

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
6TH DAY OF OCTOBER, 1992 AT 5:00 P.M.**

On the 6th day of October, 1992 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
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Bob Lewis, Minister, Victory Assembly of God Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of September 15, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF APPRECIATION - POSTPONED - MARCELLE CANON - NEIGHBORHOOD ALLIANCE ASSOCIATION**

Mayor Bronaugh stated that Ms. Canon was unable to attend tonight's meeting, and the Certificate of Appreciation would be presented to her at the first meeting in November.

5. **ORDINANCE - APPROVED - SECOND READING - CLASSIFICATION PLAN - POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance to approve the Classification Plan as presented by the Police Department.

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

6. **ORDINANCE - APPROVED - SECOND READING - AMENDMENT - PRIVATE CLUB ORDINANCE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending the Private Club Ordinance.

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

Aye - Commissioners Simond, Boyd, Gorden, Kegler, and Mayor Bronaugh
Nay - Commissioners Bowman and Weems

Motion carried by a vote of 5 to 2.

10/06/92

Page 1

7. CONTRACT - APPROVED - MUNICIPAL COURT WARRANT COLLECTION - CAPITAL ASSISTANCE GROUP

Mayor Bronaugh stated that the next item for consideration was contracting collection of the Municipal Court warrants.

City Manager Maclin stated that a copy of the Contract with the Capital Assistance Group, which basically provides for a payment by the City in the amount of \$12,000 for a guaranteed return by the CAG of \$48,000 in collections, had been included in the Commissioners packets.

City Manager Maclin stated that some information was received late this afternoon that needs to be checked out before the City Commission gives its final approval on this Contract.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that this item be tabled until the next meeting.

Motion was amended by Commissioner Percy Simond and seconded by Commissioner Weems to delay action on this request until after the Executive Session later on in the meeting. A unanimous affirmative vote was recorded.

After Executive Session, motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden to accept the Contract with Capital Assistance Group pending the outcome of the investigation by the City staff. The following vote was recorded:

Aye - Commissioners Simond, Gorden, Weems, Bowman and Mayor Bronaugh
Nay - Commissioners Boyd and Kegler

Motion carried by a vote of 5 to 2.

8. ZONE CHANGE REQUEST - WITHDRAWN - VIRGINIA HAYS NELSON - RESIDENTIAL LARGE TO LOCAL BUSINESS/SPECIAL USE (MINI-WAREHOUSE) FEAGIN DRIVE BETWEEN 1603 AND 1615 FEAGIN DRIVE

Mayor Bronaugh stated that the next item for consideration was request of Virginia Hays Nelson for approval of a change of zoning from Residential Large to Local Business and Special Use (Mini-Warehouse) on approximately 12.56 acres of land located on the east side of Feagin Drive between 1603 and 1615 Feagin Drive.

City Manager Maclin stated that he was notified just prior to the meeting that the applicant had purchased property outside the City limits and is withdrawing the request for a zone change.

9. ORDINANCE - APPROVED - JACK W. HAYS - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - LANE DRIVE/1701 FEAGIN DRIVE

Mayor Bronaugh stated that the next item for consideration was request of Jack W. Hays for approval of a change of zoning from Residential Large to Commercial on 5.328 acres of land located on the west side of Lane Drive and immediately north of the A-1 Storage Facility located at 1701 Feagin Drive.

City Manager Maclin stated that this request had been unanimously recommended by the Planning & Zoning Commission, and was in compliance with the Comprehensive Master Plan.

Mr. Hayes was unable to be present at the meeting and Dean Leggett was representing the request on his behalf.

Those appearing in opposition to the request were:

Bonnie Lewallen - 1441 Feagin
Mike Parker - 1107 Rushwood Dr.
Lee Ann Craven - 912 Rushwood Dr.
Kendall Moseley - 903 Skeetwood

Residents of the neighborhood stated that they opposed any type of Commercial zoning and wanted the neighborhood to remain as residential.

City Planner Stephen Abraham presented an overhead of the two pieces of property (the property represented by this request and the request that had been previously withdrawn from consideration.)

Mr. Abraham stated that it is his opinion that the most viable use of this property is its consolidation with the tract occupied by the existing A-1 storage facility.

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

10. CITY HOLIDAY - APPROVED - MARTIN LUTHER KING'S BIRTHDAY

Mayor Bronaugh stated that the next item for consideration was establishing Martin Luther King's birthday as an official City holiday including provision of additional overtime funds for fiscal year 1992-93 budget.

Commissioner Simond introduced members of the audience who were in attendance in support of this request: Lacy and Dorothy Chimney, Bobbie Whitehead, Truey Smith, Royce Garrett, Lillie Davis and Dr. Dallas Pierre

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Martin Luther King's birthday be designated as an official City holiday, and that overtime funds not to exceed \$5,000 be used in the Contingency Fund of the fiscal year 1992-93 budget. A unanimous affirmative vote was recorded.

11. LADDER TRUCK REPAIRS - APPROVED - FIRE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was repairs to Fire Department ladder truck.

City Manager Maclin stated that the ladder truck had been inspected by the Independent Testing Laboratories and they noted several deficiencies that needed attention. City Manager Maclin stated that Special Equipment Company is the only company in the State of Texas that is certified to do the necessary repairs.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that repairs to the Fire Department ladder truck by Special Equipment Co. in the amount of \$14,351 be approved as submitted. A unanimous affirmative vote was recorded.

12. AMBULANCE - APPROVED - HOUSTON/GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM

Mayor Bronaugh stated that the next item for consideration was a request by the Fire Department to purchase an ambulance through the Houston/Galveston Area Council Cooperative Purchasing Program.

City Manager Maclin stated that by purchasing this piece of equipment through H/GAC the advantage is that they are able to bid for several cities and entities and get a lower bid through the economy of volume.

City Manager Maclin stated that funding for this item is appropriated in the FY 1992-93 General Fund Fire/EMS budget at \$65,000. The cost of the equipment through H/GAC is \$63,920.77.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that purchase of ambulance through the Houston/Galveston Area Council Cooperative Purchasing Program be approved as submitted. A unanimous affirmative vote was recorded.

13. BIDS - APPROVED - TRUST PROPERTIES - LISD - CALAME LINEBARGER GRAHAM & PENA

Mayor Bronaugh stated that the next item for consideration was bids on properties currently being held in trust by the Lufkin Independent School District.

City Manager Maclin stated the County had approved acceptance of the bids and that they would be on the agenda at the next meeting of LISD and Angelina College for consideration. City Manager Maclin stated that all four entities have to approve the bids before the necessary deeds can be prepared and the transaction consummated.

Commissioner Simond stated that he was concerned that this type of information is not made available to the general public, and would like to see the sale more widely publicized. Mayor Bronaugh stated that staff could be in touch with Mr. Hahn and suggest that a "For Sale" sign be placed on the property in addition to advertising in the newspaper. Commissioner Gorden stated that he was interested in perhaps combining the sale of this property with the grant for affordable housing or the rehabilitation of homes. City Manager Maclin stated that the other three taxing entities would have to be in agreement. City Manager Maclin stated that staff could contact Mr. Hahn and ask him to be present at a future meeting to address some of the Commissioners concerns regarding this matter.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that bids on properties held in trust by LISD be accepted as presented. The following vote was recorded:

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

Nay: Commissioner Kegler

Motion carried by a vote of 6 to 1.

14. TRANSFER OF RIGHT-OF-WAY - APPROVED - TIMBERLAND DRIVE - TEXAS DEPARTMENT OF TRANSPORTATION

Mayor Bronaugh stated that the next item for consideration was transfer of right-of-way on Timberland Drive from the City of Lufkin to the State of Texas.

City Manager Maclin stated that basically the State is asking that the City transfer title of the right-of-way on Timberland Drive so that they will continue to be eligible for Federal funding.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that right-of-way on Timberland Drive be transferred from the City of Lufkin to the State of Texas. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 6:00 p.m. to enter into Executive Session. Regular session was reconvened at 6:38 p.m. Mayor Bronaugh stated that the Commission had discussed attorney-client matters, appointments to Boards, and

appointment of the seven member City Commission to the Lufkin Health Facilities Development Corporation Board.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that the Mayor and the City Commissioners be appointed as the Lufkin Health Facilities Development Corporation Board. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that the legal aspects and implications of the contract with the Capital Assistance Group had also been discussed in Executive Session. It was determined that staff would investigate the references of this firm tomorrow.

16. **APPOINTMENTS - APPROVED - BOND ELECTION COMMITTEE**

Mayor Bronaugh stated that appointments to the newly formed Bond Election Committee had also been discussed in Executive Session. Commissioner Boyd submitted the name of Rodney Peters, Commissioner Kegler submitted the name of Wendy Jones, and Commissioner Gorden submitted the names of Dr. William Strinden and Thomas Moore.

At the request of Mayor Bronaugh, City Manager Maclin read the following list of Committee members: Bobbie Whitehead, Lacy Chimney, Ella Austin, Rodney Peters, Rev. N. C. Simmons, Wendy Jones, Henry Holubec, Thomas Moore, Jerry Highnote, Woody Gann, Ed Glover, Don Duran, Melvin Todd, Bill Moreau, Philip Goodwin and Dr. William Strinden.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that the names of the Bond Election Committee be approved as submitted. A unanimous affirmative vote was recorded.

17. **APPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - ROBIN MERCER**

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Larry Kegler that Robin Mercer be reappointed to the Planning & Zoning Commission for a three-year term. A unanimous affirmative vote was recorded.

18. **COMMENTS**


Commissioner Simond stated that the public is confused about the difference between the County Commissioners and City Commissioners, and he would like for some consideration to be made in regard to changing the City Commissioners to City Councilmen.

City Manager Maclin stated that the first meeting of the Bond Election Committee will be held on October 20 following the City Commission meeting. City Manager Maclin stated that video tape footage will be provided of the five streets that are being considered for the Bond Election, with up-to-date traffic counts for each of the streets. City Manager Maclin stated that the Lufkin Boys Baseball Association and the Lufkin Girls Softball Association will be present to provide their information in regards to statistics of participation over the past several years, where they are now, and why they have run out of fields, how they need additional fields to meet the current demand and/or additional fields to meet any potential growth.

City Manager Maclin stated that the Main Street Committee will submit some of their concerns and needs for potential downtown improvements and enhancement of the downtown area. City Manager Maclin stated that data will also be provided that says how much each million dollars on the Bond Election will cost in tax increase. City Manager Maclin stated that basically for each million dollars it will be an approximate increase of 2% (1/2 cent of debt retirement for \$1.5 million).

City Manager Maclin stated that the Committee will be asked to prioritize the needs, perhaps to include some additional requests for consideration. They will then be asked to try and ascertain what would be the appropriate amount of money to include in the Bond Election. Amortization schedules will be available to the Committee. City Manager Maclin stated that once the Committee has completed their work, they will bring a recommendation to the City Commission of what should be included in the Bond Election and the wording to be placed on the ballot. City Manager Maclin stated that if the City Commission chooses to call a Bond Election there would be a window of not less than 30 and not more than 45 days from the date the Election is called, which will be on a Saturday between now and February.

19. There being no further business for consideration, meeting adjourned at 6:55 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary