent a recommendation to the Mayor and City Commission changing the base rate for county and out-of-county calls from \$105 to \$305, and out-of-county mileage from \$2.25 per mile to \$5.00 per mile.

City Manager Westerholm stated that the City has a contract with State School, and Champion Papermill will underwrite any ambulance service to their facility. City Manager Westerholm stated that the City needs to negotiate a contract with the hospitals and nursing homes.

Mayor Bronaugh stated that some of the municipalities in the County are considering the possibility of paying so much per person to be treated like citizens of Lufkin.

Commissioner Boyd stated that he is still having a problem with limiting the out-of-county emergency transfers to no more than one unit out-of-county at any time.

In response to question by Commissioner Gorden, Chief Snyder stated that he is presently running two ambulances for out-of-county runs. Chief Snyder stated that if one ambulance is already out on a run and another call comes in, the person calling is asked to use another service if at all possible. (Other services available are Life Line, Life Flight, Nacogdoches EMS). Chief Snyder stated that the use of a second out-of-county run depends frequently on trying to call in additional personnel, and when the ambulances are out fire protection is diminished.

Mayor Bronaugh stated that once a patient has been taken to the hospital it is the hospital's responsibility to arrange a transfer.

Chief Snyder stated that the ambulance collections secretary has now moved into the Annex building, which should help make the EMS service more efficient.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper to adopt the recommendation of Chief Snyder for the City of Lufkin Proposed EMS Policy. A unanimous affirmative vote was recorded.

11. ORDINANCE - TABLED - FIRST READING - TAX ABATEMENT/REINVESTMENT ZONE - BOBBY BYRD - 210 NORTH SECOND

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Tax Abatement/Reinvestment Zone for Bobby Byrd covering property located at 210 North Second Street.

Applicant was not present.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that First Reading of Ordinance be tabled until next meeting. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - JOYCE HOGUE/MARTHA MURRAY - 814 ELLIS AVENUE -RESIDENTIAL MEDIUM TO LOCAL BUSINESS

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for zone change request by Joyce Hogue and Martha Murray covering property located at 814 Ellis Avenue from Residential Medium to Local Business.

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

13. INVOICE - APPROVED - MOORE BROTHERS - HERTY PARK CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was an invoice from Moore Brothers for Herty Park construction.

Parks and Recreation Director Don Hannabas stated that the park should be finished in about 12 days.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that invoice in the amount of \$46,436.04 be approved as presented. A unanimous affirmative vote was recorded.

14. INVOICES - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - WASTEWATER TREATMENT PLANT - ANGELINA COUNTY WATER STUDY

Mayor Bronaugh stated that the next item for consideration was invoices from Everett Griffith and Associates for the Wastewater Treatment Plant and the Angelina County Water Study.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that invoices from Everett Griffith and Associates for the Wastewater Treatment Plant (\$2,031.43) and the Angelina County Water (\$9,991.17) be approved as presented. A unanimous affirmative vote was recorded.

15. REQUEST - APPROVED - PLANNING AND ZONING COMMISSION - CEDAR CREEK DRAINAGE STUDY

Mayor Bronaugh stated that the next item for consideration was a request from the Planning and Zoning Commission to conduct a drainage study on the Cedar Creek basin.

Jim Partridge, Chairman of the Planning and Zoning Commission, stated that during a recent zone change request for property located at the corner of Loop 287 and Pershing it became evident that a complete study of the drainage problems in this area would have to be done. Mr. Partridge stated that he was asking for a study that would include solutions and timetables.

In response to question by Mayor Bronaugh, Bob Walker, engineer with the Highway Department, stated that they were making a study on Loop 287 where Cedar Creek crosses and were concerned primarily with flooding at this particular area. Mr. Walker stated that the limited study should be completed within the month.

In response to question by Commissioner Roper, City Manager Westerholm stated that he had checked with an engineering firm, and had been informed that a 100-year flood plan study would cost \$30,000 and would take approximately 6 weeks to several months to complete.

Mr. Partridge stated that, in his opinion, Cedar Creek needs to be cleaned out and the bridge at Pershing enlarged.

City Planner Finan stated that the Planning and Zoning Commission was looking to the City Commission for some direction with this problem. Mr. Finan stated that cleaning the creek is not enough since Pershing acts as a dam.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that the City staff request proposals for a study of the Cedar Creek basin by sections. A unanimous affirmative vote was recorded.

16. SEIZED AND ABANDONED FIREARMS DISPOSITION - APPROVED - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was disposition of seized and abandoned firearms in the Police Department.

Chief Collins stated that recent bids for the disposal of approximately 780 firearms proved to be unsatisfactory and he was requesting approval to destroy the inexpensive handguns and solicit bids from local or regional dealers to dispose of the rest of the firearms.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that Chief Collins be allowed to dispose of seized and abandoned firearms in the Police Department as outlined in his letter of September 8, 1988. A unanimous affirmative vote was recorded.

17. TROLLEY ROUTE READJUSTMENT - APPROVED - BRAZOS TRANSIT SYSTEM

Mayor Bronaugh stated that the next item for consideration was a request by Brazos Transit System to readjust trolley routes.

Rep. Billy Clemons stated that the trolley system routes had been evaluated over the past few months and proposed route adjustments had been presented to the Commissioners for their review. Rep. Clemons stated that in order to operate more efficiently, a common transfer point had been created behind City Hall. Rep. Clemons stated that the new routes include:

- Hourly service between Lufkin and Diboll
- Brandon and Slack Elementary Schools
- Lufkin High School
- Residential areas - Englewood, Forest Park, Fuller Springs,
North Lufkin around Brandon Park, Atkinson Drive and
Paul Avenue, California Street
- D. H. Walker's mobile home park
- Several apartment complexes

Rep. Clemons stated that, in his opinion, the proposed route changes will make the system more cost effective. Rep. Clemons stated that an aggressive education program through the media will start on November 1st.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman approving readjusted trolley routes. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION

Mayor Bronaugh stated that the City Commission would now adjourn to Executive Session. Regular session was adjourned at 8:45 P.M. Mayor Bronaugh reconvened regular session at 8:51 P.M. and stated that legal matters had been discussed but no decision was made.

19. COMMENTS


In response to question by Commissioner Boyd, Ron Wesch stated that the railroad company has taken their crews out of town but should be back Monday (September 26th) to continue removing tracks at various crossings in the City.

Commissioner Gorden stated that he appreciated the points made by Commissioner Mayberry in his prepared statement, but would like to respond to those he disagreed with. Commissioner Gorden stated that Commissioner Mayberry had used the term "tax and spend" and, in his opinion, there is no way that that has happened in the context that phrase is normally used. Commissioner Gorden stated that reference had been made that the City was somewhat derelict in it's duty as far as any responsibility the City might have to the health of the citizens of Lufkin and he would take strong issue with that. Commissioner Gorden stated that he was not sure that the City by not funding the request cut into any services that they would have provided to the citizens of Lufkin. Commissioner Gorden stated that the City Charter did not spell out that the City is specifically required to take care of the health of the City, but rather that the Constitution of the State of Texas addresses that through the County.

Commissioner Gorden stated that in reference to the 1/2 cent sales tax and subsequent ad valorem decrease, the issue was specifically put to a vote by the citizens of Lufkin, and the City was not promoting the issue one way or another. Commissioner Gorden stated that the City Commission did not go to the citizenry and recommend passing the increase. Commissioner Gorden stated that the newspaper had done a good job of presenting the pros and cons of the issue. Commissioner

Gorden stated that the City Commission never stated that if the increase was passed taxes would go down and never be changed.

20. There being no further business for consideration, meeting adjourned at 8:55 P.M.


Louis A. Brounagh, Mayor

ATTEST:


Atha Stokes, City Secretary