

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF MARCH, 1990, AT 5:00 P.M.

On the 20th day of March, 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
Brian Boudreaux	Asst. City Manager
Robert Flournoy	City Attorney
Ron Wesch	Public Works Director
Carol Cloyd	City Secretary's Office

being present, and

Harvey Westerholm	City Manager
Atha Stokes	City Secretary

being absent when the following business was transacted.

1. Meeting was opened with prayer by Chaplain Billy Dunn, Lufkin State School.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 6, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - GLORIA STRINGER - 423 MOODY - RESIDENTIAL SMALL TO RESIDENTIAL SMALL, SPECIAL USE (ACCOUNTING OFFICE)

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance for a Zone Change request by Gloria Stringer covering property located at 423 Moody from Residential Small to Residential Small, Special Use (Accounting Office).

There was no opposition present.

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.

5. ORDINANCE - WITHDRAWN - SECOND READING - ZONE CHANGE - JACK T. HOPSON (SELLER) - JERRY D. GREEN (BUYER) - LOOP 287 AND LUFKIN AVENUE - RESIDENTIAL LARGE TO COMMERCIAL

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for Zone Change request by Jack T. Hopson (Seller) and Jerry D. Green (Buyer) covering property located at the northeast corner of Loop 287 and Lufkin Avenue from Residential Large to Commercial.

Mayor Bronaugh stated that Mr. Green has requested that this item be removed from the agenda at this time. Mayor Bronaugh stated that Mr. Hopson will make another application to the

Planning and Zoning Commission for rezoning of the property at a later date.

6. DRAINAGE EASEMENT - APPROVED - SOUTHRIDGE ADDITION I

Mayor Bronaugh stated that the next item for consideration was release and acceptance of a new drainage easement in Southridge Addition I.

Mayor Bronaugh stated that Colin Bond, owner of the property, and Kenneth Vann, the City Engineer, were present to represent this request.

Mr. Vann stated that the City is not asking for another drainage ditch at this location, but is asking for a release for the existing drainage ditch. Mr. Vann stated that when Mr. Bond started construction on this lot the City staff found that the easement did not fit the drainage ditch and he was trying to make this correction with the new release agreement.

Mr. Vann stated that this property is not in the one hundred year flood plain.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that a new drainage easement and release for Southridge Addition I be approved as submitted. A unanimous affirmative vote was recorded.

7. D.A.R.E. GRANT REQUEST

Mayor Bronaugh stated that the next item for consideration was an update on the D.A.R.E. grant request.

Chief Collins stated that last week he went before the DETCOG Prioritization Committee, which is the first step in approving the grants that have been requested through DETCOG, to consider funding of the D.A.R.E. program. Chief Collins stated that the City of Lufkin finished #5 out of 10 programs that were offered to be funded through DETCOG. Chief Collins stated that the funds only went to the first 4 finishers, and the City finished "out of the money" as far as funding through DETCOG for the D.A.R.E. program.

Chief Collins stated that he is seeking the approval of the City Commission to go to the TLL Temple Foundation for one year's funding of the D.A.R.E. program. Chief Collins stated that after one year the City would probably be able to have the program funded through DETCOG without any problem. Chief Collins stated that DETCOG had \$10,000 left after funding of other programs that will probably be available to be applied to this grant this year; however, that would still leave \$45,000 to be funded.

Chief Collins stated that there are two situations to overcome to be able to apply to the TLL Temple Foundation as explained to him by Ward Burke. The first is that there have been two grant requests that have gone to the Temple Foundation to fund D.A.R.E. programs and they are Jasper County and Jefferson County. Chief Collins stated that both of the requests were turned down for two primary reasons - (1) They wanted the Foundation to totally fund the entire project, and the Temple Foundation does not like to do that, and (2) They wanted some assurance that it would not conflict with existing drug education and drug relief type programs in the schools. Chief Collins stated that Mr. Burke was concerned that there could be a conflict with KYSSSED and some other programs in the school system. Chief Collins stated that the City could overcome both of those obstacles - the money part by the City and the school agreeing to help fund the program the first year. Chief Collins stated that he was proposing that the

City seek \$45,000 from the Temple Foundation and then the City agree to pick up those officer's salaries for the remaining three months of the fiscal year. Chief Collins stated that the officers will be in school 36-37 weeks a year and available for regular police duties the remainder of that year. Chief Collins stated that in effect, the City would be picking up one-fourth of the total cost of the program by paying the officer's salary and benefits during the three month period they are actually working as police officers and the grant can fund the period that they are functioning as the school teachers.

Chief Collins stated that he would be looking at other sources of funding as the need arises because he feels that this is a very important program that the City needs. Chief Collins stated that the City can overcome any ideas of conflict with affidavits from the school and the Drug Education Coordinator and various other sources. Chief Collins stated that, in his opinion, the D.A.R.E. program is very harmonious with all the other anti-drug clubs in the schools right now.

Chief Collins stated that he would like some guidance from the City Commission as to whether or not they wish to pursue this matter any further.

In response to question by Commissioner Bowman, Chief Collins stated that the cost to the City for the salaries and benefits of the officers would continue. Chief Collins stated that the cost per year for the D.A.R.E. program is \$55,000. Chief Collins stated that the grant from TLL Temple Foundation would be for one year as they do not like to fund on-going programs. Chief Collins stated that if the program is accepted by DETCOG next year, it would be 100% funded, with a 20% diminishing funding thereafter.

Chief Collins stated that at this time on the original request the City has an agreement with the schools that they will pick up 50% of any local costs. Chief Collins stated that at the time the agreement was made it was with the understanding that there would be no costs the first year, and 10-10% City/School the second year. Chief Collins stated that a meeting has been set for next week with Jack Darnell to renegotiate the agreement.

Commissioner Bob Bowman requested that Chief Collins meet with the school in regard to them paying 50% of all local costs and report back to the Commission a dollar amount needed from the City before the Commission makes a decision to make application for a grant from the Temple Foundation.

8. RESOLUTION - APPROVED - TEXAS HIGHWAY DEPARTMENT'S MINUTE ORDER 89961 (FM ROAD 2021)

Mayor Bronaugh stated that the next item for consideration was Resolution accepting the provisions of Texas Highway Department's Minute Order 89961 (FM Road 2021).

Asst. City Manager Brian Boudreaux stated that basically the Minute Order is issued by the State and outlines the City's responsibility in providing right-of-way, bearing the costs of utility adjustments, and states that the City will maintain that portion of the work for which it is responsible in accordance with maintenance agreements.

In response to question by Mayor Bronaugh, Mr. Wesch stated that FM Road 2021 is Davisville Road. Mr. Wesch stated that FM Road 2021 will take off from the Loop on the existing Davisville Road and interconnect with Highway 59 again somewhere else. Mr. Wesch stated that at this time FM Road 2021 will become a cul-de-sac where it connects with Highway 59. Mr. Wesch stated

that the City's responsibility is only for 300'. Mr. Wesch stated that the City has no water or sewer lines on this property and will only have to deal with two property owners (Otis Locke and the Fifth Wheel Truck Stop).

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Resolution accepting the provisions of the Texas Highway Department's Minute Order 89961 (FM Road 2021) be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Simond expressed concern regarding the intersection of Paul and Chestnut. Mr. Wesch stated that the City has not received right-of-way maps from the State Highway Department. Mr. Wesch stated that he will check with J. L. Beaird in the morning and relay the message to Commissioner Simond.

9. 911 DATABASE MANAGER FUNDING

Mayor Bronaugh stated that the next item for consideration was participation in funding of the 911 Database Manager.

Mr. Ross Sherohman, representing DETCOG, stated that he was present to answer any questions the City might have regarding the status of the 911 Database Manager.

Mayor Bronaugh stated that the letter from Norman Hoff, DETCOG 911 Director, states that the Database Manager will be hired to take care of the database entries for Angelina and Nacogdoches Counties. Mayor Bronaugh stated that the 50¢ funds collected on telephone bills each month cannot be used to pay the Database Manager, and DETCOG is asking for Angelina and Nacogdoches Counties to participate in funding of the Database Manager's salary for a total of \$34,040, to be shared 50/50 by both counties. Mayor Bronaugh stated that Angelina County chose to fund \$8,510, leaving an additional \$8,510 to be taken care of by the rest of the County. Mayor Bronaugh stated that the City of Diboll has agreed to fund \$2,212.75 (1/8th of the cost). Mayor Bronaugh stated that the City is now considering offering to pay the balance, or \$4,255 of that amount.

In response to question by Commissioner Simond, Mayor Bronaugh stated that the City of Huntington has been asked to participate and have chosen not to at this time.

In response to question by Commissioner Simond, Mr. Sherohman stated that Angelina and Nacogdoches Counties will only be required to fund the Database Manager position for the first two years. Mr. Sherohman stated that DETCOG will then assume funding of the position under the 911 Emergency Number System.

In response to question by Commissioner Simond, Mayor Bronaugh stated that Angelina County chose not to participate in funding of the 911 program.

Mayor Bronaugh stated that approximately three years ago the City agreed to participate in funding of this program if the County would participate. Mayor Bronaugh stated that the Governor's office later informed the 24 counties involved that the program would be funded through DETCOG.

Commissioner Simond stated that he was in favor of the 911 program but did not think that the City of Lufkin should have to pick up the total cost without participation from the County.

Motion was made by Commissioner Bob Bowman that the City of Lufkin pay one-fourth of \$8,510 providing the Cities of Diboll, Hudson and Huntington pay an equal amount for a two-year period.

Mayor Bronaugh stated that the City of Diboll has agreed to pay \$2,130. Mr. Sherohman stated that he has not been able to schedule a meeting with the City of Hudson as yet.

Commissioner Bowman stated that he would concur with Commissioner Simond that the City of Lufkin should not pick up the other cities share for this project.

Mr. Sherohman stated that it is incumbent upon the performance of the enhanced system to have the information which provides the identity of all business and residential locations in the counties.

In response to question by Mayor Bronaugh, Mr. Sherohman stated that he would suggest that the City consider not attempting to drop the enhanced program at this point in the planning process.

In response to question by Commissioner Gorden, Mr. Sherohman stated that the initial planning process was one of an indefinite organization or project - this has never been undertaken statewide in Texas. Mr. Sherohman stated that in a direct attempt for the State Commission to insure that the entire population of Texas has the service available to them, they set certain restrictions in the planning process, and one of the restrictions is that in the implementation phase, until it is available to the public, none of the funds could be used for salaries.

In response to question by Commissioner Gorden, Mr. Sherohman stated that billing for the 50¢ collection began in Angelina County on January 1, 1990.

In response to question by Commissioner Gorden, Mr. Sherohman stated that unlike many cities and other organizations, DETCOG does not have enough revenue in their budget in Angelina County to produce \$415,000, which it will take to produce the 911 system for the entire County and all of its cities. Mr. Sherohman stated that revenue can be raised through the 50¢ fee collection over a period of months on a regular basis - it would be accumulated in a fund, leverage that fund through interest earning accounts, and keep it locally. Mr. Sherohman stated that the fund would be under the control of the Regional Advisory Committee, of which Angelina County has three members on that Committee (Asst. City Manager Brian Boudreaux, Chief Sherman Collins and Sheriff Mike Lawrence).

In response to question by Commissioner Roper that of the \$34,040 that is split on a 50/50 basis between Nacogdoches and Angelina County, has the 50% participation by Nacogdoches County been confirmed, Mr. Sherohman stated that he is encouraged that he will be invited back to the first meeting of the Commissioners Court in April, where he can confirm that participation. Mr. Sherohman stated that Nacogdoches County has a serious budget situation but there were enough funds for them to confirm their participation when he last met with them.

Commissioner Gorden stated that he was in favor of the program but feels like the County should pay for it.

Mayor Bronaugh stated that two options had been mentioned - (1) that the City not pay this amount and (2) that the \$17,020 be divided up equally between the four cities in Angelina County.

Commissioner Bowman withdrew his motion.

In response to question by Commissioner Gorden, Mr. Sherohman stated that the City of Garrison has committed a minimum of

\$2,500 towards the amount of \$8,510 per year for two years. Mr. Sherohman stated that there are still four cities within Nacogdoches County that have not made a commitment.

In response to question by Commissioner Bowman regarding the difference between the basic system and the enhanced system, Mr. Sherohman stated that when dialing the 911 number the basic system provides a read out of the phone number which is making the call. The enhanced system carries other attributes with it such as the location of that telephone, the physical address, the type of service (residential, cellular, mobile, coin phone) and also provides a direct tie to the responding agencies and differentiates between the volunteer fire departments, City fire departments, police services and EMS services. Mr. Sherohman stated that the enhanced system provides a positive link, which has not been available in the past, to the calling party. It allows for emergency services to be delivered correctly and accurately each time a call is placed. Mr. Sherohman stated that the tie between the phone number and the address is what the database manager's position is all about.

In response to question by Commissioner Bowman, Mr. Sherohman stated that it takes approximately two years to develop a database.

In response to question by Asst. City Manager Brian Boudreaux as to the possibility of having basic service in the County and enhanced service in the City, Mr. Sherohman stated the realistic approach that is being taken is the fact that the database must be created.

Mr. Sherohman stated that DETCOG only has information from the telephone company to deal with, in other words, the Database Manager will go out and physically verify that your streets are in place and properly named, residential numbers are posted where service providers can see them and ties the link of the physical address to the telephone number. Mr. Sherohman stated that rural delivery routes and boxes within the incorporated City must be changed and that is the Database Manager's job. Mr. Sherohman stated that the Database Manager creates a specific delivery address and it is with that specific delivery address that will save in the response time and the accuracy of the delivery.

Commissioner Roper stated that, in his opinion, the County is the natural entity to fund and administer this program.

Commissioner Mayberry stated that instead of Mr. Sherohman coming to the City, the County administrators should approach the City in regard to participating in this program.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that the City of Lufkin decline to participate in the 911 Database Manager program and that DETCOG approach Angelina County for full funding of the program; the City of Lufkin will stand behind it's offer of using its people and facilities in an on-going manner. A unanimous affirmative vote was recorded.

10. CITY'S CONTRIBUTION TO EXPO CENTER - TABLED

Mayor Bronaugh stated that the next item for consideration was clarification of the City's contribution to funding of the Expo Center.

Mayor Bronaugh stated that motion to minutes of August 1, 1989 read: Motion was made by Commissioner Bob Bowman and seconded by

Commissioner Jack Gorden that Hotel/Motel tax be increased by 1% for a period of one year.

Mayor Bronaugh stated that at this time the 1% is greater than the amount that was budgeted, and the budgeted figure is \$24,000.

Commissioner Gorden stated that, in his opinion, the intent was that the Expo Center would receive the 1% one year at a time.

Asst. City Manager Boudreaux stated that it is estimated that the 1% increase will be approximately \$40,000.

Asst. City Manager Boudreaux stated that to generate the difference between the \$24,000 (budgeted) and the \$40,000 (income from the 1% increase), the \$16,000 would have to come out of the Civic Center operation. The Civic Center budget would have to be amended to develop this money.

Mayor Bronaugh stated that Raymond Moore's letter of July 10, 1989 states that the Expo Center was \$35-40,000 short of their budget and that the 1% Hotel/Motel tax would generate about that much.

Mayor Bronaugh stated that Mrs. Jinkins would be authorized to pay the \$24,000 budgeted without any action from the City Commission.

Commissioner Bowman stated that this item could be brought back for further clarification.

Commissioner Simond stated that he would like a report as to whether there are any Black employees working at the Civic Center and the Expo Center.

11. CHANGE ORDER - APPROVED - GROUND STORAGE TANK REPAIRS -
WATER PLANT - CHALLENGER TANK COMPANY

Mayor Bronaugh stated that the next item for consideration was a Change Order on the Water Plant 1,000,000 gallon ground storage tank repairs.

Ron Wesch stated that the City Commission had previously approved a contract with Challenger Tank Co. for \$58,498 for repairs to the ground storage tank. Mr. Wesch stated that he had not anticipated that the tank's interior surface was deteriorated to the extent that it is. Mr. Wesch stated that he requested that Challenger Tank provide him an estimate to sandblast and epoxy the balance of the interior of the tank and they gave him a figure of \$46,000.

Mr. Wesch stated that he was recommending that the City delete from the Challenger Tank Co. contract \$10,141.16, which will cover what they said it would cost to sandblast and paint the floor of the tank plus 18" up the side of the tank. Mr. Wesch stated that he would like to rebid the interior sandblasting and painting of the tank.

Mr. Wesch stated that \$90,000 had been budgeted for this tank and the elevated storage tank at Kurth Drive and Martin Luther King Drive. Mr. Wesch stated that it was decided to delete the tank at Kurth Drive and Martin Luther King, and the balance of \$58,000 reduced from \$90,000 leaves some funds available that could be added on to the bid for sandblasting and epoxy of the storage tank.

Mr. Wesch stated that he had been informed by the engineers that it was legal to delete this portion of the work since it was a separate bid and would have to be subcontracted.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden to accept the recommendation of the Public Works Director to delete from the existing contractor the price of the interior sandblasting and painting of the ground storage tank reducing his overall bid by \$10,141.16, and that he be allowed to rebid the interior sandblasting and painting of the tank. A unanimous affirmative vote was recorded.

12a. BID - APPROVED - BACKHOES - WATER AND SEWER DEPARTMENT - PINEY WOODS TRACTOR

Mayor Bronaugh stated that the next item for consideration was bids for three (3) backhoes for the Water and Sewer Department.

Mayor Bronaugh stated that Purchasing Agent David Cochran is recommending the low bid of Piney Woods Tractor in the amount of \$51,600. Public Works Director Ron Wesch had requested an additional \$475 per backhoe for a front mounted windshield with wiper motor which would make the total purchase \$53,025. The amount budgeted was \$59,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman to accept the low bid of Piney Woods Tractor in the amount of \$53,025. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - POLYMER - WATER POLLUTION CONTROL - POLYPURE #C-321

Mayor Bronaugh stated that the next item for consideration was polymer for the Water Pollution control plant.

Bobby Mott, Water Pollution Control plant superintendent, stated that he was recommending the low bid of Polypure #C-321. Mr. Mott stated that based on testing over the last four months, this product proved to be the most cost efficient.

Mr. Mott stated that \$84,600 was allocated in the budget for chemicals and of that dollar amount, \$57,000 was for polymer purchases.

Mr. Mott stated that in the 12 months operating budget of 1988-89, there was an increase in costs in both areas of polymer usage.

Mr. Mott stated that he had requested bids for 6,000 gallons of an emulsion type polymer, which is a super concentrated type polymer. Mr. Mott stated that he expects to have a \$10,000 savings in polymer costs for this fiscal year.

In response to question by Commissioner Mayberry, Mr. Mott stated that the polymer company provides storage tanks and pumps for the product.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry to accept the low bid of Polypure #C-321. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed meeting at 6:43 p.m. to enter into Executive Session. Regular Session reconvened at 7:04 p.m. and Mayor Bronaugh stated that personnel matters and demolition of dilapidated houses was discussed.

City Attorney Flournoy stated that he would like to have authorization from the City Commission to demolish the old Cotton

Club located at 1715 Culverhouse. Mr. Flournoy stated that at 1900 Williams a house has been torn down on this property, but it has not been cleaned up, and he would like permission to have it cleaned up and charged to the property owner. Mr. Flournoy stated that there are three buildings at 1813, 1815, and 1817 Keltys that need to be demolished. Mr. Flournoy stated that there are three buildings on Birch Street that he is recommending to be torn down, which are owned by Tony Davis. Mr. Flournoy stated that there is an old duplex building at 804 Wilson Street that needs to be torn down.

Billy F. Davis, owner of the houses on Birch, stated that one of the houses is being used for the storage of some lumber, and he is tearing down one of the houses. Mr. Flournoy stated that the City Commission had authorized the demolition of these buildings in October of last year. Mr. Flournoy stated that he had tried working with Mr. Davis but had not made any progress.

Mayor Bronaugh stated that these houses do not meet the City Inspector's Code.

Mr. Davis stated that he is using some of the lumber from the buildings he is tearing down to repair other buildings.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper authorizing the City Attorney to proceed with the demolition of houses located at 1715 Culverhouse, 1813, 1815, 1817 Keltys, 804 Wilson and that property at 1900 Williams be cleaned up and the property owner charged with clean up costs. A unanimous affirmative vote was recorded.

Mr. Davis stated that he and his wife are on a fixed income, and that the two of them are working on the buildings without any help. Mr. Davis stated that two of the buildings would meet building standards. Mr. Davis stated that he is receiving treatments in Houston and cannot work on the houses on a daily basis.

City Attorney Flournoy stated that with Mr. Davis' situation it will take him years to demolish the houses.

Mrs. Davis stated that she would like to know who complained about the houses. City Attorney Flournoy stated that this is confidential information.

City Attorney Flournoy stated that the City Commission wanted Mr. Davis to set a date that he would have the houses demolished. Mr. Flournoy stated that at some point in time the City will have to take some action.

Mayor Bronaugh stated that Mr. & Mrs. Davis have been officially informed as to the houses that the City Commission is concerned with.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that Mr. & Mrs. Billy F. Davis be granted a period of 30 days for each of the houses located on Birch Street for a total of 90 days. A unanimous affirmative vote was recorded.


14. COMMENTS - GARBAGE BAGS - SIGN REPAIRS

In response to question by Commissioner Jack Gorden, Mr. Wesch stated that biodegradable garbage bags cost three times the amount of regular garbage bags.

In response to question by Commissioner Danny Roper, Mr. Wesch

stated that the Public Works Department will check out the brick entrance sign on Highway 59 North and make the needed repairs.

15. There being no further business for consideration, meeting adjourned at 7:22 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary