

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
2ND DAY OF FEBRUARY, 1993 AT 5:00 P.M.**

On the 2nd day of February, 1993 the City Council of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Don Boyd
Percy Simond
Larry Kegler
Bob Bowman
Jack Gorden, Jr.
Tucker Weems

Mayor pro tem
Councilman, Ward No. 1
Councilman, Ward No. 3
Councilman, Ward No. 4
Councilman, Ward No. 5
Councilman, Ward No. 6

being present, and

Louis A. Bronaugh

Mayor

being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Sidney Spain, First Christian Church.

2. Mayor pro tem Boyd welcomed visitors present, and special guests from St. Patrick's Catholic School, teacher Linda Buckingham and students from the 5th and 6th grades.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of January 19, 1993 were approved on a motion by Councilman Tucker Weems and seconded by Councilman Larry Kegler. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - APPLICATION FOR NON-EMERGENCY AMBULANCE SERVICE - EASTEX EMS**

Mayor pro tem Boyd opened Public Hearing to consider application from Eastex EMS for a Certificate of Public Convenience and Necessity for the operation of a non-emergency ambulance service within the City of Lufkin.

City Manager Maclin stated that included in the Councilmen's packet was an application, a letter from License Officer Steve Howland, a review from Fire Marshal Clayton Havard, a listing of the automobile liability insurance policies for the company, a listing of vehicles owned by the company, and the actual application for the license.

John Brian, General Manager of Eastex EMS, stated that his firm currently operates both emergency and non-emergency ambulance service in eight counties in Southeast Texas. Mr. Brian stated that last fall his firm began receiving requests from facilities in Lufkin for assistance with transportation of non-emergency patients due to, in his opinion, a lack of available resources for handling certain types of patients. Mr. Brian stated that he responded to those requests and then began receiving requests to put an ambulance in Lufkin because their responses were delayed by an hour to an hour and a half because the most proximate locations were in Livingston, Woodville, Jasper, St. Augustine and Center to this area. Mr. Brian stated that because he realized that Lufkin had an Ordinance which required an application process and that a need and a necessity shown, he began to do some investigations. Mr. Brian stated that he contacted the Administrator at Woodland Heights Hospital and perceived that there was indeed a need. Mr. Brian stated that

he approached Lifeline Ambulance Service and told them that he was in the process of completing an application for a license to operate within the City of Lufkin. Mr. Brian stated that at that time he also asked Lifeline if they would be interested in selling their operation to Eastex EMS. Mr. Brian stated that this transaction has now taken place. Mr. Brian stated that he is before the Council requesting a license to operate non-emergency ambulance service within the City limits of Lufkin.

In response to question by City Manager C. G. Maclin, Mr. Brian stated he currently has approximately 60 employees and about half of them are paramedics. Mr. Brian stated that he would be staffing at the paramedic level in Lufkin. In response to question by Mayor pro tem Boyd, Mr. Brian stated that he will have three units in Lufkin with backup from the other centers that have already been doing the non-emergency backup runs. Mr. Brian stated that he will be coordinating through an answering service in Lufkin with the central dispatch office in Kirbyville, which knows where all the units are and can flow those units to this center if there is a high demand.

Ronald Butler, Chief Executive Office of Woodland Heights Hospital, spoke on behalf of Eastex EMS. Mr. Butler stated that the Hospital had been working closely with the City the past few years with out-of-county transfers.

Mr. Butler stated that the City, through the Fire Department, is doing an excellent job in transporting emergency patients, however, there are three other types of patients that the hospital is primarily concerned about-1) the non-emergency patient transports from local nursing homes (the lowest level of EMS support that would be required); 2) the secondary non-emergency transports (people who are at their homes and not in a life threatening situation but need to come to the hospital for the services of an emergency room physician); and 3) approximately 5 to 7 patients each month will be out-of-county transports. Mr. Butler stated that the out-of-county transport patients are their main concern because some of the patients have head injuries, multi-trauma patients, and in some case obstetrical patients who need a higher level of care than is available in this community (perinatal transports).

Mr. Butler stated that the hospital is very concerned about having a transport service that has the capability from an equipment and training standpoint and life-safety situation that can handle a fairly broad spectrum of patients. Mr. Butler stated that he was not present to speak on behalf of any particular application but to impress upon the Council that from their prespective improved services are needed and that there are certainly services that would be challenging to any carrier.

In response to question by Councilman Bowman, Mr. Butler stated that he has had at least a dozen occasions to call upon Eastex EMS and has found their services to be appropriate.

Dr. T. S. Kent stated that he has had personal experience with Eastex EMS and found their services to be excellent.

Mayor pro tem Boyd closed the Public Hearing.

5. APPLICATION - APPROVED - NON-EMERGENCY AMBULANCE SERVICE - EASTEX EMS

Mayor pro tem Boyd stated that the next item for consideration was approval of an application from Eastex EMS for a Certificate of Public Convenience and Necessity for the operation of a non-emergency ambulance service within the City of Lufkin.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that application from Eastex EMS for a Certificate of Public Convenience and Necessity for the operation of a non-emergency ambulance service within the City of Lufkin be approved as submitted. A unanimous affirmative vote was

recorded.

6. BOND ELECTION COMMITTEE REPORT

Mayor pro tem Boyd stated that the next item for consideration was approval of the Bond Election Committee report regarding capital improvements to the City of Lufkin.

City Manager Maclin stated that included in the packet was a copy of the minutes from the last meeting of the Bond Election Committee that records their recommendations to Council, a synopsis of what type of tax increase is needed to generate certain levels of funding for proposed bond election, a summary of the three areas for consideration in a bond election including street, park and downtown improvements, a chart that shows each level of bond issuance, the amount of tax increase required per \$100 valuation, the current taxes on a \$50,000 home, additional taxes for a home valued at \$50,000, additional taxes on a monthly basis, the total new tax bill for a home valued at \$50,000 and the new tax rate required for the bond issue debt. City Manager Maclin stated that a packet of detailed information regarding cost estimates and breakout for street improvements, the proposed park improvements and a cover letter and proposal and recommendation from the Main Street Committee had been placed at each Councilman's place.

Don Duran, Bond Election Committee Chairman, stated that it was an honor for all of the members to have served on the Committee. Mr. Duran stated that the charge to the Committee was to examine and analysis the need for a bond election in Lufkin and to prioritize the various areas of improvement. Mr. Duran stated that the Committee's recommendation, by a vote of 15 to 1, is that a bond election is held in the City of Lufkin, and that the issuance of bonds is in the amount of \$14,000,000. Mr. Duran stated that that amount will be broken down in three different groups: (1) street improvements (2) improvements to parks and recreation facilities in Lufkin, and (3) improvements to downtown. Mr. Duran stated that the street improvements will cost approximately \$10,043,786 and will include Feagin, Martin Luther King Drive, Paul, Tulane and White House Drive. The parks and recreation improvements will cost approximately \$1,935,000 and will include all of the City parks in Lufkin (Kit McConnico, Winston, Jones, Lufkin Land, Four Seasons, and Morris Frank Park). Mr. Duran stated that the improvements to downtown will cost approximately \$1,899,340, and will consist of repairs and improvements to the streets and sidewalks downtown.

Mr. Duran stated that the Committee met on six different occasions from October 20, 1992 until last week. Mr. Duran stated that the Committee listened to individuals and groups of citizens, City officials, City employees, and discussed and considered various goals, desires, trends, and the future of Lufkin. Mr. Duran stated that the Committee believes that the improvements to the streets, parks and downtown are absolutely necessary to insure a good future for Lufkin. Mr. Duran stated that the Committee is convinced that the only way to pay for these improvements is through the issuance of bonds. Mr. Duran stated that the Committee has been convinced by the City Manager and City staff that the City cannot pay for these types of improvements out of its annual budget. Mr. Duran stated that the interest rates are the lowest they have been in several years, and the Committee believes that this is the appropriate time for these improvements to be made.

Mr. Duran stated that, in his opinion, it is obvious to everyone that there are problems with the streets in the City of Lufkin. Mr. Duran stated that currently there are some improvements being made through State funds. Mr. Duran stated that the five streets-Feagin, Paul, Martin Luther King, Tulane and White House-if they are improved, both by surface and widening them, will help with north/south, east/west travel throughout the City.

Mr. Duran stated that statements made to the Committee by various individuals

and groups indicate that Lufkin outgrew its parks and recreation facilities four or five years ago. Mr. Duran stated that improvements made in the last few years have been made through contributions from private individuals and groups. Mr. Duran stated that proposed improvements to the parks are: A covered basketball pavilion at Jones Park; repairing extensively the swimming pool at Winston Park (there have been no substantial improvements or repairs to this pool since it was built in the 1960s); it has been suggested that the girls softballs fields be improved at Morris Frank and Kit McConnico Parks. These improvements also include plans for restrooms and concession stands.

Mr. Duran stated that with respect to the downtown area, the Committee felt it was important to maintain to a high degree the very heart of Lufkin, which is downtown. Improvements will include repairing the streets and sidewalks--streets in the downtown area have been overlayed so many times that the center of the streets are actually higher than the sides. These improvements will also include a new parking scheme, which will increase the parking downtown by 65%. Mr. Duran stated that historically when improvements such as the proposed improvements to downtown are made, it actually is able to pay for itself over the next few years. Mr. Duran stated that this is the only one of the proposals that can provide an immediate return on the investment (through increased property values, more jobs, more salaries, more sales tax).

Mr. Duran stated that while no one likes to pay taxes, the Committee has decided to put this issue before the public and let the public decide through a bond election. Mr. Duran stated that the Committee is optimistic about Lufkin and optimistic about a bond election.

Mr. Duran stated that members of the Bond Election Committee were: Bobbie Whitehead, Lacy Chimney, Ella Austin, Rodney Peters, Rev. N. C. Simmonds, Wendy Jones, Henry Holubec, Jerry Highnote, Thomas Moore, Woody Gann, Ed Glover, Melvin Todd, Bill Moreau, Philip Goodwin and Bill Strinden.

Councilman Jack Gorden expressed his appreciation to Mr. Duran and the Committee members for their time and effort in preparing and making this report to the City Council. Councilman Kegler concurred with Councilman Gorden's statement of appreciation.

Mayor pro tem Boyd requested that members of the Bond Election Committee who were present to stand.

7. PUBLIC HEARING - PROPOSED CITY BOND ELECTION - CAPITAL IMPROVEMENTS

Mayor pro tem Boyd opened Public Hearing to provide for citizen input regarding proposed City Bond Election for capital improvements.

Roland Rich, who resides at 106 Rosedale, stated he was in favor of the issue in general, but was especially interested in improving the condition of the streets. DeWayne Weldon, 2100 Tulane Drive, stated he was not in favor of paying any extra taxes, but was concerned about the streets and widening Tulane because of the safety factor.

There was no one present to speak in opposition of the proposed City bond election for capital improvements.

Councilman Simond stated that, in his opinion, the Council owed Paul Mayberry a debt of gratitude for the part he played in showing Councilmembers the need for a good bond rating. Councilman Bowman stated he concurred with Councilman's Simond statement.

Mayor pro tem Boyd closed Public Hearing.

8. **AMENDMENT - APPROVED - GREASE TRAP ORDINANCE NO. 399**

Mayor pro tem Boyd stated that the next item for consideration was an Amendment to the Grease Trap Ordinance No. 399.

City Manager Maclin stated that included in the packet is a letter from the Asst. City Manager of Public Works Ron Wesch that provides for some revisions to the existing Ordinance that was passed over a year ago. City Manager Maclin stated that there are some definitions, and sizing and cleaning requirements that the Plumbing Appeals and Advisory Board has recommended.

Mr. Wesch stated that the Ordinance the City is operating under at the present time does not have any definitions and it was a consensus of opinion between the Plumbing Appeals and Advisory Board, the City Attorney, the Building Official, and himself that definitions were very critical to the Ordinance.

Mr. Wesch stated that the next major change is item "C" and "D" on page 2 of the Ordinance dealing with seating capacity. Mr. Wesch stated that the Trap Cleaning Requirements was simply a rewording of the present section. On page 3 a section was added relating to how to get an extension on the grease trap pumping schedule.

Mr. Wesch stated that he would like to commend the Plumbing Board for their work on making a good, workable Ordinance that will take care of the sewer plant and the infrastructure investment in the City for future years.

Motion was made by Councilman Percy Simond and seconded by Councilman Larry Kegler that Amendment to the Grease Trap Ordinance No. 399 be approved as presented. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that he had been contacted by some members of the Association of Day Care Centers who have raised some objections to the Ordinance. Mr. Flournoy stated that he had received a letter from the Association suggesting that the exception the City has placed in the Ordinance for Day Care Centers Type "A" is really meaningless because none of them fit that category, they must all serve some types of food that is not prepackaged. Mr. Flournoy stated that he did not know of a way to exempt Day Care Centers, because if they have the facilities to cook food then they have the ability to put grease in the sewer system. Mr. Flournoy stated that he did not know of a reason why they should be treated any differently from any other business.

9. **SEWER SERVICE REQUEST - APPROVED - MENTAL HEALTH/MENTAL RETARDATION**

Mayor pro tem Boyd stated that the next item for consideration was a request of MHMR for sewer service outside the City limits.

City Manager Maclin stated that a letter from the City Planner had been included in the Councilmen's packet regarding an explanation of this particular site request. City Manager Maclin stated that recently the applicant received a site plan approval for two office structures for property north of the Farmer's Market with a portion of it outside the City limits. City Manager Maclin stated that a copy of a letter that had been included under the FYI section of a previous packet has been included that lists a request for annexation along with City services. City Manager Maclin stated that until MHMR has title to the property, they cannot legally initiate annexation proceedings. City Manager Maclin stated that because the City Ordinance requires authorization by the City Council anytime service is going to be run outside the City limits, staff wanted to bring this request to Council in order to get permission to proceed with the provision of service knowing also that MHMR will be coming forward to ask for annexation. The City will then not be servicing water and sewer to an entity outside the City limits.

Mark Strong, architect with Scott and Strong, representing MHMR stated that he was present to answer any questions.

Motion was made by Councilman Larry Kegler and seconded by Councilman Bob Bowman that request of MHMR for sewer service outside the City limits be approved as presented. A unanimous affirmative vote was recorded.

10. **REQUEST OF BOY SCOUT TROOP - APPROVED - JONES PARK**

Mayor pro tem Boyd stated that the next item for consideration was a request of a Boy Scout Troop to use Jones Park as a meeting place.

Charles Burns, Asst. Scout Master of Boy Scout Troop 508, stated that he was requesting permission to place a scout hut in Jones Parks in order to have a central area for the scouts to meet. Mr. Burns stated that presently the scouts are meeting at the Pine Wood Parks meeting room. Mr. Burns stated that they wish to place the scout hut on an unimproved area of the park property on the Booker Street side. Mr. Burns stated that he is also requesting \$6,500 from the City of which \$3,000 would be used to purchase the hut, and the remaining funds would be used to offset expenses incurred in setting up the hut.

Mr. Burns stated that he is soliciting funds from various organizations.

Councilman Simond stated that while the City does not have \$6,500 to donate to this cause, the City Council could support this request by allowing them to place this building at Jones Park.

Motion was made by Councilman Simond and seconded by Councilman Bob Bowman that Boy Scout Troop 508 be allowed to place a building on property at Jones Park for a Boy Scout hut. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that a lease would need to be drafted similar to the lease agreement that currently exists for Scout huts located in Kiwanis and Chambers Park.

Motion was made by Councilman Percy Simond and seconded by Councilman Bob Bowman that request of Boy Scout Troop No. 508 to use Jones Park as a meeting place be approved as presented. A unanimous affirmative vote was recorded.

11. **ORDINANCE - ELECTRIC RATE INCREASE - TU ELECTRIC**

Mayor pro tem Boyd stated that the next item for consideration was a request of T U Electric for an increase in electric rates for the City of Lufkin, which has been filed with the PUC.

City Manager Maclin stated that in the past the City, upon rate increase requests, has deferred to the PUC because ultimately they have the final say in addressing rate requests from a public utility like an electrical provider. City Manager Maclin stated that the question has been raised if that's the case why does the City have this on the agenda. City Manager Maclin stated that there are two reasons: (1) Because the City has a franchise agreement with TU for the provision of electric service, and (2) Secondly, if at some point in the future through the Sunset Provisions of the State Legislature the PUC was discontinued the City will still be retaining its local right to regulate utility rates, notwithstanding the PUC. City Manager Maclin stated that as long as the PUC is in existence, with them being a State agency, and us being a City government, they will have a higher authority and will have the ultimate and final say in what happens in the way of rate increases for electric, natural gas and even telephone service. City Manager Maclin stated that in the past the City has taken a position of deferring to the PUC as a matter of routine; this is not to reflect to the citizens of Lufkin that the City is agreeing or endorsing any type of rate

increase by TU, rather the City is just recognizing that ultimately TU will do the research and provide the legal work necessary to determine the validity of the request and then grant what they feel like to be in the best interest of all parties involved.

Bob Brown, of TU Electric, stated that he would suggest that the City suspend this Ordinance for a rate increase and hold it in abeyance until the PUC of the State of Texas has made a final judgement on the rate case. Mr. Brown stated that he would promise to the City of Lufkin that the rates will not increase before they have done so systemwide.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Ordinance for a rate increase be held in abeyance by the City of Lufkin until the PUC of the State of Texas has made a final judgement on the rate case. A unanimous affirmative vote was recorded.

12. PRELIMINARY PLAT - APPROVED - LARRY P. MORRIS SUBDIVISION - BILL MOREAU - HIGHWAY 103/COUNTY ROAD 36 - CITY'S ETJ

Mayor pro tem Boyd stated that the next item for consideration was a request of Bill Moreau for approval of a preliminary plat of the Larry P. Morris Subdivision located west of the City Limits, north of Highway 103 and at the end of existing County Road No. 36, but within the City's Extraterritorial Jurisdiction.

Bill Moreau, representing the request, stated that in the packet there is a plat of the subdivision that was provided to the Planning and Zoning Commission and unanimously recommended to the City Council. Mr. Moreau stated that at the P&Z meeting he presented a preliminary subdivision plat and requested a variance which was granted. Mr. Moreau stated that the subdivision will not receive City of Lufkin water and sewer but will receive water through the Woodlawn Water Supply Co. Mr. Moreau stated that he has also requested that a variance be granted on the roads. Mr. Moreau stated that the property consists of 40 acres and will be subdivided into four-ten acre tracts.

In response to question by City Attorney Flournoy as to whether Mr. Moreau will be seeking approval from the County for this property as a private subdivision under their Ordinance, Mr. Moreau stated that the County has turned his request over to the City of Lufkin since the property is in the City of Lufkin's extraterritorial jurisdiction. Mr. Moreau stated that he is requesting a private subdivision within the City of Lufkin's extraterritorial jurisdiction. Mr. Flournoy stated that, in his opinion, the request needs to be approved by the County once the City has approved it. Mr. Moreau stated that he is planning an easement for private driveways for the residents of the subdivision, and is also planning to have a deed restriction. Mr. Moreau stated that the deed restriction will state, when it is signed and filed as a deed of record, that the property owner will have no recourse against either Angelina County or the City of Lufkin in request for City services (water, sewer and streets).

Mr. Moreau stated that the subdivision will have a 50' easement, which meets the City and County requirements for streets. There will also be a 20' utility easement.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Larry Kegler that Preliminary Plat of the Larry P. Morris Subdivision located west of the City limits, north of Highway 103 and at the end of existing County Road No. 36 (within the City's ETJ) be approved as presented.

Mr. Moreau asked if the motion could include allowing the City Planner to sign what has already been approved by the Council and preliminarily approved by the Planning & Zoning Commission. Mr. Abraham stated that technically he does not think that the State would allow the City to do so in this instance (since there is no existing road). Mr. Abraham stated that he will check with Mr. Flournoy and if he

feels it is all right for him to sign off on the preliminary plans, he will do so.

Councilman Gorden amended his motion, and Councilman Kegler seconded, that if the City Attorney approves of Mr. Moreau's request, the City staff will sign off on the preliminary plat as presented. A unanimous affirmative vote was recorded.

13. ORDINANCE - APPROVED - SPECIAL USE PERMIT - PRIVATE CLUB - COMMERCIAL ZONING DISTRICT - 732 TIMBERLAND DRIVE - TIMBERLAND SHOPPING CENTER - DARREL TARVIN

Mayor pro tem Boyd stated that the next item for consideration was a request of Darrel Tarvin for approval of a Special Use Permit for a Private Club within a Commercial zoning district and located at 732 Timberland Drive (Timberland Shopping Center).

City Manager Maclin stated that included in the packet is an explanation of this request and a recommendation from the Planning & Zoning Commission recommending approval of the Special Use Permit with two stipulations: (1) Prior to the issuance of a Certificate of Occupancy, the parking lot shall be striped as shown on the approved site plan; and, (2) The night club shall conform to the approved floor plan, with the exception of minor changes which may be needed to meet construction codes.

City Manager Maclin stated that the Planning & Zoning Commission further recommends that should this Special Use Permit be approved, staff be directed to initiate the public hearing process necessary to rescind the existing Special Use Permit. City Manager Maclin stated that for identification purposes there is an existing Special Use Permit for a Private Club for a facility that was called "Tuts", which was housed where the Dollar Store currently is located. The proposed location for this Special Use Permit is next door to the Dollar Store, which formerly housed the Green Stamp store.

Don Duran, attorney representing Mr. Tarvin, stated that his client is presently employed in the health care field. Mr. Duran stated that Mr. Tarvin owned and operated a private club in Wichita Falls and is experienced in running this type business.

Mr. Duran stated that Mr. Tarvin has proposed to have adequate security, and to keep the parking lot clean. Mr. Duran stated that he would like to point out that all of the tenants in the Center will have closed by the time the club opens every night (8:00 p.m.). There are approximately 252 parking spaces in the Center for use by his customers.

In response to question by Councilman Bowman, Mr. Duran stated that of the eight people who protested (by mail), none of them attended the Planning & Zoning Commission meeting.

Karol Green stated that he was present to protest the opening of another Private Club in the City since there are presently 19 private clubs in Angelina County-14 of which are in the City limits of Lufkin. Mr. Green pointed out that DWI's in the City are up by 21%.

Regina Lott spoke in support of the Private Club request.

Motion was made by Councilman Percy Simond and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading with the stipulations as set forth by the Planning and Zoning Commission.

The following vote was recorded:

Aye - Councilmen Simond, Gorden, Kegler, and Mayor pro tem Boyd

Nay - Councilmen Bowman and Weems

Motion carried by a vote of 4 to 2.

14. CONSTRUCTION AND MAINTENANCE AGREEMENT - APPROVED - TEXAS DEPARTMENT OF TRANSPORTATION - FUNDING - BRIDGE REPLACEMENT AND REHABILITATION

Mayor pro tem Boyd stated that the next item for consideration was acceptance of a Construction and Maintenance Agreement with the Texas Department of Transportation concerning funding for bridge replacement and rehabilitation off the State Highway System.

City Manager Maclin stated that in the packet is a copy of a letter from J. L. Beaird from the Texas Department of Transportation notifying the City of this programs availability and the eligibility of the City to participate in this program for construction of bridges in the City. A letter from the Asst. City Manager of Public Works, Ron Wesch, designating five locations where replacement or rehabilitation is needed and would be eligible to participate in this program, has also been included in the packet.

City Manager Maclin stated that basically this is an 80/20 program where the State pays 80% and the City pays 20% of the cost for bridge replacement or repairs. The five streets being recommended by the City are: Tom Temple over Hurricane Creek, Copeland over Cedar Creek, California at Cedar Creek, Turtle Creek at Cedar Creek and Palmore Road at Cedar Creek. The total expense of the project would be approximately \$497,000--the City's 20% match would be approximately \$99,000. City Manager Maclin stated that staff is proposing that this expense be carried over two budget years with the 10% up front cost that is required on the bridge repairs on Tom Temple Drive and Copeland Street Drive, for a total of \$22,000, taken out of this years budget, and the balance of the match in the '93-'94 budget. City Manager Maclin stated that if this Agreement is approved it would also be necessary to approve the \$22,000 match to be taken out of the '92-'93 budget Contingency Fund.

Motion was made by Councilman Larry Kegler and seconded by Councilman Jack Gorden, Jr. that Construction and Maintenance Agreement with the Texas Department of Transportation concerning funding for bridge replacement and rehabilitation off the State Highway System be approved as presented, and that the City's match of \$22,000 be taken from the '92-'93 budget contingency fund. A unanimous affirmative vote was recorded.

15. SOLID WASTE DEPARTMENT BUDGET - REVISED - EQUIPMENT PURCHASE

Mayor pro tem Boyd stated that the next item for consideration was revision of equipment purchase to the Solid Waste Department budget.

City Manager Maclin stated that last month the Council had a workshop to discuss two aspects for consideration, (1) the consideration of using automated collection procedures for the solid waste residential service, and (2) the advantages of half-pack trucks over the full pack trucks for commercial collection. City Manager Maclin stated that currently in the '92-'93 Solid Waste budget there are funds allocated for the purchase of three trucks-one commercial truck and two residential side-loader trucks. City Manager Maclin stated that based on the preliminary positive response staff received and the comments from Council at the Workshop, staff feels comfortable in continuing forward in the planning process for the utilization of automated collection. City Manager Maclin stated that early this summer staff will be bringing to Council budget consideration for the Solid Waste Department.

City Manager Maclin stated that with the assumption that the City is moving towards automated collection in the residential area, that would preclude the need

to purchase the two residential side-loader units. City Manager Maclin stated that staff is seeking Council approval to go ahead and purchase three commercial half-pack trucks, which will have significant savings to the City. Savings on landfill tipping fees are projected to be approximately 40% (approximately \$6,600 at the time of implementation).

In response to question by Councilman Kegler, City Manager Maclin stated that \$105,000 was originally budgeted for one commercial front-end loader truck, and the two side-loader trucks were budgeted at \$180,000, for a total of \$285,000. City Manager Maclin stated that by changing to three half-pack front loading trucks at a cost of \$345,000, with a trade-in of \$58,000, the estimated amount would be \$287,000. It is estimated that the \$2,000 deficit could be saved in the first five days of operation (based on \$450 per day). City Manager Maclin stated that \$285,000 has been budgeted for the '92-'93 Solid Waste Budget.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Percy Simond that revision to the Solid Waste Department budget be approved as presented. A unanimous affirmative vote was recorded.

16. AMENDMENT/REVISION - APPROVED - SOLID WASTE ORDINANCE

Mayor pro tem Boyd stated that the next item for consideration was an amendment and revision to the City's Solid Waste Ordinance.

City Manager Maclin stated that on December 18 a Workshop was held in City Hall to discuss the need for updating the City's Solid Waste Ordinance. (A copy of the minutes from that meeting were included in the packet.)

City Manager Maclin stated that basically the first several pages of the Ordinance are changes that the staff feels like are needed to update the Ordinance to operate an efficient, well-run Solid Waste Department. City Manager Maclin stated that included are some definitions that deal with State regulations which are needed in our local Ordinance in order to have the enforcement power necessary on a local basis. City Manager Maclin stated that the only area that was discussed and questioned in great detail at the Workshop deals with the last two pages, which are the fees. City Manager Maclin stated that the area staff wants to seek further input from the Council on is the situation regarding rates for special pickup. In the past, the City has provided pickup of "white goods" and large limbs and debris at no charge to the customer. City Manager Maclin stated that most cities have begun to address these areas on an individual assessment basis-the customer that generates those materials should likewise have to pay for them. City Manager Maclin stated that in the case of "white goods" and furniture, the City is paying a disposal fee at the landfill for these items.

Councilman Simond stated that he was opposed to the charge for picking up "white goods" at the December 18th Workshop, and he was still opposed. Councilman Simond stated that by charging a fee for pickup of these items, it would encourage citizens from other areas of town to dump them on the north side of town.

City Manager Maclin stated that for clarification purposes when he said that customers were not paying for pickup of these items he meant that they were not paying additional for them. City Manager Maclin stated that in essence this charge is being absorbed in the cost that is paid in the monthly residential garbage fee. City Manager Maclin stated that there has been a significant change in what it cost to dispose of solid waste, and it will continue to have an impact on the City's solid waste budget. City Manager Maclin stated that staff is trying to take any and all measures that are available to us to see that we are operating the department in an equitable, fair and appropriate manner. City Manager Maclin stated that more and more cities are going to volume based rates--however much volume of trash you create or generate you are held accountable for that in terms of the cost sharing. City Manager Maclin stated that if Council feels that citizens expect this to be a part

of their residential cost collection, staff will certainly continue to act accordingly. City Manager Maclin stated that this is a customer-sensitive issue, and there will be problems created from it, but the bottom-line goal we are attempting to achieve is equitable sharing of the expense necessary to collect and dispose of items that are above and beyond what would be deemed as typical "bag" garbage.

Councilman Simond stated that in the last three or four years the City has increased water and sewer rates every year. Councilman Simond stated that he would be more amenable to another increase rather than these exorbitant fees that are being proposed. Councilman Simond stated that the only areas of town with vacant lots are in east and north Lufkin and these vacant lots will be used for dumping from other areas of town. City Manager Maclin stated that in terms of the limbs, if the person cuts the limbs and bundles them to where the bundles do not weigh more than 50 pounds, the City will still under this proposal pick them up for free. City Manager Maclin stated that if an individual trims a lot of large limbs in their back yard and creates this large pile, the City will have to send two men, a truck, and a chipper to cut up the limbs and haul them off (time, manpower and expense).

In response to question by Councilman Weems, City Manager Maclin stated that in terms of bagged leaf and grass clippings, pickup that pickup is now done on Wednesdays, and staff is wanting to go to a system where the City is divided up into routes and scheduled for a twice-a-month collection.

City Manager Maclin suggested that if Council would like to delete Section 13-42 from the Ordinance as it is being presented tonight, then staff would between now and the budget process this summer, run some numbers that would give an accurate assessment of how much the monthly bill (\$8.94) has to go to support the crews and equipment that are making the special pickups, and an estimate out of all the City's customers who are using this service. City Manager Maclin stated that then Council will be able to see more accurately what the City's actual expenses are in terms of personnel and equipment cost and disposal cost at the landfill for these special pickups. City Manager Maclin stated that Council could then use this information to do whatever they feel is appropriate in next year's rates. Councilman Weems requested that staff differentiate between homes that are privately owned and rental property.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that amendment and revision to the City's Solid Waste Ordinance be approved with the deletion of Section 13-42 conditioned upon the City Manager's study to be presented prior to the budget. A unanimous affirmative vote was recorded.

17. RESOLUTION - APPROVED - CIVIC CENTER NAME CHANGE - PITSER GARRISON CIVIC CENTER

Mayor pro tem Boyd stated that the next item for consideration was a Resolution changing the name of the Lufkin Civic Center to the Pitser Garrison Civic Center.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that the name of the Lufkin Civic Center be changed to the Pitser Garrison Civic Center. A unanimous affirmative vote was recorded.

18. RESOLUTION - APPROVED - COOPERATIVE PURCHASING PROGRAM

Mayor pro tem Boyd stated that the next item for consideration was a Resolution for the Cooperative Purchasing Program.

City Manager Maclin stated that included in the Councilmen's packets was a letter from the General Services Commission explaining the procedure and eligibility of the City to participate in the cooperative purchasing program through the State of Texas. City Manager Maclin stated that this can provide the City with some cost

savings by being able to utilize the State purchasing program. City Manager Maclin stated that Councilman Kegler had brought the utilization of this program to the attention of the Council and staff.

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

19. PURCHASE REQUEST - APPROVED - MOWERS - PARKS DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was a request to purchase two mowers for the Parks Department.

City Manager Maclin stated that the Parks and Recreation Department would like to purchase two Cushman Mowers through the State of Texas Purchasing Program (the Resolution for the Cooperative Purchasing Program was approved as item 18 of the agenda).

City Manager Maclin stated that staff is recommending the purchase of the two Cushman mowers at a cost of \$6,429 each, for a total cost of \$12,858. The amount budgeted for these mowers in the '92-'93 budget is \$13,000.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Larry Kegler for approval of two mowers to be purchased through the State Purchasing Contract at a cost of \$12,858, for the Parks Department. A unanimous affirmative vote was recorded.

20. EXECUTIVE SESSION

Mayor pro tem Boyd recessed regular session at 7:15 p.m. to enter into Executive Session. Regular session reconvened at 7:40 p.m. Mayor pro tem Boyd stated that the Council had discussed litigation matters; no decisions were made regarding these matters.

21. COMMENTS

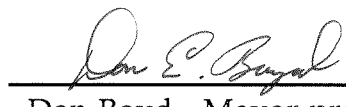
City Manager Maclin stated that he would be the program speaker for the First Friday Luncheon at Crown Colony, February 5, and would be speaking on the Bond Election. City Manager Maclin stated that he had made a bond election presentation to the Rotary Club on Thursday.

City Manager Maclin reminded Councilmembers of the DETDA banquet on February 16th.

21. There being no further business for consideration, meeting adjourned at 7:45 p.m.

ATTEST


Atha Stokes - City Secretary


Don Boyd - Mayor pro tem