MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF NOVEMBER, 1992 AT 5:00 P.M.

On the 3rd day of November, 1992 the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Vincent Uher, Assistant Pastor, St. Cyprian's Episcopal Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of October 6, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. **CERTIFICATE OF APPRECIATION - MARCELLE CANON**

Mayor Bronaugh presented a Certificate of Appreciation to Marcelle Canon in recognition of her tireless service to the citizens of Lufkin through the Neighborhood Alliance and efforts to improve and enhance the quality of life in Lufkin, Texas.

5. **ORDINANCE - APPROVED - FIRST READING - JOE McCULLY - DEEP EAST TEXAS MENTAL HEALTH MENTAL RETARDATION SERVICES - RESIDENTIAL LARGE AND LIGHT MANUFACTURING TO PLANNED UNIT DEVELOPMENT - LOTUS LANE**

Mayor Bronaugh stated that the next item for consideration was a request by Joe McCully on behalf of the Deep East Texas Regional Mental Health Mental Retardation Services for approval of a change of zoning from Residential Large and Light Manufacturing to Planned Unit Development on approximately 12.6 acres of land located on Lotus Lane.

Mark Strong, architect for the project, stated that the request is for a zone change for 12.6 acres of undeveloped land in Northwest Lufkin to develop a community of one and two bedroom cottages to house mentally disabled clients. Mr. Strong stated that the project will also include a community house and 27 parking spaces. Mr. Strong stated that MHMR may develop the rest of the property at a later date. The project is being funded through a TLL Temple Foundation grant.

Mr. Strong presented drawings of the project to the Commission.

Also present in representation of the request were Dr. Charles Harris, Director of the Mental Health Division of MHMR, Ward Burke representing the TLL Temple Foundation, and Thelma Roberson of the Lufkin Alliance for the Mentally Ill.

In response to question by Commissioner Kegler, Dr. Harris stated the clients will be individuals with long-term mental illness, and some of them may be in remission. Dr. Harris stated that the community will have a supervisor who will be on call in the event there is a problem at night.

In response to question, Dr. Harris stated that housing in this community is available to clients in a 12 county area, but will be predominantly from this area.

Those appearing in opposition of the request were:

John and Glenda Walker
Dan and Janey Longacre
John Irvin, Mgr. of Inverness Mobile Home Park
Mother Maria Cabrini, Infant Jesus Monastary
R. V. Welch

Points of concern were:

Flooding of Lotus Lane
Lotus Lane is a very narrow street, no curbs or sidewalks
Heavy traffic
The people will not have cars, and will be walking, which is dangerous.
The clients will have a lot of free time.
Ball park is directly behind this area where children are not carefully watched.
Clients can refuse supervision.
Character of neighborhood has changed from residential to multi-family.
Problems with Cedar Creek.
That MHMR is depending on the neighborhood to take care of the clients.
There is no all night supervision.

Ed Wareing, who resides at 1305 Broadmoor, stated that the City needs a good comprehensive drainage plan.

Thelma Roberson, President of the Lufkin Alliance for the Mentally Ill, and Ward Burke, spoke on behalf of the facility.

Paul Mayberry stated that he was representing the residents of Broadmoor and Mantooth Streets, and his concerns were the same concerns as Mother Cabrini in regard to flooding and traffic.

Commissioner Bowman stated that he agreed with everything that Mr. Burke said, but still has some concerns about the location of the facility. Commissioner Bowman stated that listening to the dialogue he had heard about the flooding, the dangerous traffic, the crime-prone neighborhood, the obvious hostility of the neighbors, and that there has been an admission that they will have a lack of supervisors, he was wondering if this if the right neighborhood. Commissioner Bowman stated that he would agree with Mother Cabrini that perhaps MHMR should look at another neighborhood for the placement of this facility.

Commissioner Kegler stated that like Mr. Mayberry he had spent most of his adult life working with the mentally handicapped, and that he had a lot of respect for Ward Burke and MHMR, but has a concern about this being the right area.

In response to question by Commissioner Simond, City Manager Maclin stated that the City Planner, the architect and a committee came up with the suggestion of a PUD (Planned Unit Development) to accomplish the concept desired by MHMR. City Manager Maclin stated that the Planned Unit Development will limit the amount of development to the property, which will limit the amount of runoff. City Manager Maclin stated that MHMR could build 47 houses on the property as it now is and not have to go through the Zone Change.

In response to question by Commissioner Bowman as to why this particular site was chosen, Dr. Harris stated that they needed at least 6 to 10 acres, wanted to keep the site development to a minimum, wanted close proximity to the City, fairly close to the trolley system, and in this price range.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that the Ordinance for Zone Change, and submission of site plan, be approved as recommended from the Planning & Zoning Commission with the addition that the City Commission would also be required to approve any further development beyond the existing site plan.

Commissioner Bowman stated that he was going to vote for Commissioner Simond's motion with one caveat, MHMR has always had a good reputation in this community for working with their neighbors, and he hopes that more than ever they will take the opportunity to do that with these particular neighbors.

Commissioner Weems stated that he would have to vote with his neighborhood, not against MHMR, in regard to the project because of their concerns.

The following vote was recorded:

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

Motion carried by a vote of 5 to 2.

(Refer to tape for discussion.)

6. **RESOLUTION - APPROVED - EXECUTION OF PURCHASE CONTRACT - GENERAL OBLIGATION REFUNDING BONDS, SERIES 1992**

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing the execution of a Purchase Contract in relation to the "City of Lufkin, Texas, General Obligation Refunding Bonds, Series 1992".

City Manager Maclin stated that the City's Bond Counsel Ed Esquivel and Bond Attorney Mike Byrd were present to represent this item.

City Manager Maclin stated in the packet under item #7 there is a memo of comparison from Mr. Byrd showing the expected results that he presented to the Commission on August 17. The memo shows why it was logical for the City to consider refinancing of existing debt of the City, and an anticipated total annual savings of $289,214. Between August 17 and October 29, the City's bond rating with Moody's went from Baa to A, and with fluctuations in the bond market, the interest savings went to $348,210.

Mr. Byrd stated that he had no comments, no presentation, other than to direct some credit towards the City of Lufkin, City Commission, and the City Administration. Mr. Byrd stated that the City was very competently represented by Mayor Bronaugh, Commissioners Kegler and Gorden, and Mr. Maclin and Mr. Mayfield at the meeting with Moodys. Mr. Byrd stated that as Mr. Maclin stated, the City's bond rating increased from a Baa, which is the minimal investment grade rating at Moody's Investor Service, to an A rating, which is a very lofty rating.

Mr. Byrd stated that Standard and Poor took a little more conservative route, but had very strong, very favorable comments about the City. Mr. Byrd stated that he is still in discussion with Standard and Poor, and he would expect some favorable action either in the near future or at least by the next borrowing the City might enter into.

In response to question by Commissioner Bowman, Mr. Byrd stated that he feels very confident with the Bonds being financed by First City Bank-Texas, and he would like to point out that the Bonds are also underwritten by the firm of A. G.

Edwards.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Resolution approving and authorizing the execution of a Purchase Contract in relation to the "City of Lufkin, Texas, General Obligation Refunding Bonds, Series 1992" be approved as presented. A unanimous affirmative vote was recorded.

(Refer to tape for discussion.)

7. **ORDINANCE - APPROVED - ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 1992**

Mayor Bronaugh stated that the next item for consideration was an Ordinance authorizing the issuance of "City of Lufkin, Texas General Obligation Refunding Bonds, Series 1992".

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance authorizing the issuance of "City of Lufkin, Texas General Obligation Refunding Bonds, Series 1992" be approved as presented. A unanimous affirmative vote was recorded.

8. **RESOLUTION - APPROVED - EXECUTION OF A "PAYING AGENT/REGISTRAR AGREEMENT" - GENERAL OBLIGATION REFUNDING BONDS, SERIES 1992**

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing the execution of a "Paying Agent/Registrar Agreement" in relation to the "City of Lufkin, Texas, General Obligation Refunding Bonds, Series 1992".

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Resolution approving and authorizing the execution of a "Paying Agent/Registrar Agreement" in relation to the "City of Lufkin, Texas, General Obligation Refunding Bonds, Series 1992" be approved as presented. A unanimous affirmative vote was recorded.

9. **RESOLUTION - APPROVED - REDEMPTION OF CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY**

Mayor Bronaugh stated that the next item for consideration was a Resolution providing for the redemption of certain outstanding obligations of the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Resolution providing for the redemption of certain outstanding obligations of the City be approved as presented. A unanimous affirmative vote was recorded.

10. **BIDS - APPROVED - TRUST PROPERTIES**

Mayor Bronaugh stated that the next item for consideration was bids on Trust properties.

City Manager Maclin stated that in the packet is one parcel of property, which is Lot 7 & 8, Block 1 of Lufkin Land, Lumber Subdivision. City Manager Maclin stated that the request is for approval of the City's prorated portion of the distribution and amount of recovery of $147.82.

City Manager Maclin stated that at an earlier meeting the City Commission had several trust properties for discussion and there were questions in regard to the method in which the sale of these trust properties were publicized and advertised.

City Manager Maclin stated that Dwayne Forse was present to answer any questions that the Commission might have.

Mr. Forse stated that his law firm began working in Angelina County in the mid-1980's through a contract with the Central Appraisal District. Mr. Forse stated that prior to his firm's tenure, another firm handled the delinquent collections in Angelina County. Through the efforts of the other firm, a number of properties had been foreclosed at the time Calame, Linebarger, Graham & Pena came into the picture, and they inherited a number of tracts and have also done some foreclosures themselves. This has added to the inventory. Eventually the building inventory of foreclosed properties initially caught the attention of the School District, LISD, and they asked the law firm what could be done about these properties. Mr. Forse stated that as a general rule, once they have foreclosed, and there were no bidders at the Sheriff's sale, then the property was bid into the taxing entities. Mr. Forse stated that generally, the law firm's job stops there, but in the spirit of public relations they agreed to help the taxing entities dispose of the properties. The first thing that had to be done is to reconstruct old foreclosure files that his firm had not handled. Mr. Forse stated that his legal assistants took the "good pile" and visited everyone of the parcels to make sure that none of the foreclosed parcels was occupied. There was in excess of 30 parcels that were found to have reasonably good title. Mr. Forse stated that some of the parcels were occupied by owners who had lived there for years and had never understood the nature of the legal proceedings that had been brought in the form of a tax foreclosure suit, and did not realize that the LISD as trustee for the other entities actually owned their property. Some of these taxes were collected voluntarily and the property deeded back to the homeowners.

Mr. Forse stated that by and large, most of the parcels are vacant lots, with some exceptions. Mr. Forse stated that he was not in real estate, nor an expert in marketing real estate, but had looked at what procedures are required by law in disposing of trust property and there is really no requirements of how it is done. Mr. Forse stated that technically an interested person could walk into the tax office and over the counter make an offer and the offer could be submitted to the City and approved or denied. There is no statutory requirements for any kind of publication of any notices. Mr. Forse stated that his firm felt that in excess of 20 parcels, the honorable thing to do and the thing that would keep everyone out of trouble would be to publish a solicitation of bids in the newspaper. Mr. Forse stated that a bid notice was published in the Lufkin News on August 8 and 9, a deadline was given, with no minimum opening bid. The time and place of where the bids would be opened was published, and that the bids be sealed. The bids were opened on September 9 at the Tax Appraisal District with Marvin Hahn and an attorney from his firm being present. The bidders were also present at the opening of the bids. Thereafter, those offers were routed to each governing body, including the City Commission. Mr. Forse stated that initially in inspecting all of these properties, before advertising, his firm always interviews adjoining property owners. In most instances, the purchaser has been the adjoining property owner. Mr. Forse stated that his firm has paid for the cost of the advertising.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Tucker Weems to approve the bid as submitted for Lots 7 and 8, Block 1, Lumber Subdivision. A unanimous affirmative vote was recorded.

11. **NAME CHANGE - APPROVED - CALDER SQUARE TO COTTON SQUARE**

Mayor Bronaugh stated that the next item for consideration was changing the name of Calder Square to Cotton Square.

Commissioner Bowman stated that Calder Square has been the name of Cotton Square for a number of years, and Cotton Square is the oldest part of the City, going back to 1882 when the railroad stopped at this point. Commissioner Bowman stated that the name "Calder" no longer has any significant location connection to the community. Commissioner Bowman stated that he would suggest that the name be changed back to Cotton Square. Commissioner Bowman stated that Dawn Glover of the MainStreet Program had visited with local merchants and there doesn't seem to be any objections.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden to change the name of Calder Square to Cotton Square. A unanimous affirmative vote was recorded.

12. **CITY COMMISSION MEETING - RESCHEDULED**

Mayor Bronaugh stated that the next item for consideration was rescheduling of the first City Commission meeting in December.

At the time the agenda was prepared for tonight's meeting it appeared that four of the Commissioners would not be present at the December 1st meeting. Because one of the Commissioners had a change in his schedule, four Commissioners will be present. The Mayor and Mayor pro tem will both be out of town and the following motion was offered.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Tucker Weems to appoint Commissioner Jack Gorden as the presiding officer at the December 1st meeting of the City Commission. A unanimous affirmative vote was recorded.

13. **BID - APPROVED - LEASE PURCHASE VEHICLES - POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was bids for lease purchase of Police vehicles.

City Manager Maclin stated that staff recommendation was to award the bid of Arendale Ford Sales Incorporated in the amount of $13,550 per vehicle (1993 Crown Victoria), with the 100,000 mile extended warranty.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that bid of Arendale Ford Sales Incorporated be accepted as submitted. A unanimous affirmative vote was recorded.

14. **PROPOSAL - APPROVED - FOOD CONCESSION - MORRIS FRANK PARK - BANCHA TUNGYOO**

Mayor Bronaugh stated that the next item for consideration was proposal for a food concession at Morris Frank Park.

City Manager Maclin stated that the Parks and Recreation Director was approached by an individual who wished to operate a concession stand at Morris Frank Park. City Manager Maclin stated that because this is public property, staff felt the request should go through a bidding process. After the bids and proposals were requested, only one bid was received.

If the request is approved, it would proceed on a permit fee based on sales. The proposed contract will be approved through December 31, 1992, and if the applicant wishes to continue, the contract will be re-negotiated. If the Contract is renewed, a quarterly financial statement will be required.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that bid of Bancha Tungyoo to operate a concession at Morris Frank Park be approved as presented. A unanimous affirmative vote was recorded.

15. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 7:50 p.m. to enter into Executive

Session. Regular session reconvened at 8:03 p.m. and Mayor Bronaugh stated that the Commissioners had discussed a legal matter relating to the next item on the agenda (Betts Pumping Service contract at the Wastewater Treatment Plant).

16. **CONTRACT - RELEASE AGREEMENT - APPROVED - BETTS PUMPING SERVICE - WASTEWATER TREATMENT PLANT**

Mayor Bronaugh stated that this item had been discussed in Executive Session.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Tucker Weems authorizing the City Attorney to draft a release agreement between the City of Lufkin and Betts Pumping Service relating to the contract at the Wastewater Treatment Plant. A unanimous affirmative vote was recorded.

17. **COMMENTS**

Commissioner Simond requested that a Charter revision related to changing the name of Commissioner to Councilman be addressed on the next agenda.

City Manager Maclin requested that a called meeting be held next Monday to consider a Resolution for a grant application agreement for a joint recycling program with the City of Nacogdoches. It was the consensus of opinion by members of the Commission that the Mayor write a letter on behalf of the City Commission supporting the Resolution.

City Manager Maclin stated that the next meeting of the Bond Election Committee would be held on Tuesday, November 10 at 6:00 p.m. in Room 202 of City Hall.

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

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary