

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE  
4TH DAY OF MAY, 1993 AT 5:00 P.M.**

On the 4th day of May, 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:

Louis A. Bronaugh	Mayor
Don Boyd	Mayor pro tem
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6

being present, and

Percy Simond	Councilman, Ward No. 1
--------------	------------------------

being absent when the following business was transacted.

1. Meeting was opened with prayer by Dr. Dewey Bowen, Minister, First Presbyterian Church.
2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Called Meeting of March 26, 1993, and Regular Meeting of April 20, 1993 were approved on a motion by Councilman Don Boyd and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. **CANVASS OF VOTES - APPROVED - CITY ELECTION - MAY 1, 1993 - OATH OF OFFICE - JACK GORDEN, JR. (WARD 5) - TUCKER WEEMS (WARD 6)**

Mayor Bronaugh stated that the first item for consideration was canvass of votes in City Election of May 1, 1993.

The following votes were recorded:

	<u>Absentee</u>	<u>Regular</u>	<u>Total</u>
Jack Gorden, Jr. - Ward 5	37	49	86
Tucker Weems - Ward 6	27	58	85

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd to approve the canvass of votes of the May 1, 1993 election as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh administered oath of office to Councilman Jack Gorden, Jr. of Ward 5 and Councilman Tucker Weems of Ward 6, and presented a Certificate to each Councilman.

5. **PUBLIC HEARING - APPLICATION FOR OPERATION OF A NON-EMERGENCY AMBULANCE SERVICE - GADDY'S AMBULANCE SERVICE**

Mayor Bronaugh opened Public Hearing to consider an application from Gaddy's Ambulance Service 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 Gaddy's Ambulance Service has now provided the  
5/04/93

City staff with the documentation required by the City Ordinance.

Lila Gaddy, Vice President of the Corporation, stated that she had an additional letter from Home Health Care to present to the Council. (The letter was passed out to each councilmember.) Mrs. Gaddy stated that other letters of necessity had been submitted to the staff and were included in the Councilmember's packets.

John Brian, General Manager of Eastex EMS Ambulance Service, stated that he was currently the only provider of non-emergency ambulance service in the City of Lufkin. Mr. Brian stated that it is obvious that this is a hearing to consider the need and public convenience for additional ambulance service in the City of Lufkin brought up by the application of Gaddy's Ambulance Service for a permit to operate in the City of Lufkin. Mr. Brian stated that because there is no system for quantifying the amount of need it is hard to establish and estimate how much additional ambulance service might be necessary. Mr. Brian stated that the lack of need is quite small as evidenced by the lack of support for this application from either hospital administrator or apparently any nursing home in the area. Mr. Brian stated that these are the entities that would be in the best position to access the need for additional ambulance service. Mr. Brian stated that another, and apparently weighted part of the Ordinance which controls this application, is the issue of public convenience. Mr. Brian stated that it was his opinion that two non-emergency ambulance services here in the City of Lufkin will create a situation of public inconvenience rather than of convenience. Mr. Brian stated that firstly, many patients currently being served will either not be served or will see a reduction in the amount of service available because of the lack of a base number of calls per month for any one provider to provide these services from. Mr. Brian stated that uninsured and under insured patients will be impacted as well as insured patients whose insurance may not cover certain services now being taken care of-- i.e., Doctor's office visits, trips to Galveston, etc. Mr. Brian stated that his firm is currently providing these services without consideration to financial resources. This cannot be done without the base of all transfers to support the unpaid portion of calls. This situation will lead to ambulance providers looking to the hospitals to pay for outgoing transfers that are uninsured or underinsured. Cases such as Galveston and Tyler will be directly impacted. The further trickle-down effect of that will be that the hospital will in turn call the Fire Department, and they as a governmental agency will be bound to provide that needed service and by this means these patients will be transported. Mr. Brian stated that the impact of the Fire Department making these transfers will be that their manpower and equipment costs will go up, which will obviously increase the direct costs to the City of the operation of the Fire Department. Mr. Brian stated that there are other cities in the state, as well as the nation, that have recognized these costs and have regulated their city to have only one provider of non-emergency ambulance service. Mr. Brian stated that he would strongly urge the Council to delay any decision on this application until they have adequate time to address the issues he has raised and their impact on the City and its citizens. Mr. Brian stated that he would further urge that the Council talk with representatives of the Fire Department and both hospitals administrative staffs to further access this situation before taking any action.

In response to question by Councilman Bowman, Mr. Brian stated that he is making approximately 300 runs per month with an estimated 10-15 patients being taken to Galveston. Mr. Brian stated that he is operating three vehicles with a backup and a staff of three.

Bettie Williams, of Memorial Medical Center of East Texas, read a statement from the hospital stating that there is a need for quality ambulance service in the City.

Mayor Bronaugh closed the Public Hearing.

Mayor Bronaugh he would like to recognize that there are two television stations (KTRE and IBN) televising the meeting. Mayor Bronaugh stated that it had been

brought to his attention that Mr. Lee Miller, General Manager of IBN, has requested that he be able to televise the City Council meetings.

**6. ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - PRIVATE CLUB - K-BOB'S CAPITAL RESOURCE GROUP - 2111 EAST DENMAN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for approval of a Special Use Permit for a Private Club in connection with the existing restaurant operations at 2111 East Denman Avenue as requested by K-Bob's Capital Resource Group.

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

**7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL SMALL TO SINGLE-FAMILY DWELLING/MIXED USE - J. L. QUINALTY SURVEY - ABSTRACT NO. 40 - TRACTS 292-314**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a change of zoning from Residential Small to Single-Family Dwelling/Mixed Use on properties located in the J. L. Quinalty Survey, Abstract No. 40, and being more specifically described as tracts 292-314.

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

**8. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RESIDENTIAL LARGE TO LOCAL BUSINESS - 1313 S. CHESTNUT**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for approval of a change of zoning from Residential Large to Local Business on approximately 2.9 acres of land commonly known as 1313 S. Chestnut.

City Manager Maclin stated that at last meeting this request had been approved with a question directed to the City Attorney regarding the special use aspect. The recommendation from the Planning & Zoning Commission was to rezone this property Neighborhood Retail with a Special Use for a furniture store, and there was some question as to what would be the maximum square footage allowed. City Manager Maclin stated that there are two items included in the packet--one Ordinance for the Zone Change from Residential Large to Neighborhood Retail, and the second Ordinance is the Special Use and on the second page of the Special Use, Section II, it has a location to fill in the blank not to exceed how ever many square feet that will be determined. City Manager Maclin stated that the City Attorney has worked with the person requesting the Zone Change and he will inform the Council as to what will be filled in the blank. City Attorney Flournoy stated that the Special Use designation on a Local Business does permit the Council to restrict that square footage, but if a Special Use is not added to the Zone Change there is no limitation to the square footage. City Attorney Flournoy stated that under Neighborhood Retail there is a 3,000 square foot limitation. Mr. Flournoy stated that after talking to the various parties, everyone has agreed that 6,000 square feet is a reasonable limitation to place on the Neighborhood Retail, Special Use.

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

**9. APPLICATION - APPROVED - GADDY' S AMBULANCE SERVICE - NON-EMERGENCY AMBULANCE SERVICE**

Mayor Bronaugh stated that the next item for consideration was approval of an application from Gaddy's Ambulance Service for a Certificate of Public Convenience and Necessity for operation of a non-emergency ambulance service within the City of Lufkin.

City Manager Maclin stated that he would point out that the difference in this application from the previous two applications that Gaddy's submitted is that with this application they do have three letters in the packet and a fourth one they handed out at the beginning of the Public Hearing, supporting additional EMS service in Lufkin. (The letters of support were from Dr. Zollo of the Veterans Clinic, Dr. Kyger, and Dr. Jason S. Todd. The letter received at the meeting is from Pineywoods Home Health Care.) City Manager Maclin stated that the previous applications from Gaddy's were turned down for failure to provide input from the medical community.

City Manager Maclin stated that from a precedent standpoint, Gaddy's has provided the same type of documentation that the Council has approved previously in the case of LifeLine and Eastex EMS. City Manager Maclin stated that he would like to comment on some of Mr. Brian's statements in the Public Hearing. City Manager Maclin stated that to give the Council a summary of what Mr. Brian is saying is, in his opinion, we have an economies of scale situation here that as a sole non-emergency provider there is an adequate volume of load to where he can still make a profit as well as still continuing to address the indigent health care needs (the no payment transfers) because of the volume that he has. City Manager Maclin stated that Mr. Brian has told Council tonight in the Public Hearing that if that volume is fragmented by the implementation of an additional service, then he would perhaps not be able to continue to provide the service that he is providing now, which is basically when the hospital or nursing home calls, he goes and does not question as to the patient's ability to pay. City Manager Maclin stated that State law does allow private carriers to make a decision on whether to run or not based on ability to pay. As a private carrier they have the right to refuse service. As a public carrier, the City of Lufkin does not have the right to refuse service. City Manager Maclin stated that the implication he brought forth is if a private carrier is no longer able to provide the indigent services, then perhaps that could fall back onto the City. City Manager Maclin stated that the City's policy is that we do not make out of County transfers. The only exceptions to that were a couple of emergency transfers involving children when there was a meningitis breakout in the City. City Manager Maclin stated that he is not certain whether Mr. Brian's scenario would be true or not, but it would certainly be staff's opinion that as long as we maintain a policy that we are not going to make out of County transfers, then if the hospital wanted to make an out of County transfer and one or two local non-emergency services refused to make that transfer, it would still be up to the hospital to find someone to make that transfer, because the City's policy is that we are not going to leave the citizens of Lufkin and Angelina County unprotected.

In response to question by Councilman Gorden, City Manager Maclin stated that from a precedence standpoint he does not see anything as of today where the Council would have grounds to deny this application.

City Attorney Flournoy stated that there are cases that certainly support the right of the City to select a single carrier if that's what they feel "necessity" is meant by.

In response to question by Councilman Kegler, City Manager Maclin stated that the majority of the business will come from the two hospitals, the VA Clinic, and the nursing homes, and after that 10-15% would be to the Doctor's offices.

In response to question by Councilman Bowman, Mrs. Gaddy stated that Gaddy's Ambulance Service is the only private service in Nacogdoches County and they are

one of two private providers in Shelby County.

Mrs. Gaddy stated that when there is an emergency situation, the call for an ambulance comes in through 911. Mrs. Gaddy stated that a private citizen has the right to call a non-emergency ambulance service of their own choosing.

Mrs. Gaddy stated that in the last eight years she has been with Gaddy's Ambulance Service, they have never refused a patient because of lack of funds. Mrs. Gaddy stated that if the call is a non-emergency call, she will screen the call to make sure there is a medical need to make sure the patient is not using the ambulance as a taxi service.

In response to question by City Manager Maclin, City Secretary Atha Stokes stated that the Ordinance provides for an annual renewal fee of \$100 for non-emergency ambulance service.

Mr. Brian stated he did not know if it was appropriate for him to speak at this time, but he has documented proof where he had been awakened in the night by a person in Shelby County who had been refused service by Gaddy's Ambulance Service.

Councilman Bowman stated that he would like to see the staff poll the hospital administrators and nursing home administrators regarding the need for non-emergency ambulance service in the City of Lufkin.

Motion was made by Councilman Tucker Weems and seconded by Councilman Larry Kegler that request of Gaddy's Ambulance Service be approved with the provision that the Contract be reviewed at the end of one year. The following vote was recorded:

Aye: Councilmen Kegler, Weems, Bowman, Boyd and Mayor Bronaugh

Nay: Councilman Gorden

#### **10. RESOLUTION - APPROVED - MUNICIPAL BOND ELECTION - JUNE 5, 1993**

Mayor Bronaugh stated that the next item for consideration was Muncipal Bond Election Resolution, and establishing the date of the election.

City Manager Maclin stated that included in the packet is a Resolution that would provide for the calling of this bond election. City Manager Maclin stated that Proposition One is for streets and would include Martin Luther King, Feagin, Tulane and Paul, for a total principal amount of \$8.6 million; Proposition Two for park improvements would be \$1.9 million; and, Proposition Three would be for downtown improvements for \$1.5 million. City Manager Maclin stated that the City Council has been discussing this election for over two years and appointed a Bond Election Committee last October that represented a cross-section of the community and challenged them with the task of bringing back a recommendation of capital improvements needs for the City in these areas. The Bond Election Committee came back in February and made their recommendation for a \$14 million bond package. The City Council, at their meeting in March, reduced the cost by \$2 million to make it more affordable by the elimination of White House Drive and a verbal commitment by the Texas Department of Transportation to assist in some of the street improvement costs in the downtown area since First Street is a part of the TDPT's system.

City Manager Maclin stated that in terms of, if all three bond elections were to pass, the total tax increase on a monthly basis to the average homeowner in Lufkin would be about \$3.21. If the street issue by itself were to pass it would be \$2.29; the park issue would be .51, and the downtown, .41 per month. This represents a 5 1/2 cent increase of tax rate for streets, 1.2% tax increase for parks, and .09 tax increase for downtown for a total of 7.7 cents from the current tax rate of 43.5 cents to 51 cents per \$100 valuation. City Manager Maclin stated that in comparison to other cities

our size this is still well below the average.

City Manager Maclin stated that it is the staff recommendation to set the date of the election for June 5. Early voting for the election will begin on Monday, May 17 and will end on Tuesday, June 2.

Councilman Gorden stated that he would like for staff to consider moving the polling place for Ward 5 to St. Paul's Methodist Church.

Mayor Bronaugh stated, that included in the Resolution, are the following Judges for the Election:

Ward 1	Judge Archie Cornish
Ward 2	Ella Austin
Ward 3	Sally Hamilton
Ward 4	Harvey Westerholm
Ward 5	Sam Griffin, Sr.
Ward 6	Mary Virginia Casper

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Resolution establishing the date of June 5, 1993 for the Municipal Bond Election be approved as presented. A unanimous affirmative vote was recorded.

11. **AMENDMENT/REPEAL OF ORDINANCE NO. 399 - MURPHY GEORGE - GREASE TRAPS**

Mayor Bronaugh stated that the next item for consideration was request of Sam Griffin, Jr. on behalf of Murphy George for Amendment or Repeal of City Ordinance No. 399 regarding grease traps.

Murphy George stated that he was present at tonight's meeting representing Motel Enterprises, which operates 52 fast food units in 43 cities in East Texas. Mr. George stated that in the audience were people residing in the City who were owners of restaurants, fast food operations, convenience stores, hospitals, churches and nursing homes. Mr. George stated that they were present to discuss Ordinance No. 399, which addresses grease traps in the City of Lufkin.

Mr. George stated that he has been told that he should have come forward a year ago and presented his case whenever the Ordinance was first discussed. Mr. George stated that when his people told him that he needed to be present for the readings of the Ordinance he told them that there was no way the City would pass an Ordinance requiring redoing what the City has already approved in the establishments and all the food places in the City. Mr. George stated that he also understood that he should have gone through the right procedure with the Compliance Committee before coming to the City Council. Mr. George stated that there were several people present who have gone to the Compliance Committee and they have all been told that the Compliance Committee does not have the authority to make a variance and they only have authority to enforce the Ordinance which the City has passed. Councilman Bowman stated that he was not familiar with the "Compliance Committee". City Manager Maclin stated that the official title is the Plumbing Advisory and Appeals Board.

Mr. George stated that there are some questions about the Ordinance that have been unanswered, and that he is confused about the objective and the goal of the Ordinance. Mr. George read the following statement: If it is to reduce the amount of grease put into the sewer system, then the regulation must reasonably relate to this objective. The required size of the grease trap is based strictly on seating capacity without regard to actual amounts of grease produced or discharged into the system. This is convenient for the regulators to enforce, but bears no reasonable relation to the objective of the Ordinance. The Ordinance, as written, is most

onerous on small businesses, especially those whose seating capacity requires them to expend thousands of dollars to dramatically increase the size of their grease traps without any showing that they have exceeded maximum level with their current trap. The Ordinance is too broad as written. It does not exclude churches or non-profit organizations, especially those whose food service operations consist solely of microwave warming of food. The Ordinance does not give the Board of Variance for plumbing authority and direction in the granting of variances for reasonable exceptions to the grease trap size increase requirements of the Ordinance, such as, the current compliance with available equipment, periodic testing for compliance at user expense, or showing that seating capacity is not a proper measure of prohibitive effluent.

Mr. George stated that he would like to give the Council some examples of his operation. Mr. George stated that his firm operates four Dairy Queens in the City of Lufkin. Mr. George stated that he is confused that he has 52 units, 48 in 43 other cities and does not have a problem with the grease traps in those locations. Mr. George stated that he has not had any problems with grease traps with any of the other cities. Mr. George stated that it will cost him \$30,000 to redo the grease traps in his four units in the City. Mr. George stated that he is really concerned whether his stores, and many other stores in the City who are operating like he is operating, whether he dispenses any grease at all in the City system, because every single unit he has (and he has receipts of the tests) are pumped every other month and cleaned. In addition to that, he uses a degreaser in his lines and captures every bit of grease out of the Fryolators and sells it. Mr. George stated that in 1992 he sold in excess of \$21,000 worth of grease and contributed the money to the Children's Hospital in Houston. Mr. George stated that he certainly appreciates the Council's decision they made on the Grease Trap Ordinance, but believes that they had the wrong statistics or wrong information to make the decision to pass the Ordinance. Mr. George stated that he was going to attempt to convince the Council that there is not any need for a grease trap in any institution. Mr. George stated that he had a meeting with staff last week and saw the statistics from the other cities. Mr. George stated that Longview, Nacogdoches and Lufkin all have Grease Trap Ordinances. Mr. George stated that in Lufkin he has one unit with a 200 gallon grease trap, and three units that each have a 300 gallon grease trap. Mr. George stated that he has to replace the grease traps in Lufkin with larger ones. In Nacogdoches, one unit has a 200 gallon grease trap and one has a 300 gallon grease trap and he is currently under construction for a third unit. Mr. George stated that two weeks ago the City of Nacogdoches inspected the site and told them to proceed. Mr. George stated that there are four units in Longview; two units have a 60 gallon greasetrap each; two units have no greasetraps. Mr. George stated that he has had these units for 14 years in Longview and has not had a clogged drain in any of these units and has not had any problem with the City of Longview regarding the greasetraps.

Mr. George stated that he would conclude his comments by asking Council not to view these businesses (he is representing) as culprits of the environmental problems facing the City of Lufkin. Mr. George stated that they would rather be viewed as taxpaying, revenue producing customers, providing services vital to the individuals of this community. Mr. George stated that he and the other business owners he is representing, ask that the Council seriously consider other alternatives other than Ordinance No. 399 to address this problem.

Mayor Bronaugh stated that Council is considering holding a Workshop regarding this subject.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that a Workshop be scheduled to discuss the Grease Trap Ordinance No. 399. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that no decisions will be made at the Workshop, and that it is open to the public, although most of the input will be from staff and Councilmembers and input from the participants only if requested.

In response to question by Councilman Bowman, City Manager Maclin stated that at this time the Appeals Board has reviewed 16 requests for variances, and that 12 are pending. City Manager Maclin stated that the Plumbing Appeals and Advisory Board does have the authority to grant variances but they have taken the position that they haven't passed any to this point because in their opinion there haven't been any requests that merited a variance. They do have the authority given to them by the City Council, which was reiterated by the City Attorney, that they do have variance authority.

Mr. Flournoy stated that, in his opinion, the Board understands that this is one of their functions but they feel that to grant a variance in this situation is effectively going to be changing the Ordinance and usurping the authority the Council is invested with. Mr. Flournoy stated that he is not certain that it should be expected that the Variance Board is going to grant any of these variances, and if there is going to be an exception, then the City Council should be the one to do it.

Councilman Gorden stated that he would like for those business owners who are present at tonight's meeting to know that there are 37 businesses that have already complied with the Ordinance.

In response to question by Councilman Kegler, City Manager Maclin stated that there have been meetings with the Day Care Centers and a compromise proposal that is currently being considered will be presented to Council at a future date.

Councilman Bowman stated that he would like the people in the audience to know that this Ordinance came about because of State and Federal mandates and was not a mandate of this Council. City Manager Maclin stated that the situation with grease has been one that has evolved into grease trap ordinances in other cities across the state. The problem with grease increasing the amounts coming to the treatment plant poses one problem; another problem is created by excessive grease in stoppages of lines. City Manager Maclin stated that the City has had a high frequency of call outs for overtime personnel and rod machines to unstop lines that were clogged with grease. City Manager Maclin stated that one of the things that has become a mandate of the Texas Water Commission and the EPA are pre-treatment (trying to do things to reduce the grease problems at the source rather than having to deal with that problem in more expensive manners at the plant.) City Manager Maclin stated that the greasetrap philosophy is one that the State Plumbing Board says that the key to an effective grease trap is retention--the ability to have a holding capacity that gives adequate time for the grease and the water to separate.

Mr. George stated that probably 60% of the grease that comes into the City's system is from residents in the City and not from these small businesses. Mr. George stated that what the residents do should not be a burden on the small businesses.

Sam Griffin stated that in each case there is a different cost in order to comply with the Ordinance. Mr. Griffin stated that he would like to ask, in deference to the City Attorney, that the Council put a moratorium on this until the Workshop is held. Mr. Griffin stated that Mr. George's mandate is for May 19th. Mr. Flournoy stated that this is a reasonable request.

Councilman Bowman stated that there are a number of items he would like to see the staff accumulate in preparation of the Workshop (1) is some indication from the EPA that there will be continued pressure on cities regarding the greasetraps, (2) would like to know more about other cities in approximate size to Lufkin and what they are doing and what their future plans are in grease traps, and (3) more information on both testing methods.

City Manager Maclin stated that the reason that restaurants are treated differently from residential, according to the 1990 census the average home is 2.6 people, so that people who eat at home are cooking for 2.6 people. City Manager Maclin stated that

another point he would like to bring out is that 33% of the water and sewer bill citizens are now paying goes to pay for State and Federal mandates and it will go higher.

Rev. Steve Shirley asked what effect Ordinance No. 399 will have on the local churches within the City of Lufkin and Angelina County, and will the Ordinance be based upon usage, days, times or numbers of members served, and will there be direct wording that will eliminate churches from the demand the City or government has placed upon it. Rev. Shirley stated that there are 47 Baptist churches in the area and he is representing them. City Manager Maclin stated that he will be in touch with Rev. Shirley to answer his questions.

**12. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - RESIDENTIAL LARGE AND APARTMENT TO LOCAL BUSINESS - CATHY J. MARBERRY - C. J. INTERIORS AND UNDERFOOT DESIGN - 405 CHURCH STREET - LOTS 3, 4, 7 AND 8 - BLOCK 1 - TOWNSEND ADDITION**

Mayor Bronaugh stated that the next item for consideration was a request by Cathy J. Marberry, on behalf of C. J. Interiors and Underfoot Design, for approval of a zone change from Residential Large and Apartment to Local Business on approximately four acres of land known as 405 Church Street and legally described as Lots 3, 4, 7 and 8, Block 1, Townsend Addition.

City Manager Maclin stated that the request has been unanimously denied by the Planning and Zoning Commission. City Manager Maclin stated that the Comprehensive Plan would indicate that this area should remain residential.

Mrs. Marberry stated that her business will be a complete interior design business specializing in bordered area rugs. Mrs. Marberry stated that she and her family will reside in the building.

Gene Legg stated that he lived directly across from the North Corner of this property and objected to the request because it would increase traffic and because of the limited visibility at this intersection.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

**13. ORDINANCE - DENIED - FIRST READING - SPECIAL USE PERMIT (INDOOR COMMERCIAL AMUSEMENT) - PRIVATE CLUB - GERALDINE BRADFORD - 1002, 1004, AND 1006 WILSON STREET**

Mayor Bronaugh stated that the next item for consideration was request of Geraldine Bradford to change the Special Use Permit granted for a "Private Club" on approximately .617 acres of land commonly known as 1002, 1004, and 1006 Wilson Street to a Special Use Permit for "Indoor Commercial Amusement".

City Manager Maclin stated that the Planning and Zoning Commission, by unanimous vote, recommends denial of the change of zoning to Neighborhood Retail plus a Special Use Permit for "Indoor Commercial Amusement". City Manager Maclin stated that the Planning and Zoning Commission further recommends that a review of the existing Special Use Permit for a "Private Club" be initiated to determine if it should be repealed. City Manager Maclin stated that a letter had been received from Geraldine Bradford requesting that this item be tabled for 30 days. City Manager Maclin stated that the City Council had two options regarding this request - to table as requested by Mrs. Bradford, or to deny the request.

Benny Moyer, President of the North Lufkin Neighborhood Association, stated that residents of North Lufkin are requesting that the City Council deny this request. Mr. Moyer stated that the address listed on the agenda for this location is "commonly

know as 1002, 1004 and 1006 Wilson Street", but residents in the area refer to it as "The Front". Mr. Moye stated that residents are making a real effort to clean up and improve the community.

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd to accept the recommendation of the Planning and Zoning Commission and deny the request for a Special Use Permit for "Indoor Commercial Amusement" at 1002, 1004 and 1006 Wilson Street as requested by Geraldine Bradford. A unanimous affirmative vote was recorded.

**14. BID - APPROVED - POTABLE WATER LINE - CHAMPION PAPER MILL - B K CONSTRUCTION COMPANY**

Mayor Bronaugh stated that the next item for consideration was a bid award to B K Construction Company for installation of potable water line to Champion Paper Mill.

City Manager Maclin stated that at a Council meeting on September 15, 1992, the Council unanimously approved selling potable water to Champion International. City Manager Maclin stated that Champion International has taken bids for the installation of lines to connect the papermill to the City's system, and that the staff recommendation is to award the bid of B K Construction in the amount of \$31,906.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that bid of B K Construction Company in the amount of \$ 31,906 be approved as submitted.

Councilman Bob Bowman recused himself from voting. Motion passed with five affirmative votes.

**15. DONATION - APPROVED - RIGHT-OF-WAY - TEXAS DEPARTMENT OF TRANSPORTATION - FM ROAD 842 - KIT McCONNICO PARK**

Mayor Bronaugh stated that the next item for consideration was donation to the Texas Department of Transportation of right-of-way along FM Road 842, being a portion of Kit McConnico Park.

City Manager Maclin stated that the Texas Department of Transportation is in the process of acquiring additional right-of-way on FM Road 842 to improve drainage, realign some dangerous curves and the addition of unimproved shoulders to the road. City Manager Maclin stated that staff recommendation is to donate the right-of-way as requested.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that donation to the Texas Department of Transportation of right-of-way along FM Road 842, being a portion of Kit McConnico Park be approved as requested. A unanimous affirmative vote was recorded.

**16. ADOPT A CITY STREET LITTER CONTROL PROGRAM - APPROVED**

Mayor Bronaugh stated that the next item for consideration was implementing an "Adopt a City Street Litter Control Program" for the City of Lufkin.

Asst. City Manager Ron Wesch stated that in 1986 the Texas Department of Transportation initiated the Adopt-A-Highway Litter Control Program, which has been very successful throughout the State. Mr. Wesch stated that he was contacted by Frank Denton, a private citizen, who wished to initiate an Adopt-A-Street Litter Control Program in the City of Lufkin. Mr. Wesch stated that it is his recommendation that the City of Lufkin adopt this program to be effective June 1st.

Mrs. Jimmie Stiles, Coordinator of the Adopt a Highway Program for a nine county

area, gave a presentation regarding the program. Mrs. Stiles stated that the State was spending \$24 million annually in litter control prior to the Adopt-A-Highway Program, and as a result of the program costs have been reduced by 72%. Mrs. Stiles stated that there are 52 groups participating in the program and covers approximately 96-100 miles.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the "Adopt A City Street Litter Control Program" be approved as presented. A unanimous affirmative vote was recorded.

Mayor Bronaugh recognized Frank Denton.

**17. AGREEMENT - APPROVED - EXTENSION OF FM 819 FROM U. S. 59 TO ANGELINA COUNTY AIRPORT**

Mayor Bronaugh stated that the next item for consideration was acceptance of an Agreement for the extension of FM 819 from U. S. 59 to the Angelina County Airport.

City Manager Maclin stated that included in the Councilmember's packet was a copy of the Agreement which will require that the City of Lufkin acquire the necessary right-of-way for this expansion project.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman that Agreement for the extension of FM 819 from U. S. 59 to the Angelina County Airport be accepted as presented. A unanimous affirmative vote was recorded.

**18. FUNDING - APPROVED - SUMMER PLAYGROUND PROGRAM - CONCERNED BLACK MEN OF LUFKIN - LISD**

Mayor Bronaugh stated that the next item for consideration was funding approval of summer playground program request from the Concerned Black Men of Lufkin, in conjunction with LISD.

City Manager Maclin stated that there is \$4,000 in funds in the current budget that were placed there as a Decision Package for this request.

Oscar Kennedy and Rotley Tankersley, members of the Concerned Black Men of Lufkin, Texas, Inc., presented to the Council a letter of request and actual copy of the program, along with a letter of recommendation from Johnny Giles of LISD.

Mr. Tankersley stated that there are currently 30 members in the organization. Mr. Tankersley stated that special emphasis of the program is for black males who have an identity problem and assisting problem youths.

Mr. Kennedy stated that as a special part of the program, and to promote interest, arrangements have been made for a guest appearance by Terry Teagel this summer.

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that funding of summer playground program request from the Concerned Black Men of Lufkin, in conjunction with LISD, in the amount of \$4,000 be approved as requested. A unanimous affirmative vote was recorded.

**19a. BID - APPROVED - CHLORINE BUILDING - WATER PRODUCTION PLANT - J & D CONSTRUCTION**

Mayor Bronaugh stated that the next item for consideration was bids for chlorine building at the Water Production Plant.

City Manager Maclin stated that staff recommendation is to award the bid of J & D

Construction in the amount of \$94,700 for the base bid, and \$1,800 for Alternate No. 1 (the utility shed foundation).

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that bid of J & D Construction in the amount of \$94,700 for the base bid, and Alternate No. 1 in the amount of \$1,800 for the utility shed foundation be approved as submitted. A unanimous affirmative vote was recorded.

**19b. BID - APPROVED - ROUND-UP HERBICIDE - PARKS & RECREATION - ESTES INCORPORATED**

Mayor Bronaugh stated that the next item for consideration was bids for round-up herbicide for various City departments, to include Parks and Recreation.

City Manager Maclin stated that staff recommendation is to award the bid of Estes Incorporated in the amount of \$2,226.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that bid of Estes Incorporated in the amount of \$2,226 be approved as submitted. A unanimous affirmative vote was recorded.

**19c. BID - APPROVED - UNIFORMS - PUBLIC WORKS DEPARTMENT - RELIABLE UNIFORMS**

Mayor Bronaugh stated that the next item for consideration was bids for uniforms to be used in the Public Works Department.

City Manager Maclin stated that staff recommendation is to award the bid of Reliable Uniforms in the amount of \$56.81 per uniform set.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that bids for uniforms in the amount of \$56.81 per set from Reliable Uniforms be accepted as presented. A unanimous affirmative vote was recorded.

**19d. BID - APPROVED - FILE SERVER - ENGINEERING DEPARTMENT - ALSTON COMPUTERS**

Mayor Bronaugh stated that the next item for consideration was bids for a file server to be used in the Engineering Department.

City Manager Maclin stated that staff recommendation is to award the bid of Alston Computers in the amount of \$3,518.75

Motion was made by Councilman Larry Kegler and seconded by Councilman Don Boyd that bid of Alston Computers in the amount of \$3,518.75 be accepted as submitted. A unanimous affirmative vote was recorded.

**20. EXECUTIVE SESSION**

Regular Session recessed at 7:40 p.m. to enter into Executive Session. Regular Session reconvened at 8:08 p.m. and Mayor Bronaugh stated that appointment to the Lufkin Board of Development and legal matters had been discussed.

**21. APPOINTMENT - APPROVED - LUFKIN BOARD OF DEVELOPMENT - KEVIN SMITHHART**

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Kevin Smithhart be appointed to the Lufkin Board of Development. A unanimous affirmative vote was recorded.

**22. COMMENTS**

City Manager Maclin reminded Councilmembers that Secretary of State John Hannah would be speaking at the First Friday Luncheon.

City Manager Maclin stated that a joint meeting of the City Council and Bond Election Committee would be held at noon, May 10, at the Pitzer Garrison Civic Center. Immediately following the joint meeting there will be a Grease Trap Workshop.

Mayor Bronaugh stated that DETDA will hold their next meeting May 21st, and that the DETCOG Annual Awards Banquet would be held May 27 at noon.

23. There being no further business for consideration, meeting adjourned at 8:10 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary