

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
21ST DAY OF DECEMBER, 1993 AT 5:00 P.M.**

On the 21st day of December, 1993 the City Council of the City of Lufkin, Texas, convened in a Regular Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh
Don Boyd
Percy Simond
Larry Kegler
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
C. G. Maclin
Ron Wesch
Bob Flournoy
Atha Stokes

Mayor
Mayor pro tem
Councilman, Ward No. 1
Councilman, Ward No. 3
Councilman, Ward No. 4
Councilman, Ward No. 5
Councilman, Ward No. 6
City Manager
Asst. City Manager/Public Works
City Attorney
City Secretary

being present, and

Darryl Mayfield

Asst. City Manager/Finance

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Kenneth Cain, Minister, Long Chapel CME Church.
2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh extended a warm welcome to Rev. Cain to Lufkin, who is the Minister of the Church attended by Councilman Percy Simond.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of December 7, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Larry Kegler. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF COMMENDATION - JAMES THOMPSON - CITY EMPLOYEES INCENTIVE PROGRAM AND SUGGESTIONS**

Mayor Bronaugh stated that Mr. Thompson was unable to attend tonight's meeting and requested that this presentation be moved to the first meeting in January.

5. **PUBLIC HEARING - REVISION OF ORDINANCE ESTABLISHING THE CITY OF LUFKIN'S ENTERPRISE ZONE**

Mayor Bronaugh opened Public Hearing to consider revision of an Ordinance establishing the City of Lufkin's Enterprise Zone.

City Manager Maclin stated that basically this item was on the Agenda to have a Public Hearing and a Second Reading of an Ordinance which would give the City the opportunity to make application to the Texas Department of Commerce for expansion of the Enterprise Zone. City Manager Maclin stated that the application was to include some areas that were not in the City at the time the Enterprise Zone was established in 1988, and they were: Champion International, the downtown area, Lufkin Industries, and some industrial park property on the West Loop and on FM 819. City Manager Maclin stated that due to the fact that the necessary data has

not been received from the Texas Natural Resource Information Center, staff is unable to bring this recommendation to Council and officially conduct the Public Hearing. City Manager Maclin stated that when Camille Berry from the Texas Department of Commerce was in town several weeks ago she personally made the call to the Texas Natural Resource Information Center in hopes that they would be able to expedite the data being prepared and released to the City of Lufkin. City Manager Maclin stated that, from a staff standpoint, he would recommend that the Public Hearing be tabled and rescheduled at a later date after the data has been received and the information prepared to see if the City qualifies for the State of Texas Threshold Guidelines to add these areas. City Manager Maclin stated that if the City does indeed qualify, then the Public Hearing will be rescheduled and staff will commence with the process.

Murphy George stated that for the City Manager's information, the Executive Director of the Texas Department of Commerce, Kathy Bonner, has resigned.

Mayor Bronaugh stated that Mr. George is the Governor's appointee to the Department of Commerce.

Mayor Bronaugh closed Public Hearing.

6. PUBLIC HEARING - ANNEXATION OF PROPERTY ON SPENCE STREET

Mayor Bronaugh opened Public Hearing to consider annexation of approximately 90.029 acres of land located on the west side of Spence Street.

City Manager Maclin stated that staff began the annexation process as a result of some property that the Industrial Foundation owned and were selling to Roadway Parcel Service on Spence Street. City Manager Maclin stated that at that time staff had discussed with the Chamber executives and leadership about annexing the entire property. City Manager Maclin stated that staff did end up with some problems in terms of contiguous property that the City would need to annex in order to be legal according to State law. City Manager Maclin stated that at the same time, when staff looked at the property owned by the Industrial Foundation, it would require the City to take in some additional property along Spence Street, and some additional property currently owned by Texas Smokehouse.

Ronnie Robinson stated that he is representing Don Burdette and Mr. Davis, who were unable to attend tonight's meeting. Mr. Robinson stated that Mr. Davis asked that he express the concerns of the owners of Texas Smokehouse and to ask for consideration by the Council. Mr. Robinson stated that in 1990 when he served on the Economic Development Council of the Chamber of Commerce, Mr. Davis approached him about the purchase of the Wesco Building (which was Southern Floral owned by Kroger), for potential use as a processing plant for Texas Smokehouse Foods. Mr. Robinson stated that Don Burdette was owner of Bar-B Foods located outside the City limits and he and Mr. Davis formed a partnership to open Texas Smokehouse. Mr. Robinson stated that Mr. Burdette approached various individuals about the possibility of a Tax Abatement for this particular property and found out that the property did not entirely fall within the City limits as indicated on the City annexation map. Mr. Robinson stated that Mr. Burdette and Mr. Davis made some significant improvements to the facility and now employ over 400 people, and have multiple plans to expand in the future. Mr. Robinson stated that Mr. Burdette and Mr. Davis are very concerned about the annexation of the entire property based on the intent that they could not receive a Tax Abatement and cannot now because the property has already been improved. Mr. Robinson stated that Mr. Burdette and Mr. Davis had requested that he come down in their behalf and request the City's consideration on what can be done to help them out in this matter.

Mayor Bronaugh officially closed the Public Hearing.

City Manager Maclin stated that in front of the Councilmembers is a Tax Abatement Comparison for Texas Smokehouse. City Manager Maclin stated that he had visited with Mr. Burdette who has a legitimate concern, and he has a staff recommendation that would accomplish in essence the net effect of what would have been granted back in 1990. City Manager Maclin stated that he had a copy of the minutes from 1990 when Mr. Davis came to Council and requested Tax Abatement from the City only to discover that the majority of their property was not inside the City, so obviously a Tax Abatement was not granted at that time. City Manager Maclin stated that had it been granted at that time, the abatement they would have qualified for based on the City's maximum schedule for abatement was 100% for the first four years, 75% for the fifth year, 50% for the sixth year and 25% for the seventh year. City Manager Maclin stated that they would have then, based on the current tax rate, been due \$31,910 of abatement over the seven year period. City Manager Maclin stated that if the Council were to delay the annexation of the property for 13 months, so that it is done after January 1st of next year, then Texas Smokehouse would see the benefits of seven years of 100% tax abatement which would be \$40,614 in tax abated savings by not annexing them until 13 months from now - which would be \$8,704 more than they would have gotten if they had gotten the Tax Abatement they requested in 1990 (or a 27% greater incentive package). City Manager Maclin stated that the reason that by waiting 13 months they will get the full 7 years of abatement because property that is not on the tax roll on January 1st from an annexation standpoint is not taxed until the following year. For example, if we wait 13 months we will actually conduct the annexation of this 90 acres in January, 1995, the property would then be put on the tax roll in January 1, 1996 and they would not have any property taxes due until February 1, 1997, thereby granting full seven years abatement from their original request. City Manager Maclin stated that if they had been in the City in 1990, he feels confident that the City would have given them the Tax Abatement. City Manager Maclin stated that if the Texas Smokehouse is annexed now they would be ineligible for Tax Abatement. City Manager Maclin stated that the City can wait the 13 months and still accomplish the net effect, and the net effect in this case would be \$8,704 more in tax savings assuming a constant tax rate during that time frame. City Manager Maclin stated that the motivation for the annexation was for the Roadway Parcel Service facility that has purchased property from the Industrial Foundation on Spence Street, and they wanted City services which was the reason for initiating the annexation process. City Manager Maclin stated that the City can go ahead and provide Texas Smokehouse with City services during this period but then they would come into the City along with the balance of the 90 acres 13 months from now and actually not come on the tax role until 1997.

In response to question by Mayor Bronaugh, City Manager Maclin stated that actually there would have to be a second Public Hearing plus a 45 day waiting period before an Ordinance could be passed to complete the Annexation process according to law. City Manager Maclin stated that he is suggesting, if the Council concurs with the staff recommendation to delay the 13 months, that we have a consensus of opinion from the Council for the Public Hearing today to delay this annexation until January of 1995. City Manager Maclin stated that he was not sure a motion was needed at this time, but that staff would be instructed not to conduct a second Public Hearing and not to continue the annexation process, but to come back to the Council and initiate the process in January of 1995.

Mayor Bronaugh suggested putting this item on the Agenda for the first meeting in January, 1994. City Manager Maclin stated that the minutes could reflect direction from Council to staff assuming there is a consensus of opinion, but if the Mayor would like to put it on the Agenda in January that would be all right too. City Manager Maclin stated that staff will not be continuing with the notification process in the newspaper and will not be continuing with all the legal processes necessary for annexation based on today's action. City Manager Maclin stated that Council can officially put in the minutes of the January 4, 1994 meeting that this item will be brought back to Council in January of 1995 and initiate the annexation process. Councilman Gorden stated that at that time there might be a different Council and

this Council could not obligate a future Council. Councilman Gorden stated that he had had several meetings with Mr. Burdette and Mr. Davis during the initial process for Tax Abatement in 1990, and, in his opinion, this is a good way to handle their request.

In response to question by Mayor Bronaugh, City Manager Maclin stated that no one has talked to Roadway Parcel Service, but it was his understanding that their primary concern was City services - water and sewer - which will be at a rate of 1 1/2 times the regular rate.

Mayor Bronaugh requested that this item be placed on the agenda for January 4, 1994.

7. ORDINANCE - APPROVED SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL TO NEIGHBORHOOD RETAIL - THOMPSON STREET AND ELM STREET - ISABEL SERVIN

Mayor Bronaugh stated that the next item for consideration is Second Reading of an Ordinance for a Zone Change from Residential Small to Neighborhood Retail on a piece of property located at the southeast corner of Thompson Street and Elm Street as requested by Isabel Servin.

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

8. ORDINANCE - APPROVED - SECOND READING - CABLE TV REGULATIONS

Mayor Bronaugh stated that the next item for consideration is an Ordinance adopting cable TV regulations.

Motion was made by Councilman Percy Simond and seconded by Councilman Bob Bowman that Ordinance be approved as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - SECOND READING - TABLED - REVISION OF ORDINANCE ESTABLISHING THE CITY OF LUFKIN'S ENTERPRISE ZONE

Mayor Bronaugh stated that the next item for consideration is Second Reading of the revision of the Ordinance establishing the City of Lufkin's Enterprise Zone.

City Manager Maclin stated that it is staff's recommendation that this item be tabled until after the Public Hearing is held and the information the City is waiting on from the Texas Community Block Grant becomes available.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that Second and Final Reading be tabled at this time. A unanimous affirmative vote was recorded.

10. RESOLUTION - TABLED - TEXAS FOUNDRIES - ENTERPRISE PROJECT

Mayor Bronaugh stated that the next item for consideration is a Resolution nominating Texas Foundries as an Enterprise Project.

City Manager Maclin stated that at this point staff does not have the data that is needed for backup on this item. City Manager Maclin stated that as a review he would distinguish between an Enterprise Zone and an Enterprise Project: A business or industry has to be in the Enterprise Zone in order to receive or apply to receive for Enterprise Project designation. City Manager Maclin stated that Texas Foundries is in the City's Enterprise Zone and has been since 1988, whereas Champion International is not in the Enterprise Zone but would like to be so that

they can likewise apply for an Enterprise Project designation. City Manager Maclin stated that the benefits of an Enterprise Project designation that exceed that of an Enterprise Zone member include a 5% reduction in utility rates from Texas Utilities, a rebate of some sales tax from the State of Texas, and a reduction in franchise taxes from the State of Texas. City Manager Maclin stated that there are some reasons why a business or industry would want to receive these benefits in order to help make them more competitive in the market place. City Manager Maclin stated that he had visited with Texas Foundries and they are about to enter into an expansion mode - over the next five years they are looking at approximately \$20,000,000 of expansion - in the next 15 months they are looking at \$8.5 million worth of expansion. City Manager Maclin stated that over a five year period they are looking to create between 150 and 300 jobs, therefore, they are a good prospect to receive an Enterprise Project designation. City Manager Maclin stated that in order to complete the application process, however, staff needs the information data from the Texas Natural Resource Information Center that he referred to earlier. City Manager Maclin stated that at the next Council meeting, or in a Council meeting in January, Texas Foundries will be coming to Council seeking a Tax Abatement for this expansion that they are about to undertake. City Manager Maclin stated that it is his recommendation that Council table this request until the data is received from the State.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that this item be tabled until further notice. A unanimous affirmative vote was recorded.

11. RESOLUTION - TABLED - CHAMPION PAPER - ENTERPRISE PROJECT

Mayor Bronaugh stated that next item for consideration is a Resolution nominating Champion Paper as an Enterprise Project.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that this item be tabled until further notice. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - U. S. HIGHWAY 59 - GREEN CARPET MEMORIAL ROUTE

Mayor Bronaugh stated that the next item for consideration is a Resolution designating U. S. Highway 59 through Lufkin as the Green Carpet Memorial Route.

Mayor Bronaugh stated that a request by an organization called East Texas Gulf Highway Association was received asking that the City of Lufkin pass a Resolution designating U. S. Highway 59 through Lufkin as the Green Carpet Memorial Route. Mayor Bronaugh stated that in 1965 a group of people around Kilgore and northeast Texas started an effort to create this Green Carpet Route and has been working very diligently on it since 1967. Mayor Bronaugh stated that he would like for the City of Lufkin to make every effort to help since Highway 59 is a major route.

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

Mayor Bronaugh stated that he received a Press Release today saying that the Federal Highway Administration has approved an \$800,000 grant to fund an immediate study to determine the feasibility of extending Interstate 69 from Indianapolis to Houston through Corridor 18, which has been identified by Congress as a corridor of high priority.

13. RESOLUTION - APPROVED - MUNICIPAL WATER POLLUTION PREVENTION ENVIRONMENTAL AUDIT

Mayor Bronaugh stated that the next item for consideration is acceptance of the

Municipal Water Pollution Prevention Environmental Audit and a Resolution adopting the Audit.

City Manager Maclin stated that basically this is a requirement from the EPA. A copy of the audit report including the criteria they use to determine how good or how bad, or the quality of the City's wastewater treatment facility, has been included in the Councilmembers packets. City Manager Maclin stated that the City received a good score.

City Manager Maclin stated that the Resolution notes the current improvements that are under way including an additional aeration basin and an additional final clarifier to improve operation of the plant. City Manager Maclin stated that the one area we need to review is to increase our anaerobic digester capacity to maintain Federal requirements of new 503 Sludge Regulations, and to have some plans and specifications from an Engineer to be developed by Fall 1994 so that we can meet that particular criteria. City Manager Maclin stated that in the Decision Package process next summer staff will look at the cost relating to this and how it can be spread over the next two or three fiscal years to absorb the expense for the additional anaerobic digester. City Manager Maclin stated that the aeration basin and the clarifier are already under the money Council approved last spring when the \$7 million in bonds was issued including the water distribution line on the East Loop and the elevated storage tank on the south side of town.

City Manager Maclin stated that Bobby Mott, Wastewater Superintendent, was present to answer any questions Council might have.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd accepting the Municipal Water Pollution Prevention Environmental Audit as presented, and approval of a Resolution adopting the Audit. A unanimous affirmative vote was recorded.

14. ACCEPTANCE OF GIFT PROPERTY - APPROVED - PARK

Mayor Bronaugh stated that the next item for consideration is acceptance of property as a gift for park purposes. Mayor Bronaugh stated that he was very happy that the William George family, who has been very influential through their efforts in a community way as well as in a business way, has presented this property to the City of Lufkin as a gift. Mayor Bronaugh stated that this family has seen fit to offer to the City 2.312 acres of land across the street from City Hall on Charleston Street, to be used as a greenway or a park. Mayor Bronaugh stated that he had asked Murphy George to be present at tonight's meeting so that Council and staff could extend their thanks to him for the property. Mayor Bronaugh stated that, in his opinion, this is an excellent opportunity for the City to have a green park in the downtown area, which should benefit us for many, many years.

Mr. George stated that there is some equipment in the buildings remaining on the property, and it should take approximately 60-90 days for it to be removed.

Mayor Bronaugh stated that the City appreciated Mr. Murphy's efforts on a State and local level.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond to accept the gift property to the City of Lufkin as presented by Murphy George on behalf of the William George family. A unanimous affirmative vote was recorded.

15. AUTHORIZATION - APPROVED - EMERGENCY WATER CONNECTION - CITY OF LUFKIN/ANGELINA WATER SUPPLY CORPORATION

Mayor Bronaugh stated that the next item for consideration is authorization for an emergency water connection between the City of Lufkin and Angelina Water Supply

Corporation.

City Manager Maclin stated that this request is like one the City already has with the Central Water District, which is an emergency supply. City Manager Maclin stated that this meets the need of the Water District in order to meet State standards. City Manager Maclin stated that in contrast, the City granted the request of Burke Water Supply System, which has a serious problem, and the City is actually selling them approximately eight million gallons of water per month. City Manager Maclin stated that he wanted Council to understand that this request is an emergency request only, much the same as some other water district emergency requests that the City has granted, so that we are not looking at Angelina Water Supply under this request as being a regular customer.

City Manager Maclin stated that in the Councilmember's packets is a letter of request from Edgar Burton, President of the Angelina Water Supply Corporation, and they have designated Pat Oates to be their representative at tonight's meeting. City Manager Maclin stated that also in the packet is a cover letter from Asst. City Manager of Public Work, Ron Wesch, stating the staff recommendation to grant this request and that the timing be in coordination with the new line that is being laid around the East Loop, which will probably reduce some of the expense to AWS by being able to make this an emergency tie-in during the construction period.

Mr. Oates stated that he was present mainly to clarify any questions Council may have about the request. Mr. Oates stated that the main reason that AWS is pursuing this request is to satisfy auxiliary power requirements from the Texas Natural Resources Conservation Commission and to give the water supply a backup in the event they lose a well. Mr. Oates stated that this is strictly for an emergency.

In response to question by Councilman Bowman, Mr. Oates stated that the AWS provides ample water supply to its customers at this time. Mr. Oates stated that one reason that AWS decided to make their request at this time is because the City of Lufkin is installing their new water lines on the East Loop, and the AWS system comes fairly close to the connection at Ford Chapel Road and the East Loop.

Councilman Bowman stated that he was certainly in favor of this request, but it brought to mind that several years ago the Mayor had tried to bring together some water supply districts to create an Angelina County Cooperative, and was not able to bring it about. Mayor Bronaugh stated that the original idea was to have the water supply corporations help the City financially upsizing the water supply to where it can be used by other water supply corporations. Councilman Bowman stated that he personally would be a little judicious about voting to supply water to water corporations in the future because of that issue.

City Manager Maclin stated that he would give assurance to the Council, the City of Lufkin controls the key to the meter and the only way anyone can get the water is to come to the Council for permission. City Manager Maclin stated that if the water supply corporations usage becomes anything more than on an emergency basis, staff will bring it back to Council.

In response to question by Councilman Kegler, Mayor Bronaugh stated that an emergency basis is when a water supply corporation loses a well or if the water becomes contaminated.

In response to question by City Manager Maclin, Mr. Wesch stated that the other water supply districts the City has agreements with for emergency water supply are Central, Redland and Woodlawn.

In response to question by Councilman Kegler, City Manager Maclin stated that if the City gets into a situation where it is rationing water the City has the authority to ration water as it deems in the best interest of the City, equitably and fairly, but to certainly retain the right for rationing and distribution. City Manager Maclin stated

that obviously commercial customers would be served first, and residential customers would have controlled watering of yards, alternating odd/even days.

In response to question by Councilman Simond, City Attorney Flournoy stated that legally in each of the contracts the City has with these different entities the City of Lufkin sells water to, we retain the right for first call on the water so that our citizens have water first.

In response to question by Councilman Simond as to the position the Angelina Water Supply Corporation took on the regional water supply, City Manager Maclin stated that they voted not to participate. City Manager Maclin stated that only two voted to participate, and they were the Burke Water Supply and the City of Huntington.

Motion was made by Councilman Jack Gorden and seconded by Councilman Bob Bowman to grant authorization for an emergency water connection between the City of Lufkin and the Angelina Water Supply Corporation. A unanimous affirmative vote was recorded.

16. FEE SCHEDULE - TABLED - PITSER GARRISON/LUFKIN CIVIC CENTER

Mayor Bronaugh stated that the next item for consideration is further consideration of a fee schedule for rentals at the Pitser Garrison/Lufkin Civic Center.

Mayor Bronaugh requested that this item be tabled and rescheduled for next Council meeting since Councilman Weems was not present. (Councilman Weems came in later in the meeting.)

Councilman Bowman stated that he had noticed that the anniversary of naming the Civic Center the Pitser Garrison Civic Center is approaching and there is still no sign up. Councilman Bowman requested that the sign be in place prior to the Chamber of Commerce banquet in January.

17. RESOLUTION - APPROVED - DEFERRED PAYMENT LOANS - 1992 HOME PROGRAM - EXECUTION OF WRITTEN AGREEMENTS WITH INDIVIDUAL HOMEOWNERS

Mayor Bronaugh stated that the next item for consideration is a Resolution accepting recommendation from the Neighborhood Improvement Committee for the approval of deferred payment loans financed under the City's 1992 HOME Program, and conditionally authorizing the execution of written agreements with individual homeowners.

City Manager Maclin stated that the Resolution had been included in the Councilmember's packets and the backup information showing the designation of the 19 recipients and the preliminary funding obligations listed by type of assistance - rehabilitation or reconstruction - with the estimated cost for that unit to show the proposed expenditure of the 1992 HOME grant funds, has been placed at the Councilmember's places.

City Manager Maclin stated that Mary Kay Thomas from Gary Traylor's office was present to answer any questions regarding items 17 or 18.

City Manager Maclin stated that staff is looking for Council's acceptance by approving this Resolution that comes from the Neighborhood Improvement Committee to approve this listing, and this Resolution so that staff can begin execution of written agreements with the individual homeowners and meet the time frame deadline from the Texas Department of Housing and Community Affairs in terms of obligation of these funds.

In response to question by Councilman Gorden, City Manager Maclin stated that the

first funds received by the City was in 1990 for a smaller amount, and an application is being processed for the 1993 program. This is the City's second rehab grant and there has been much better participation this time with 60 applications, 38 of which were eligible to meet the criteria.

In response to question by Mayor Bronaugh, Code Enforcement Officer Kenneth Williams stated that currently there is a balance of approximately \$1,600 in the Piney Woods funds.

In response to question by Councilman Gorden, Mr. Williams stated that the recipients of the grant funds must agree to live in the house for five years.

In response to question by Councilman Kegler, Mr. Williams stated that the recipients of the grant funds were not chosen City-wide but were chosen from an area that is north of a line on Frank Street west through downtown and out Lufkin Avenue.

In response to question by Councilman Kegler, City Manager Maclin stated that the Diana Fears listed as one of the recipients is a City employee. City Manager Maclin stated that he had requested a statement in writing from Gary Traylor & Associates regarding eligibility of City employees to receive grant funds, and according to State regulations it is not in conflict.

Councilman Gorden requested a list of the members of the Neighborhood Improvement Committee. Mr. Williams stated that members of the Committee were: Rufus Duncan, Jr., Stacey George, Jay Jackson, Johnnie Jones, Royce Parker, and Caesar Rodriquez.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that the funds have been lowered and the maximum is now \$300,000. Mayor Bronaugh stated that the City of Lufkin will be hosting the Regional Review Committee on Thursday, January 13th.

18. RESOLUTION - APPROVED - GRANT APPLICATION - DETCOG - ILLEGAL DUMPING ENFORCEMENT PROGRAM

Mayor Bronaugh stated that the next item for consideration is a Resolution authorizing the City to submit a grant application to DETCOG for an Illegal Dumping Enforcement Program, and approval of matching funds by the City.

City Manager Maclin stated that this is new in that this is pass-through funds given to DETCOG and the City is able to apply on a regional basis as opposed to statewide competition. City Manager Maclin stated that there is a Resolution on the Council table that has the dollar amounts handwritten in the blanks. City Manager Maclin stated that basically the City is applying for \$8,800, which is the maximum amount DETCOG can grant for an illegal dumping enforcement program. City Manager Maclin stated that the City's matching funds come from the existing Code Enforcement budget for salary and equipment. City Manager Maclin stated that up to \$3,200 can be used as a match for Tim Hale's salary, and the balance will be used to purchase equipment, i. e., computer hardware and software, in order to supplement the Code Enforcement Department's activities specifically in the area of illegal dumping inside the City limits. The match is already built into the '93-'94 budget.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Resolution be approved as presented. A unanimous affirmative vote was recorded.

19. CHARTER REVIEW - ARTICLES IX - XI

Mayor Bronaugh stated that the next item for consideration is review of Articles IX - XI of the City Charter.

Mayor Bronaugh stated that the first item for discussion was Article IX Franchise and Public Utilities. There was no discussion on Section 1 Inalienability of Control of Public Property or Section 2 Ordinance Granting Franchise.

Councilman Simond questioned whether the accounts and other records of any franchise holder had ever been examined and audited during business hours as listed in #8 on page 23. City Attorney Flournoy stated that he was not aware of this ever having been done. City Manager Maclin stated that typically the way this is done with electrical utilities and telephone utilities is through an independent accounting firm who does this for a living on a contingent fee basis. Councilman Simond stated that the City Attorney had worked for the City for 27 years and if an audit had not been done in that length of time, this might be a good time to conduct an audit. City Manager Maclin stated that the City can solicit proposals and this can be discussed at the budget meetings.

There was no discussion on Section 4 Regulation of Rates.

Mayor Bronaugh stated that the next item for consideration was Article X Initiative, Referendum and Recall. There was no discussion on Section 1 Power of Initiative, Section 2 Power of Referendum, Section 3 Frequency of Elections or Section 4 Power of Recall.

Mayor Bronaugh stated that the next item for consideration was Article XI - General Provisions.

In response to question by Mayor Bronaugh, City Manager Maclin stated Section 1 First Election Under This Charter has been deleted because there will never be another "first election of the Charter."

There was no discussion on the following sections: Section 2 Election for Adoption of This Charter, Section 3 Budget, Section 4 Effect of Charter on Existing Law, Section 5 Official Oath, Section 6 Public Records, Section 7 Official Newspaper, Section 8 Notice of Claim, Section 9 Assignment, Execution and Garnishment, Section 10 Security or Bond Not Required, or Section 11 Personal Interest in City Contract.

Councilman Simond stated that, in his opinion, Section 12 Unauthorized Gifts is too restrictive, and should have some kind of value. City Attorney Flournoy stated that it will be very difficult to put some kind of value on an item. Councilman Boyd stated that the key phrase here is "upon terms more favorable than are granted to the general public".

Mayor Bronaugh requested that the City Manager research this item and see what other cities are doing, or what TML recommends.

There was no discussion on Section 13 Nepotism.

Under Section 14 Depository, City Manager Maclin stated that in the first sentence reference is made to a "period of two years" and suggested that it be changed to "designated by Council not to exceed 5 years." In response to question by Councilman Gorden, City Manager Maclin stated that reference made to the duties of City Treasurer without pay in the second sentence should be changed to "City Director of Finance", and delete "without pay".

Under Section 15 Boundaries, City Attorney Flournoy stated that since the Ward boundary lines will be changing once every 10 years he suggested rewriting this

Section to read: The City of Lufkin shall be and is hereby divided into six wards with boundaries established as hereafter adopted by the City Council with U. S. Justice Department approval and described as follows.

There was no discussion on Section 16 Judicial Notice, Section 17 Construction of Charter, Section 18 Separability Clause or Section 19 Amending the Charter.

In response to question by Mayor Bronaugh, City Manager Maclin stated that staff can set the review of the Charter for the second meeting in January, or give the date for a Called Meeting if the Charter changes are the only item to be discussed. City Manager Maclin stated that at the first meeting in January staff can give Council an updated copy of the grammatical changes and minor changes that have been made, and include a list of the items that have been brought up by Councilmembers for vote purposes for inclusion to establish a consensus of Council for adopting an Ordinance to go on the ballot. City Manager Maclin stated that from the vote the City Attorney can be directed to draft the ballot to reflect what Council wanted to take to the public for election purposes.

Mayor Bronaugh stated that he would prefer putting the changes in the packet on January 18, and voting on the items in February.

20. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:32 p.m. to enter into Executive Session. Regular Session reconvened at 6:51 p.m. and Mayor Bronaugh stated that Council had discussed personnel matters.

21. COMMENTS

Councilman Boyd extended Christmas greetings to the Mayor, Councilmembers, and staff.

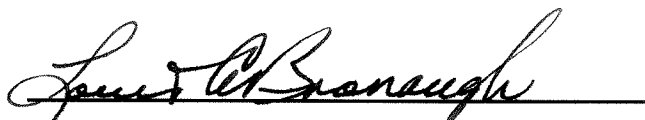
Councilman Simond stated that he had received a telephone call from a gentleman complaining about excessive noise at the car wash on Kurth Drive. Councilman Simond stated that the gentlemen suggested closing off one end of the car wash which would eliminate the drive-thru traffic. Councilman Boyd stated that he had visited with the owner of the car wash and he has promised to take care of the situation.

Councilman Gorden called attention to an article in the National League of Cities Weekly Newsletter regarding Federal Grant monies in the amount of \$22,000,000 available to Zoological parks. Councilman Gorden stated that this may be an opportunity for the City's Zoo.

Councilman Kegler expressed his appreciation to Code Enforcement Kenneth Williams and his Department in the way they handled a citizen's complaint.

City Manager Maclin stated that City Hall will be closed Friday, December 24 for Christmas, and Friday, December 31 for New Years.

22. There being no further business for consideration, meeting adjourned at 6:57 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary