

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF MARCH, 1989 AT 5:00 P.M.

On the 7th day of March, 1989, 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	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, and

Don Boyd	Commissioner, Ward 2
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Tim Diebel, Senior Minister, First Christian Church.

2. Mayor Bronaugh welcomed visitors present, including Jamie Nicar, Boy Scout Troop 135, who is working on his Citizenship Merit Badge.

3. APPROVAL OF MINUTES

Minutes of regular meeting of February 21, 1989, were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden, with corrections being made to item 5 listing Jim Wright as the Assistant Superintendent of the Lufkin Independent School District. A unanimous affirmative vote was recorded.

4. PRESENTATION OF PROCLAMATION - WARD R. BURKE

Mayor Bronaugh presented a Proclamation to Ward R. Burke in honor of the Federal Courthouse being named for him, and proclaiming March 3, 1989 as Ward R. Burke Day in Lufkin.

5. ORDINANCES - APPROVED - SECOND READING - STANDARD PLUMBING CODE - STANDARD GAS CODE - STANDARD BUILDING CODE - STANDARD MECHANICAL CODE - NATIONAL ELECTRIC CODE

Mayor Bronaugh stated that the next items for consideration were Second Reading of Ordinances for the Standard Plumbing Code, Standard Gas Code, Standard Building Code, Standard Mechanical Code and the National Electric Code.

The Ordinances will become effective 10 days after publication in the local newspaper. Notices will also be sent to everyone in the different professions.

City Attorney Flournoy stated that he is working on a minimum standard housing code for existing housing, and will ask the City Commission to adopt a code dealing with dilapidated buildings that will be clearer and more enforceable.

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

6. TAX ABATEMENT POLICY - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was the Tax Abatement Policy.

City Manager Westerholm stated that a brief suggestion of criteria for Tax Abatement for either economic development or rehabilitation had been submitted for consideration by members of the City Commission. City Manager Westerholm stated that the staff is suggesting a five year maximum for abatements.

In response to question, City Manager Westerholm stated that Dr. Darnell and Ray Polk had sat in on the first meeting when Tax Abatements were being considered by the City. City Manager Westerholm stated that other taxing agencies do not have to join in with the City on abating taxes.

Commissioner Bowman stated that he would like for this information to be sent to the Chamber of Commerce and the Lufkin Industrial Foundation.

It was agreed that a Workshop be created with the City Commissioners submitting names for committee members.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RITA RUSSELL - 213 HUBBARD - RESIDENTIAL LARGE TO RESIDENTIAL SMALL

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for zone change request by Rita Russell covering property located at 213 Hubbard from Residential Large to Residential Small.

Ms. Russell stated that she was seeking the zone change so that she could qualify for a permanent mobile home permit.

In response to question by Commissioner Roper, City Planner Finan explained the requirements and qualifications for a permanent mobile home permit.

Commissioner Roper stated that at some point in the future he would like for the City Commission to address a time limit on continuing the renewal of temporary mobile home permits.

There was no opposition present.

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.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - ROBERT D. GARBS, SR. - 2502 ATKINSON DRIVE - RESIDENTIAL MEDIUM TO NEIGHBORHOOD RETAIL, SPECIAL USE (WITHOUT SIGHT BEARING FENCE)

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for zone change request by Robert D. Garbs, Sr. covering property located at 2502 Atkinson Drive from Residential Medium to Neighborhood Retail, SU (Without sight bearing fence).

Mr. Garbs stated that he recently purchased the property on Atkinson Drive and planned to build a beauty salon on a portion of the property.

There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Paul Mayberry that Ordinance be approved on First Reading as presented.

City Attorney Flournoy stated that he would question omitting the sight bearing fence since the Zoning Ordinance specifically provides that "a six (6) foot solid sight-bearing fence or better shall be constructed and maintained along or within one (1) foot of the boundary

line of said Neighborhood Retail District to serve as a permanent screening."

City Planner Finan stated that in discussing the sight bearing fence requirement, Mr. Garbs stated that an elderly neighbor residing directly behind this property had stated that she wanted to be able to see Atkinson Drive and a sight bearing fence would prevent her from doing so. Mr. Garbs has already removed overgrown shrubbery along the property line to add light and visibility for this neighbor. Mr. Finan stated that the Planning and Zoning Commission felt that since she did not object to the beauty salon, they voted to waive the requirement for the sight bearing fence.

City Attorney Flournoy suggested that the City Commission require a Special Use designation in order to eliminate the requirement of the fence.

Commissioner Percy Simond agreed to amend his motion to allow a Special Use, waiving the requirement of a sight bearing fence. Commissioner Paul Mayberry seconded the amendment. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - VFW, POST NO. 1836 - 1501 FORD CHAPEL ROAD - RESIDENTIAL SMALL TO RESIDENTIAL SMALL, SPECIAL USE (ADDITION TO BUILDING: PRIVATE CLUB, DANCES, BINGO, CONVENTIONS, FALL FESTIVAL, CARNIVALS, CIRCUS, AND TYPICAL ACTIVITIES OF THE VFW AND OTHER SPECIAL EVENTS TO COMPLY WITH ALL CITY ORDINANCES, WITH PROOF OF INSURANCE PROVIDED TO THE CITY OF LUFKIN, AND TO INCLUDE APPROVAL OF FUTURE BUILDING LOCATION AND SIZE)

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for zone change request by Veterans of Foreign Wars, Lufkin Post No. 1836, covering property located at 1501 Ford Chapel Road from Residential Small to Residential Small, Special Use (Addition to building).

Mr. Jack Green was present in representation of the request.

There was no opposition present.

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.

10. ORDINANCE - APPROVED - FIRST READING - CITY ELECTION - SINGLE MEMBER DISTRICT NO. 1 - SINGLE MEMBER DISTRICT NO. 3

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance providing for the calling of a City election, establishing polling places, and setting a date for the election.

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. LEASE CONTRACT - APPROVED - CITY OF LUFKIN - MUSEUM OF EAST TEXAS

Mayor Bronaugh stated that the next item for consideration was lease contract between City of Lufkin and the Museum of East Texas.

City Attorney Flournoy stated that the lease contract covers the facilities for their present operation and for future proposed improvements. Mr. Flournoy stated that the contract provides an additional ten (10) year renewal option by the Museum.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that lease contract between the City of Lufkin and the

Museum of East Texas be approved as presented. A unanimous affirmative vote was recorded.

12. AUDITING FIRM FOR CITY AUDIT - DISCUSSED

Mayor Bronaugh stated that the next item for discussion was the selection of an auditing firm to perform the City audit.

Mayor Bronaugh stated that the City has recently completed a two-year contract with Axley and Rode, and now needs to either extend their contract, or contract with another firm.

There was discussion that it would be more cost effective by going to a three-year contract. City Manager Westerholm stated that the cost of the audit has declined in the past years because the staff is doing more of the work.

Commissioner Gorden suggested seeking proposals from auditing firms on two, three and ten-year time periods.

13. REQUEST FOR SEWER SERVICE - APPROVED - WILDLIFE LANE RESIDENTS

Mayor Bronaugh stated that the next item for consideration was a request for sewer service by residents of Wildlife Lane.

City Manager Westerholm stated that the City's present policy does not allow sewer service for residents outside the City limits. City Manager Westerholm stated that the residents of Wildlife Lane had recently requested annexation so that they could receive sewer service but the Planning and Zoning Commission recommended against annexation. City Manager Westerholm stated that the residents are now paying one-and one-half times the water rate for City water and would be paying two times the rate for sewer service.

Public Works Director Ron Wesch stated that it would cost approximately \$1,200 to connect the four families into the system, and would take two days to do the work.

In response to question, City Manager Westerholm stated that an earlier estimate of \$8,000 included the installation of a fire main and fire protection.

Charles Gipson presented a letter to the City Commission from the Health Department recommending that sewer service be extended to the residents of Wildlife Lane. Mr. Gipson stated that residents are willing to pay for the material in order to have this service.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that residents of Wildlife Lane be added to the City sewer system with the stipulation that residents pay for pipe and material. A unanimous affirmative vote was recorded.

Residents requested that \$125 hookup fee be waived; Commission declined.

14. ADDITIONAL FEES - APPROVED - AMBULANCE BILLS - COLLECTION COST

Mayor Bronaugh stated that the next item for consideration was additional fee to ambulance bills to cover collection costs.

City Manager Westerholm requested that an additional \$25 collection fee be added to all ambulance bills that have to be turned over to the collection agency.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman authorizing \$25 collection fee be added to ambulance bills turned over to collection agency. A unanimous affirmative vote was recorded.

15. AUTHORIZATION - APPROVED - LOANS FROM DEPOSITORY - CASH FLOW MANAGEMENT

Mayor Bronaugh stated that the next item for consideration was authorization to borrow from depository for cash flow management.

City Manager Westerholm stated that the auditors have made a recommendation not to transfer from one fund to another as a cash flow management tool, but suggested investing City monies on a longer term basis and borrowing from the depository on a short term basis to meet cash flow requirements.

In response to question by Commissioner Simond, City Manager Westerholm stated that a typical amount to be transferred would be \$350,000 for the bi-weekly payroll.

Commissioner Roper stated that he would like for the City Commission to be kept informed of any loans in excess of 30 days.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman authorizing an interfund transfer of funds and granting authority to the City Manager and Finance Director to execute all documents associated with the borrowing. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that he will provide the First City National Bank of Lufkin a legal opinion certifying the legal authority of the City to borrow, and the status of the borrowing as either taxable or tax exempt per applicable tax law, and a Resolution from the City Commission authorizing the borrowing, and granting authority to specified officers or employees to execute all documents associated with the borrowing.

16. AUTHORIZATION - APPROVED - ADDITIONAL GRIDS - AERIAL PHOTO SYSTEM

Mayor Bronaugh stated that the next item for consideration was authorization to add additional grids to the City's aerial photo system.

City Manager Westerholm stated that a letter from Public Works Director Ron Wesch had been included in the packets explaining the need for thirty-five (35) additional grids to the City's aerial photo system. City Manager Westerholm stated that funding for this project could be taken from the \$50,000 set aside for the valve location study.

Mr. Wesch stated that this project needs to be completed within the next thirty (30) days before the trees start developing their spring foliage.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that additional grids be added to the City's aerial photo system. A unanimous affirmative vote was recorded.

17. ADDITIONAL FUNDING - APPROVED - TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION - TULANE STREET BRIDGE REPLACEMENT

Mayor Bronaugh stated that the next item for consideration was additional funding to the Texas Department of Highways and Public Transportation for Tulane Street bridge replacement.

City Manager Westerholm stated that the State Highway Department is ready to let bids for the construction of a new bridge on Tulane between Loop 287 and Harmony Hill Drive. City Manager Westerholm stated that the City has already paid 10% of its 20% requirement, and could pay the remainder of \$5,975 out of the General Fund's contingency fund.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that additional funding of \$5,975 be paid to the Texas Department of Highways and Public Transportation for the Tulane Street

bridge replacement, with funds from the General Fund Contingency fund. A unanimous affirmative vote was recorded.

18. LONG TERM LEASE - ANGELINA COUNTY EXPOSITION CENTER - DEEP EAST TEXAS SPORT HORSE ASSOCIATION - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was a request for long term lease on property adjacent to the Angelina County Exposition Center by the Deep East Texas Sport Horse Association.

Donald Leach, representing the request stated that the Association's main function is to try and educate Lufkin and the surrounding area to the sport horse arts, and to establish Lufkin as a central location for major shows.

In response to question by Commissioner Bowman, Mr. Leach stated that the Association will assume all liability insurance.

Mr. Leach stated that the Association will apply for a foundation grant for the cost of capital improvements.

Consensus of opinion was that the City Commission is amenable to the project, but would like to see input and response from the Lufkin Industrial Development Board.

19a. BID - APPROVED - REPAIR OF ELEVATED WATER STORAGE TANK - KURTH DRIVE AND MARTIN LUTHER KING DRIVE - ACADIANA TREATMENT SYSTEMS

Mayor Bronaugh stated that the next item for consideration was bids for repair of elevated water storage tank located at Kurth Drive and Martin Luther King Drive.

City Manager Westerholm stated that while repairs to the riser on the tank were being discussed consideration was given to the possibility of replacing the altitude valve and target on the tank. However, after discussion with City personnel and a local engineering firm, recommendation was made not to consider replacement of the altitude valve. Public Works Director Ron Wesch stated that in order to avoid replacement of the valve it would be necessary to lay a new 8" water line from Spence Street to the elevated storage tank. Mr. Wesch stated he was recommending the bid of Acadiana Treatment Systems in the amount of \$7,876, and requesting authorization to bid on materials for the 8" water line.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman authorizing repair of elevated water storage tank by accepting the bid of Acadiana Treatment Systems in the amount of \$7,876; authorizing bid for materials for 8" water line; with funds to be taken from the Water and Sewer Contingency Fund. A unanimous affirmative vote was recorded.

19b. BID - APPROVED - CONTAINERS - SANITATION DEPARTMENT - INDUSTRIAL DISPOSAL SUPPLY

Mayor Bronaugh stated that the next item for consideration was bids for 8-yard, 6-yard and 4-yard containers to be used in the Sanitation Department.

Purchasing Agent David Cochran recommended the bid of Industrial Disposal Supply in the amount of \$7,057. The amount budgeted for these items is \$6,500.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that bid of Industrial Disposal Supply in the amount of \$7,057 be accepted as the low bid. A unanimous affirmative vote was recorded.

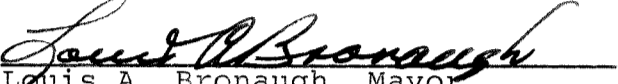
20. KURTH DRIVE OVERPASS - CEDAR CREEK - CHESTNUT AND LOOP 287 TRAFFIC LIGHT

Commissioner Simond expressed concern over objects being thrown from Kurth Drive overpass. Mayor Bronaugh stated that a letter could be written to the Railroad regarding the placement of a protective screen at this location along with copies of reports that have been filed with the Police Department.

Commissioner Gorden stated that he would like to commend the Highway Department for proceeding with work on the southwest Loop to prevent flood control.

In response to question, Public Works Director Wesch stated that the Highway Department is in the process of drawing up plans for a fully actuated signal system at the Loop and Chestnut Drive.

21. There being no further business for consideration, meeting adjourned at 7:21 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary