

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF DECEMBER, 1988, AT 5:00 P.M.

On the 6th day of December, 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
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. L. D. Bell, Minister, Mount Olive Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of November 15, 1988 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - TAX ABATEMENT/REINVESTMENT ZONE - CORKERN CONSTRUCTION CO. - 1903 SOUTH FIRST STREET (SHONEY'S RESTAURANT)

Mayor Bronaugh opened Public Hearing and recognized Mr. Pete Corkern of Corkern Construction Co. Mr. Corkern stated that he was proposing a Shoney's restaurant franchise to be located at 1903 South First St. Mr. Corkern stated that the building, land and equipment will represent a \$1 million investment. Mr. Corkern stated that he anticipates spending \$10,000 annually for advertising of the family-type restaurant, and will employ seventy-five people.

Mr. Corkern stated that the Tax Abatement Program was an inducement to build in Lufkin.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE - APPROVED - SECOND READING - ROLLBACK ELECTION

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance concerning the rollback election.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - CLASSIFICATION PLAN - FIRE DEPARTMENT - POLICE DEPARTMENT - 1988-89

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Classification Plan for the Fire Department and Police Department for 1988-89.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT
ZONE - CORKERN CONSTRUCTION CO. - 1903 SOUTH FIRST STREET
(SHONEY'S RESTAURANT)

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for Tax Abatement/Reinvestment Zone for Corkern Construction Co. covering property located at 1903 South First Street (Shoney's Restaurant).

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Tax Abatement/Reinvestment Zone for Corkern Construction Co. located at 1903 South First Street be approved for a fifteen year Tax Abatement.

Commissioner Danny Roper stated that the Tax Abatement for fifteen years had been designated for the Central Business District and he would be more comfortable with granting Mr. Corkern a 5 year abatement.

Commissioner Simond stated that in the past the City Commission had given Tax Abatements to businesses that would not bring in revenue such as this.

Mayor Bronaugh stated that a letter sent to Mr. Corkern by the City Manager explained that the fifteen year Tax Abatement was for the Central Business District only.

The following vote was recorded:

Aye: Commissioners Simond and Boyd

Nay: Commissioners Mayberry, Roper, Gorden, Bowman and Mayor Bronaugh

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

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that Tax Abatement for Corkern Construction Co. located at 1903 South First Street be granted for five years.

The following vote was recorded:

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

Nay: Commissioners Simond and Boyd

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

Commissioner Boyd stated that the Commission had given people a 15 year abatement who have spent less money, and by not granting this abatement for 15 years, the City might be losing a new business.

Commissioner Gorden stated that granting a 15-year abatement in this instance would be giving Mr. Corkern an advantage that no other food establishment has asked for. Commissioner Gorden stated that the Commission should consider the type of business for the length of the abatement.

Commissioner Gorden suggested that discussion of the Tax Abatement Program be placed on the agenda for next month and that Assistant City Manager Boudreaux present the map of the suggested abatement zones at that time.

8. ORDINANCE - APPROVED - FIRST READING - FOOD ESTABLISHMENT PERMIT REPEALED

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance to repeal the Food Establishment Permit.

City Attorney Flournoy stated that an Amendment to the Food Establishment Ordinance had been prepared deleting those areas where the City requires a permit for food establishments already being accomplished by the Angelina City/County Health District.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that First Reading of Ordinance be approved as submitted. A unanimous affirmative vote was recorded.

9. REPLACEMENT OF ADDITIONAL WATER LINES - NORTH LUFKIN

Mayor Bronaugh stated that the next item for consideration was replacement of additional water lines in North Lufkin.

City Manager Westerholm stated that while performing water improvements to the North Lufkin area, a six inch cast iron water main on five blocks of North Street was found in a badly deteriorated condition. City Manager Westerholm stated that there is enough money available from the North Lufkin project to cover the cost of these additional improvements.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry authorizing improvements to five additional blocks of water lines in North Lufkin. A unanimous affirmative vote was recorded.

10. HOUSING STANDARDS - ENFORCEMENT - RENTAL PROPERTY

Mayor Bronaugh stated that the next item for consideration was more effective enforcement of minimum housing standards on rental property.

Commissioner Simond stated that he was proposing an Ordinance that would allow tenants and the City to withhold rent payments from landlords whose buildings fail to meet health and safety requirements.

City Manager Westerholm stated that the Housing Authority was established in 1970 and allowed the City to develop some low income housing projects. City Manager Westerholm stated that at that time no minimum standards were set, but the City does have requirements for sanitation and a minimum standard for housing.

Building Inspector Jack Bresie stated that the building standards pertain to new construction and repair work and that buildings that are unsafe and are a nuisance must be brought up to the minimum requirement of the Standard Building Code.

Commissioner Simond stated that landlords will not do anything to repair or improve property unless they are forced to do so.

Mayor Bronaugh stated that the Commission could consider reactivating the committee on housing, and this could be the first item for them to work on. City Attorney Flournoy stated that he is not certain that the Housing Authority will have the authority to do what needs to be done.

Mayor Bronaugh stated that the Commission could have a Workshop to consider this situation.

Commissioner Bowman stated that other cities have mechanisms, ordinances or procedures for dealing with this kind of situation and he would suggest investigating what they are doing.

11a. BID - TABLED - TABLES - CIVIC CENTER - J. M. C. ASSOCIATES

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

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that bid for tables to be used in the Civic Center be tabled until February.

City Manager Westerholm stated that funding of this item does not affect the general operation but is paid for out of Hotel/Motel revenue.

The following vote was recorded:

Aye: Commissioners Bowman, Mayberry, Gorden, Simond and Mayor Bronaugh

Nay: Commissioners Boyd and Roper

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

Commissioner Boyd stated that tables at the Civic Center need to be replaced because they are in poor condition and prices will be higher if this bid is delayed.

11b. BID - APPROVED - FIRE HOSE - FIRE DEPARTMENT - CASCO INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was bids for fire hose for the Fire Department.

City Manager Westerholm stated that Fire Chief Kenneth Snyder has recommended the bid of Casco Industries in the amount of \$10,170. The two low bids were for rubber hose and did not meet the specifications for 5" polyurethane.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that bid of Casco Industries in the amount of \$10,170 be accepted as submitted. A unanimous affirmative vote was recorded.

11c. BID - TABLED - GROUP HEALTH INSURANCE

Mayor Bronaugh stated that the next item for consideration was bids for Group Health Insurance. Mayor Bronaugh stated that proposals from four different companies for group health coverage were heard at a Workshop meeting on Monday. Mayor Bronaugh stated that the information heard by the Commission has not been presented to department heads and should be because of the increase in cost.

Commissioner Roper suggested continuing the present coverage on a month-to-month basis until the City Commission makes their decision. Charles Poland, representative of IBS, stated that the City could enter into a contract for one year, and cancel whenever a decision has been made.

12. ANGELINA COUNTY PROPOSAL - AMBULANCE SERVICE

Mayor Bronaugh stated that the next item for consideration was a response to Angelina County's proposal for ambulance service.

Mayor Bronaugh stated that the City had received a letter from Judge Dan Jones with two proposed contracts for consideration.

City Attorney Flournoy stated that the City submitted a contract to the County; they have made changes in a few areas and have now re-submitted the Contract to the City.

Commissioner Simond objected to Articles II, V, and VII of Contract #1 and to Article IV of Contract #2. Mayor Bronaugh stated that Contract #2 was written at the request of one of the County Commissioners.

Commissioner Bowman stated that, in his opinion, the County has made a "good faith" effort and he would suggest that the Fire Chief and the City Manager continue negotiations with the County.

In response to statement by City Manager Westerholm that the County is not accepting the approach the City has taken regarding ambulance service, Commissioner Gorden stated that the County should be told that it is not just the loss of fire protection the City is concerned with but the pressure to hire additional firemen to provide that protection.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed formal open meeting at 6:39 p.m. to enter into Executive Session. Mayor Bronaugh reconvened meeting of the City Commission at 7:15 p.m. and stated that real estate matters and appointment to the Plumbing Appeals and Advisory Board had been discussed. No decisions were made in Executive Session.

14. DEEP EAST TEXAS LEGISLATIVE RECEPTION - MUNICIPAL COURT REPORT - MAIN STREET COORDINATOR

City Manager Westerholm stated that a reception for the Deep East Texas Legislative Members would be held in Austin on January 9th, with the swearing-in ceremony for Texas Legislators on January 10th.

Commissioner Mayberry stated that he agreed with Commissioner Simond that the Municipal Court Report needed some explanation. Commissioner Simond stated that he would like for Judge Sloan to be present at future meetings to answer some questions regarding the report.


City Manager Westerholm stated that a representative from a company that collects delinquent tickets has approached him with a contract which states that for \$10,000 up front the City can double their money back in six weeks. The cost per warrant will be \$6.45.

Chief Collins stated that the City does not have a full time warrant officer and uses the mail and telephone calls for out-of-town collections.

In response to question by Commissioner Roper, City Manager Westerholm stated that applications for a new Main Street Director were accepted through November 30th. City Manager Westerholm stated that he has written to each applicant explaining that no decision will be made on the position until after the rollback election. Jo Mathis is serving as interim Main Street Coordinator.

Commissioner Simond stated that there is a new law where the City Commission has to approve all hiring of department heads.

15. There being no further business for consideration, meeting adjourned at 7:33 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary

DATE 12/6/88

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