

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF DECEMBER, 1990, AT 5:00 P.M.

On the 18th day of December, 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
Paul Mayberry	Commissioner, Ward No. 6
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 when the following business transacted.

1. Meeting was opened with prayer by Rev. Randy Hageman, Minister, First United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of December 4, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. RESOLUTION - CITY MANAGER HARVEY WESTERHOLM

Mayor Louis Bronaugh presented a Resolution to City Manager Harvey Westerholm in appreciation of his 21 years of service to the City of Lufkin.

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

5. ORDINANCE - APPROVED - SECOND READING - PORTION OF BRENTWOOD DRIVE CLOSED

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for closing a portion of Brentwood Drive.

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

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - ARTHUR TEMPLE/ANN TEMPLE ALLEN/CARROL ALLEN/LUFKIN RETIREMENT VILLAGE, INC. - 700 BLOCK OF JANEWAY - RESIDENTIAL LARGE TO APARTMENT, SPECIAL USE (RETIREMENT VILLAGE)

Mayor Bronaugh stated that the first item for consideration was First Reading of an Ordinance for Zone Change as requested by John Fleming representing Arthur Temple, Ann Temple Allen and Carrol Allen for the benefit of Lufkin Retirement Village, Inc. covering property in the 700 block of Janeway Avenue being a portion of Block 12 and all of Blocks 17, 18, 19 and 20 of the

Sussex Downs Addition from Residential Large to Apartment, Special Use (Retirement Village).

City Manager Westerholm stated that the project will be located on a 25-acre site in the Sussex Downs Subdivision. City Manager Westerholm stated that a large crowd was present at the Planning and Zoning Commission meeting in support of the facility.

City Manager Westerholm stated that there was some concern about how much parking should be made available, and closing a portion of Arthur and Janeway streets. Mayor Bronaugh stated that the streets for the subdivision had been platted but had never been developed. City Attorney Flournoy stated that closing of the streets will take separate action and should not be considered at this meeting.

Rita Ellison, City Planner, stated that the Zone Change was passed contingent upon the City Engineers approval of the utilities, specifically the 36" and smaller sewer lines. Ms. Ellison stated that the Planning and Zoning Commission had made an exception to the Zoning Ordinance by allowing the three-story structure for the living quarters as opposed to 2-1/2 stories. Ms. Ellison stated that this Zone Change is also made contingent upon replatting or vacating of the plat. Ms. Ellison stated that the Planning and Zoning Commission accepted the developers recommendation based on a reduced number of parking spaces. Ms. Ellison stated that it is not certain how many cars will be in the facility because of the age of the participants. Ms. Ellison stated that there is additional room for parking if it is needed. Ms. Ellison stated that she had recommended more parking spaces but the developers wanted to preserve as much of the natural environment as possible.

There was no opposition present.

Attorney Bill Ricks requested that the Commission consider setting another regular meeting in the month of December for the benefit of the owners who are making a gift of this property to the Retirement Village. Mr. Ricks stated that he would like for the Commission to finalize approval of the Zone Change in this tax year.

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

Mayor Bronaugh stated that a regular meeting of the City Commission would be held Monday, December 31st at 10:00 a.m. to consider Second Reading of the Ordinance.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - CLARENCE AND KERRI SANDERSON - TROUT AND PERSHING - RESIDENTIAL MEDIUM TO RESIDENTIAL SMALL

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change requested by Clarence and Kerri Sanderson covering property located at the corner of Trout and Pershing from Residential Medium to Residential Small.

Freddie and Helen Donaldson (Mrs. Sanderson's parents) appeared in representation of the request.

City Manager Westerholm stated that Mr. and Mrs. Sanderson are wanting to put a doublewide mobile home on an irregularly shaped lot at this location. The mobile home has the appearance of a modular home and will have brick wainscotting. City Manager Westerholm stated that property across the street is zoned Heavy Manufacturing.

The request was unanimously passed by the Planning and Zoning Commission.

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

8. GROUP HOSPITALIZATION INSURANCE - RESCHEDULED

It was the consensus of opinion of the Commission that this item be delayed until the second meeting in January.

9. DRAINAGE PROBLEMS - DISCUSSED - TURTLE CREEK AND WILDBRIAR RESIDENTS

Mayor Bronaugh stated that the next item for consideration was a request from Turtle Creek and Wildbriar residents concerning drainage problems. Mayor Bronaugh stated that there is a situation on Turtle Creek where there is some water standing that is not draining and grass has grown in the natural flow line of the creek. Mayor Bronaugh stated that some of the residents are requesting that the City clear the creek so the water can drain.

Eugene Tate, 1305 Reen, stated that Mrs. John Callaway of 1301 Wildbriar had contacted him and requested his help in having something done to open up the drainage. Mr. Tate stated that the water stands in this area year round and those people living around Turtle Creek and Wildbriar are bothered by mosquito infestation.

Mr. Tate stated that he contacted Ron Wesch about the situation. After talking with Mr. Wesch he contacted the neighbors along Turtle Creek to see if they would be agreeable for the City to do some work in order to improve the drainage. Mr. Tate stated that the drainage goes under Turtle Creek in front of the second residence east of the intersection and Mr. Wesch felt that the ditch needed to be lowered from that spot all the way back to a drainage culvert that comes in from Wildbriar. Mr. Tate stated that the silting and the grass have been the cause of the problem and a lot of dirt would have to be removed to keep the water draining. Mr. Tate stated that Mr. Wesch had started work, but an objection was raised by one of the property owners. Mr. Tate stated that after talking with the City Attorney, it was felt that the way to properly pursue this was to request that the City give the residents assistance in opening the drainage. Mr. Tate stated that it was the opinion of the residents that something must be done because this is a health hazard.

Mr. Flournoy stated that if there is in fact such a health hazard that requires some remedial action, the City has the authority to condemn the easement of their property for the purpose of doing whatever work is necessary there. Mr. Flournoy stated that it has been the City's policy not to do this on private property, but this may basically be a road ditch. Mr. Wesch stated that this area is not within the right-of-way. Mr. Flournoy stated that the City's option if they were not able to work out a solution between all the parties involved would be to condemn it.

Mayor Bronaugh stated that pictures of the problem had been included in the Commissioner's packets.

In response to question by Commissioner Mayberry, Mr. Wesch stated that this is a curb and gutter street and the ditch is back off of the curb approximately 30-35' to the flow line of the creek.

In response to question by Mayor Bronaugh, Mr. Wesch stated that it was his understanding after talking with Mr. Tate that the City had verbal permission to do the work. Mr. Wesch stated that he had talked with three of the property owners and they agreed that the City could do some work there as long as they left the property looking good. Mayor Bronaugh stated that one of the options considered was to lay a culvert for drainage, which would allow people to mow over it. Mr. Wesch stated that the property owners had not been advised of this option. Mayor Bronaugh stated that the residents could purchase the culvert and the City could take the responsibility for laying it. Mr. Wesch stated the only concern he would have is that there are two bridges that belong to the property owners that are fairly lengthy structures and they will have to be removed in order to put the culvert in on grade.

Mr. Tate stated that the property behind Mrs. Callaway, Bayo Hopper and Raymond Moore has silted up so there is actually a dam in that area. Mr. Tate stated that one other alternative would be to put in a 36" wide strip of concrete at the base where you dig out to so there will be a continual wash there at all times.

Lorene Daughtery, 1306 Turtle Creek, stated that she was not contacted and the problem of the drainage is not in front of her house but is further up the street. Mrs. Daughtery stated that she is not against doing anything that would help the drainage problem but is opposed to going to the expense of putting in a culvert and having her yard torn up. Mrs. Daughtery stated that she resents not being asked.

Mrs. Kim Cortines, 1200 Turtle Creek, stated that she lives at the end of the street where it curves into Epley. Mrs. Cortines stated that the creek comes behind her house. Mrs. Cortines stated that she has lost several square yards of property and this has caused fence posts on the property to be unstable. Mrs. Cortines stated that dirt from around five trees on her property is being washed away. Mrs. Cortines stated that there is a culvert in the creek where water stands and there are snakes and mosquitos.

Mr. Tate stated that at the time the residents started talking to Mr. Wesch Jetta Koch met with Raymond Moore and they walked along this creek line. Mr. Tate stated that they talked to Mr. Cortines about the problem and he asked that if they were able to do anything about the problem to please have the work start at the point where the culvert is in the creek. Mr. Tate stated that it was their sole purpose in attempting to get something done to have it done from the point where it goes under Turtle Creek in front of Mrs. Daughtery's house up to the point where the Cortines' live.

Mr. Tate stated that he was under the impression that they had permission from all the homeowners.

In response to question by Mayor Bronaugh, Mr. Flournoy stated that the City would have to determine first that this problem was a health hazard and then determine if it was the responsibility of the City to go in and alleviate it by doing all this other work. Mr. Flournoy stated that he was not aware if any estimate of the cost to do this work had been determined. Mr. Flournoy stated that the City could go in and condemn whatever property was necessary and take an easement for drainage purposes.

Mayor Bronaugh requested that those residents in attendance regarding this request to stand. There were ten residents in attendance.

Marcelle Canon stated that she was requesting that the City staff make an overall engineering study of the drainage of Lufkin. Ms. Canon stated that the City could seek funding through a grant to make an overall study.

In response to question by Mayor Bronaugh, City Manager Westerholm stated that drainage was addressed in the Comprehensive Master Plan but not in any detail.

Mayor Bronaugh stated that the Commission has heard both sides of this problem and will take it under advisement and that the City Attorney and Mr. Wesch will be working with the residents on this problem.

Commissioner Mayberry suggested that before any work is done he would like to see the City get permission from the homeowners in writing.

10. ADOPTION OF CONSENT - APPROVED - ANGELINA NURSING CENTER - CHALLENGE MINISTRIES, INC. PROJECT

Mayor Bronaugh stated that the next item for consideration was a request for adoption of consent for health facilities in Lufkin.

City Manager Westerholm stated that a letter had been received from the law firm of McCall, Parkhurst and Horton requesting authorization from the City to make some improvements to the Angelina Nursing Center on North John Redditt Drive. City Manager Westerholm stated that no cost will be incurred by the City for these improvements.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that authorization be granted to the law firm of McCall, Parkhurst and Horton for improvements to the Angelina Nursing Center. A unanimous affirmative vote was recorded.

11. AUDIT REPORT - ACCEPTED - ALEXANDER, LANKFORD AND HIERS

Mayor Bronaugh stated that the next item for consideration was the audit report from Alexander, Lankford and Hiers.

Richard Rudel, representing the auditors, stated that an audit was performed on the City of Lufkin's financial statements for the year ending September 30, 1990. Mr. Rudel stated that on page 2 was the independent auditors report on the general purpose financial statements, which is an unqualified opinion.

Mr. Rudel stated that the independent auditors report on compliance with laws and regulations was on page 75, which basically says that during their testing nothing came to their attention that would indicate that the City violated any laws or regulations.

In response to question by Commissioner Bowman, Mr. Rudel stated that at the present time there is a fairly detailed fee structure on the ambulance billing and some institutes are going to a more consolidated fee structure in which a lot of the basic charges are included in the standard charge. Mr. Rudel stated that a lot of this has to do with Medicare and Medicaid - there are some charges they will not pay that the City is billing for. Mr. Rudel stated that the staff might want to consider the way the fee structure is broken out.

In response to question by Commissioner Mayberry, Mr. Rudel stated that the City's policy has been to carry two years worth of ambulance collections and write them off, and, in his opinion, after one year the amounts that are on the books probably are not collectible.

In response to question by Commissioner Mayberry, Mr. Rudel stated that he would agree that the City is basically spending every dollar it takes in in the General Fund. Mr. Rudel stated that over the last few years the nature of the City's revenue has changed, and he would like to see a surplus in the General Fund. Mr. Rudel stated that if the City had a revenue shortfall it could end up with a deficit at the end of the year. Mr. Rudel stated that one months operating funds in a reserve would be sufficient in his opinion.

Commissioner Gorden stated that he would like a report from the City Manager's office within the next 30 days saying that the recommendations of the auditors have been put in place, or why they have not been put in place.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden to accept the audit as presented. A unanimous affirmative vote was recorded.

12. AUTHORIZATION - APPROVED - TRANSFER OF REVENUE SHARING FUND TO GENERAL FUND

Mayor Bronaugh stated that the next item for consideration was authorization to transfer the balance of the Revenue Sharing Fund to the General Fund to close out the bank account.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry authorizing the transfer of Revenue Sharing Funds to the General Fund. A unanimous affirmative vote was recorded.

13. AUTHORITY - GRANTED - ELLEN TROUT ZOO - ESCAPE-PROOF CAT EXHIBIT

Mayor Bronaugh stated that the next item for consideration was authority to make the cat exhibit at Ellen Trout Zoo escape proof. Mayor Bronaugh stated that a female Siberian tiger had escaped from her enclosure and some modifications to the structure were necessary to prevent future escapes.

City Manager Westerholm stated that a study and an engineering report had been done by Moore Brothers Construction. The cost for the work would be \$4,134, which could be funded from the Zoo building fund.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper authorizing the expenditure of these funds (\$4,134) to make the cat exhibit at Ellen Trout Zoo escape proof. A unanimous affirmative vote was recorded.

14. JANUARY MEETING DATE - SET

Mayor Bronaugh stated that the next item for consideration was setting date for the first meeting in January.

Mayor Bronaugh suggested that since there are five Tuesdays in the month of January, the City Commission meetings could be held on January 8th and 22nd.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd setting the dates for the January meetings on the 8th and 22nd. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - AIR COMPRESSOR - WATER DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for an air compressor to be used in the Water Department.

City Manager Westerholm stated that the low bid had been received from A-1 Lufkin Rental Center, Inc. in the amount of \$10,825.

Mr. Cochran stated that \$11,000 had been budgeted for the air compressor and a jack hammer, but the jack hammer has not been bid on yet.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that bid of A-1 Lufkin Rental Center, Inc. in the amount of \$10,825 be accepted as the lowest bid. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - LABORATORY EQUIPMENT - WATER POLLUTION DEPARTMENT - CURTIN MATHESON SCIENTIFIC - VWR SCIENTIFIC

Mayor Bronaugh stated that the next item for consideration was laboratory equipment for the Water Pollution Department.

City Manager Westerholm stated that this equipment will be used in the new Pre-Treatment Program. City Manager Westerholm stated that \$30,000 had been set up for the total program and the cost of this portion was \$9,309.57 (Glass distiller, BOD incubator and other related items from Curtin Matheson Scientific - \$8,015.87 and microscope from VWR Scientific - \$1,293.70).

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of Curtin Matheson Scientific in the amount of \$8,015.87 and the bid of VWR Scientific in the amount of \$1,293.70 be accepted as presented. A unanimous affirmative vote was recorded.

15c. BID - APPROVED - SEWER JET MACHINE - ANGELINA AUTOPLEX

Mayor Bronaugh stated that the next item for consideration was bids for a sewer jet machine.

City Manager Westerholm stated that the low bid had been received from Naylor Supply in Pasadena in the amount of \$65,319. Mr. Cochran stated that if this bid is awarded to Naylor Supply, Al Meyer Ford will honor the warranty.

City Manager Westerholm stated that there is a difference of \$648 between the bid of Naylor Supply and the local bid of Angelina Autoplex.

Mike Isham, salesman for Angelina Autoplex, stated that a dealers highest priority is that their customers will come first. Mr. Isham stated that all dealers are required to honor warranties.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden to accept the bid of Angelina Autoplex in the amount of \$65,967. A unanimous affirmative vote was recorded.

15d. BID - TABLED - THREE-QUARTER TON PICKUP - ANIMAL CONTROL

Mayor Bronaugh stated that the next item for consideration was a three-quarter ton pickup for the Animal Control Department.

City Manager Westerholm stated that this item was budgeted to be funded over a two-year period on a lease/purchase basis. City Manager Westerholm stated that the City will not receive the vehicle until April, and that \$9,000 had been budgeted for this item.

Mayor Bronaugh stated that the lease/purchase option for this equipment was not shown on the bid tabulation sheet.

Commissioner Mayberry stated that he was concerned about the special fabricated body of the vehicle and he would like to have it in writing that the company is meeting the specification.

Mayor Bronaugh stated that because more information is needed on this item so that the Commission can make a decision, it will be rescheduled for the December 31st meeting.

16. EXECUTIVE SESSION

Regular meeting adjourned at 7:05 p.m. to enter into Executive Session. Mayor Bronaugh reconvened regular session at 7:25 p.m. and stated that demolition of dilapidated houses had been discussed.

City Attorney Bob Flournoy presented the following houses for demolition:

A house beside 1920 Williams Street (Tract 500 West Williams)
#7 Lakewood Court
1952 Wilson Alley
1201 Keltys Street
406 Lock Alley
131 Martin Luther King Drive
607 Lining Street

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd authorizing the City Attorney to proceed with the demolition of houses presented for demolition. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that the Commission had also discussed the possibility of redistricting for the City of Lufkin after the finalization of the 1990 Census. Mayor Bronaugh stated that an item will be placed on the January agenda requesting authorization for the staff and City Attorney to proceed with whatever is necessary to start the redistricting program.

City Manager Westerholm stated that Commissioners who wished to attend a Leadership Conference to be held in Austin in January should contact his office so that reservations can be made.

Mayor Bronaugh stated that a reception will be held on December 31st at 1:00 p.m. in the City Hall Atrium in honor of retiring City employees Harvey Westerholm, Rosie Jones and J. B. Goodwin.

17. There being no further business for discussion, meeting adjourned at 7:32 p. m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary