

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE  
16TH DAY OF FEBRUARY, 1993 AT 5:00 P.M.**

On the 16th 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  
Bob Bowman  
Jack Gorden, Jr.  
Tucker Weems

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

being present, and

Louis A. Bronaugh  
Percy Simond  
Larry Kegler

Mayor  
Councilman, Ward No. 1  
Councilman, Ward No. 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Betty Kennedy, Collins Chapel CME Church.

2. Mayor pro tem Boyd welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Regular Meeting of February 2, 1993 were approved on a motion by Councilman Tucker Weems and seconded by Councilman Larry Kegler. A unanimous affirmative vote was recorded.

4. **ORDINANCE - TABLED -SECOND READING -SPECIAL USE PERMIT-  
PRIVATE CLUB - COMMERCIAL ZONING DISTRICT - DARREL TARVIN  
-TIMBERLAND SHOPPING CENTER (732 TIMBERLAND DRIVE)**

Mayor pro tem Boyd stated that the first item for consideration was Second Reading of an Ordinance for approval of a Special Use Permit for a Private Club within a Commercial Zoning District located at 732 Timberland Drive (Timberland Shopping Center) as requested by Darrel Tarvin.

Don Duran, attorney representing Mr. Tarvin, stated that since the Mayor and two of the Councilmembers were absent he would like to request that this item be tabled until the next meeting.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Second Reading of Ordinance be tabled until the March 2nd meeting. A unanimous affirmative vote was recorded.

5. **AMENDMENT - TABLED - ORDINANCE - SECOND READING - GREASE  
TRAP ORDINANCE NO. 399 - RESOLUTION - APPROVED - PLUMBING BOARD  
AS ADVISORY BOARD**

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

City Manager Maclin stated that staff has two areas for which they would like to seek Council's consideration on, and they are (1) a recommendation to table this request based on the fact that there have been some questions and concerns expressed by several different groups. City Manager Maclin stated that by tabling this item it would allow these groups an opportunity to go through the appeal process as designated by Ordinance with the Plumbing Advisory and Appeals Board . This will give those entities an opportunity to make their case and possibly a recommendation will come from that Committee for consideration by the City Council , Secondly, the City Manager stated staff needs a voice of consent by the City Council to officially recognize the Plumbing Appeals and Advisory Board as the entity to hear these appeals.

City Attorney Flournoy stated that, in his opinion, a Resolution appointing the existing Plumbing Board to operate as the Construction Board of Adjustment and Appeals for plumbing matters would be sufficient. Mr. Flournoy stated that there are several variance requests before the Plumbing Board at this time, and their authority comes both from the Ordinance and from the Standard Plumbing Code. Mr. Flournoy stated that while they (the Plumbing Board) does not fit in any category, the City has been using them in the past both as an Advisory Board and as an Appeals Board. Mr. Flournoy stated that because of the urgency of the matters pending before the Plumbing Board at this time, he was requesting that the City Council, by Resolution authorize the existing Plumbing Board to act as the Construction Board of Adjustment and Appeals for plumbing matters on an interim basis , and all of the boards will be considered together at a later date.

City Manager Maclin stated that staff is asking for two requests from Council: One, to approve this Resolution as designated by the City Attorney, and, two, to table the Second Reading of the Grease Trap Ordinance to allow adequate time for the appeals process to be completed.

City Attorney Flournoy stated that Council has asked the Plumbing Board to serve as an Advisory Board in considering the item regarding Day Care Centers, and it would be appropriate for the Council to request that the Plumbing Board submit a recommendation to the City Council on this matter.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Second Reading of an Amendment to the Grease Trap Ordinance No. 399 be tabled. A unanimous affirmative vote was recorded.

In response to question by Attorney Wayne Haglund, representing the Day Care Association, City Attorney Flournoy stated that staff is recommending that the effective date of the Ordinance be extended to April 1, 1993.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Resolution appointing the Plumbing Board as the Appeals Board be approved as presented. A unanimous affirmative vote was recorded.

**6. AMENDMENT - APPROVED - SOLID WASTE ORDINANCE - EFFECTIVE DATE JUNE 1, 1993**

Mayor pro tem Boyd stated that the next time for consideration was Second Reading of an Amendment and revision to the City's Solid Waste Ordinance.

City Manager Maclin stated that the main purpose of the Ordinance is to get into compliance with State statutes and give the City some enforcement authority regarding State statutes. City Manager Maclin stated that there are two items where there are changes in terms of day- to- day operations of solid waste. First, this Ordinance requires the citizens in residential areas to use bags. At this time there is approximately a 95% or greater compliance with this requirement because the City

provides bags for this purpose. City Manager Maclin stated that staff is recommending setting the effective date of this Ordinance as June 1, 1993, so that it will give time for citizens to be informed through the Lufkin Letter, and other sources, that it will now be mandatory that their garbage be placed in bags.

City Manager Maclin stated that the other change, which affects a very small number of the commercial customers, is a maximum bag limit. In the past the Ordinance did not have a maximum bag limit for commercial customers who use bags as opposed to a dumpster or container. The Ordinance calls for a four (4) bag limit. City Manager Maclin stated that those customers that are generating more than four (4) bags, need a container.

Motion made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that Amendment to the Solid Waste Ordinance be approved on Second and Final Reading as presented, with an effective date of June 1, 1993. A unanimous affirmative vote was recorded.

**7. ORDINANCE - TABLED - FIRST READING - SPECIAL USE PERMIT - DOG KENNEL - COMMERCIAL ZONING DISTRICT - MARK AND JOHN MADDOX - 2506 S. JOHN REDDITT DRIVE**

Mayor pro tem Boyd that the next item for consideration was a request of Mark and John Maddox for approval of a Special Use Permit for a Dog Kennel in a Commercial Zoning District located at 2506 S. John Redditt Drive.

City Manager Maclin stated that a memorandum from City Planner Abraham had been placed on the Council table indicating that the circumstances relating to this particular request would require a 4/5's vote of the Council to be eligible for approval. City Manager Maclin stated that staff's interpretation of that is 4/5's of the total Council, which requires that six members be present. City Manager Maclin stated that since there are not six members present, he was recommending that this item be tabled. City Manager Maclin stated the three Council members who were absent were absent because of health reasons and work-related reasons, and could not be back in time for the meeting.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that First Reading of Ordinance be tabled until March 2, 1993. A unanimous affirmative vote was recorded.

**8. COMPREHENSIVE PLAN - FUTURE LAND USE MAP CHANGES - APPROVED - LIVEWELL ATHLETIC CLUB - 1813 AND 1905 N. RAGUET**

Mayor pro tem Boyd stated that the next item for consideration was changes to the future land use map of the Comprehensive Plan - LiveWell Athletic Club; 1813 and 1905 N. Raguet; and, 1303-1313 S. Chestnut.

City Manager Maclin stated that the City Planning and Zoning Commission has reviewed and discussed changes in the Comprehensive Plan, and is recommending approval for changes at the LiveWell Athletic Club area, and the property located at 1813 and 1905 N. Raguet. City Manager Maclin stated that P&Z is also requesting that changes for the property located at 1303-1313 S. Chesnut be tabled-- no recommendation was made at their last meeting on this property. City Manager Maclin stated that there are some requests pending before the P&Z Commission relating to that property and they wanted to review additional information in regard to the pending requests. City Manager Maclin stated that since P&Z did not send a recommendation for this property it would be appropriate for the City Council to table this portion of the request.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that changes to the future land use map of the Comprehensive Plan

(LiveWell Athletic Club and 1813 and 1905 N. Raguet ) be approved as presented, and that the request relating to 1303-1313 S. Chesnut be tabled for a future meeting. A unanimous affirmative vote was recorded.

**9. RESOLUTION - APPROVED - NOTICE OF INTENT - REVENUE BONDS**

Mayor pro tem Boyd stated that the next item for consideration was a Resolution authorizing publication of Notice of Intent to issue revenue bonds.

City Manager Maclin stated that in a Workshop prior to today's meeting members of the City Council discussed the City's bond portfolio. City Manager Maclin stated that this Resolution involves revenue bonds specifically relating to water and sewer improvements within the City, and is no way connected to the current considerations relating to a municipal bond election. City Manager Maclin stated that the City has been discussing for over three years now, including 2 1/2 years of study for a regional water system, needs relating to the City's water distribution and storage system. City Manager Maclin stated that water pressure problems and water storage needs for the City on the east side of town have been discussed for some time. The water pressure problems on the east and south sides, and the need for additional storage were things that were discussed at length and in much detail during budget workshops this past summer. City Manager Maclin stated that Council had authorized the engineering plans and specifications for these projects last year, and that the time is now right to follow through. City Manager Maclin stated that staff will be initiating construction activity, and the funds from the bond proceeds will be needed to pay for these capital improvements.

City Manager Maclin stated that, in a brief review, the Notice of Intent to issue revenue bonds will be for approximately \$7 million in improvements that include a new water well, a 16" water line on the East Loop from the plant to approximately Chestnut, and a 2 million gallon elevated storage tank on White House Drive. City Manager Maclin stated that there will also be approximately 300 fire hydrants installed in the south sections of the community which will improve the City's fire protection ratings and preparedness. City Manager Maclin stated that the staff and Council had also discussed the need for an additional clarifier at the Wastewater Treatment Plant facility for an estimated cost of \$500,000.

In response to question by Councilman Gorden, City Manager Maclin stated that these are strictly revenue bonds from the Water & Sewer Fund. City Manager Maclin stated that as discussed last summer at the budget workshop, there will need to be a 3% increase in water and sewer rates in April. City Manager Maclin stated that the 3% will be accumulated towards the payments of the interest and principal on this debt. City Manager Maclin stated that during discussions last year, it was discussed with Council the philosophy that it was easier to absorb small percentage increases on a more frequent basis than it is to hold back and present citizens with a large, double digit increase at one time.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that Resolution granting authorization for publication of Notice of Intent to issue revenue bonds be approved as presented. A unanimous affirmative vote was recorded.

**10. ZOO - TEMPORARY CLOSING - APPROVED - DINAMATION EXHIBIT SETUP - ENTRANCE COMPLETION**

Mayor pro tem Boyd stated that the next item for consideration was a request for temporary closing of the Zoo for the Dinamation Exhibit setup and entrance completion.

Gorden Henley, Zoo Director, stated that he was requesting that the Zoo be closed

form March 22nd through April 1, a period of approximately 10 days, to allow for the installation of the robotic dinosaurs. The dinosaurs will be disbursed throughout the Zoo ( a map of the Zoo and designated places for the dinosaurs to be displayed was included in the Councilmen's packets).

Mr. Henely stated that the exhibit will be open from April 1 through July 4. Anticipated attendance is 1,000 people a day, for a total of 100,000 visitors. Mr. Henely stated that over 7,000 school children have been booked to the view the exhibit.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. granting request of Zoo Director for the temporary closing of the Zoo for the Dinamation Exhibit setup and entrance completion. A unanimous affirmative vote was recorded.

**11. FLUORIDATION GRANT - APPROVED - TEXAS DEPARTMENT OF HEALTH**

Mayor pro tem Boyd stated that the next item for consideration was acceptance of a Flouridation Grant from the Texas Department of Health.

City Manager Maclin stated that the Grant will allow the City to update its flouridation facilities, and will funded 100 % by the Texas Department of Health.

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that Flouridation Grant from the Texas Department of Health be approved as presented. A unanimous affirmative vote was recorded.

**12. VEHICLE REPLACEMENT - APPROVED - STREET DEPARTMENT**

Mayor pro tem Boyd stated that the next item for consideration was a request for authorization to replace Vehicle 81-40 in the Street Department that was totalled in a major accident.

City Manager Maclin stated that this vehicle was totalled, and the City will be receiving some insurance toward the replacement of the vehicle. City Manager Maclin stated that since this was not a budgeted item, staff is seeking Council's authorization to go out for bids for the purchase of a replacement vehicle. The balance needed to replace the vehicle, after the insurance has paid, will be taken from the Insurance Loss Fund.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that vehicle replacement for the Street Department be approved as requested, and the balance needed for the vehicle after the insurance has been paid be taken from the Insurance Loss Fund. A unanimous affirmative vote was recorded.

**13. BIDS - APPROVED - PICKUP TRUCK - WATER COLLECTION DEPARTMENT - BARRETT BROTHERS MOTOR COMPANY**

Mayor pro tem Boyd stated that the next item for consideration was bids for a pickup truck to be used in the Water Collection Department.

City Manager Maclin stated that this is a budgeted item within the Water Collection Department, and staff's recommendation is to award the low bid of Barrett Brothers Motor Company in the amount of \$ 8,205.87 .

Motion was made by Councilman Bob Bowman and seconded by Councilman Tucker Weems that bid of Barrett Brothers Motor Company in the amount of \$8,205.87 be accepted as submitted. A unanimous affirmative vote was recorded.

**14. RESOLUTION - APPROVED - DEEP EAST TEXAS REGIONAL NACOTICS TRAFFICKING TASK FORCE GRANT**

Mayor pro tem Boyd stated that the next item for consideration was a Resolution by the Lufkin Police Department authorizing the submission of a grant request to the Governor's Office, Criminal Justice Division, for the funding of the Deep East Texas Regional Nacotics Trafficking Task Force.

Chief Sherman Collins stated that the Task Force has to reapply every year through the Governor's Office of Criminal Justice for continued funding to keep the Task Force in operation. Chief Collins stated that there have been some changes in the 1994 fiscal year process, and these changes were brought about at the Federal level. Chief Collins stated that in the past he has been allowed to calculate the price or the market value that he would furnish into the Task Force for use as a part of our local cash match. Chief Collins stated that also in the past he was able to count forfeited assets as a part of the local cash match, even though those forfeited assets may be in real estate or some other property that was tied up. The Federal authorities have not allowed that this year and have said that the money must be in the bank before the forfeited assets can be counted on the cash match. Chief Collins stated that the fee is going up for the local jurisdictions to remain as members of the Task Force, and part of this money will have to be paid up front in order to gain membership. Chief Collins stated that the method of payment in the future will be quarterly, and the contract runs from June 1 through May 30. Chief Collins stated that the amount of the membership fee will now be approximately \$15,000, with the first payment due on June 1. Chief Collins stated that his Department has previously paid the City's share of the membership fee in the past from the forfeited funds account in the Police Department. Chief Collins stated that he does not have funds available for this matching grant at this time. Chief Collins stated that if the Council commits to retain membership in the Task Force, it may be necessary for them also to budget this fee, or a portion of this fee, from the General Fund into the Police Department during the upcoming budget process. Chief Collins stated that he strongly recommends that the City continue membership in the Task Force.

In response to question by Councilman Gorden, Chief Collins stated that the first payment of \$3,750 would be due on June 1, and another payment due before fiscal year 1993-94, Chief Collins stated that he anticipates that the Task Force will be reduced to 10 agencies, and the total amount of the Grant will be reduced according to the number of participants.

City Manager Maclin stated that he would like to request, in accordance with the Chief's recommendation to continue participation in the program, that the City Council allocate funds, not to exceed \$ 7,500, from the Contingency Fund for fiscal year 1992-93. City Manager Maclin stated that the balance of the Task Force's fiscal year plus the anticipated portion of the next Task Force fiscal year would be addressed this summer through the budget process, either with forfeited funds projections, general fund, or a combination of the two.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that Resolution be approved as presented, and that June and September payments, not to exceed \$7,500, be paid from the Contingency Fund of the 1992-93 fiscal year budget. A unanimous affirmative vote was recorded.

**15. EXECUTIVE SESSION**

Mayor pro tem Boyd recessed regular session at 5:52 p.m. to enter into Executive Session. Regular session reconvened at 6:01 p.m. Mayor pro tem Boyd stated that the Council had discussed litigation; no decisions were made regarding these matters.


16. COMMENTS

In response to question by Councilman Gorden, City Manager Maclin stated that he had called Wayne Neal, General Manager of Cablecom, prior to the last meeting for an update and was told there had been an agreement in principal. City Manager Maclin stated that the Attorney for Cablecom was drafting the Agreement and Mr. Neal indicated that as soon as the draft was completed and returned to him, he would be delivering the Agreement to Paul in Houston for his review. He indicated that as soon as Channel 5 and 11 were comfortable and ready to sign, it would be two to three weeks before they would be on the air. City Manager Maclin stated that he would check with Mr. Neal again in the morning to see what progress has been made.

City Manager Maclin reminded Councilmembers that the DETCOG meeting would be held in Crockett on February 25th.

City Manager Maclin stated that for the benefit of the media, the City Council did agree in principal to a tentative calendar relating to a bond election at the Workshop previous to this meeting. City Manager Maclin stated that there will be an item on the agenda for the March 2nd meeting calling for a bond election, and a proposed date for that bond election would be Saturday , April 3.

17. There being no further business for consideration, meeting adjourned 6:05 p.m.

  
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Don Boyd - Mayor pro tem

ATTEST:

  
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Atha Stokes, City Secretary