

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF OCTOBER, 1990, AT 5:00 P.M.

On the 16th day of October, 1990, 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, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Ron Wesch	Public Works Director/ Assistant to City Manager
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Charles McIlveene, Minister, First Baptist Church.
2. Mayor Bronaugh welcomed visitors present.
3. APPROVAL OF MINUTES

Minutes of regular meeting of October 2, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ANNEXATION/PERMANENT ZONING - FM 58

Mayor Bronaugh opened Public Hearing for annexation and permanent zoning of property located along FM 58. Mayor Bronaugh stated that a previous Public Hearing for this property was tabled pending the completion of the sewer line extension from a prior annexation.

No one in the audience spoke for or against the annexation.

Mayor Bronaugh closed Public Hearing.

Commissioner Bowman stated that he has received complaints from some people in the area who have not yet received sewer service and he had been assured by Mr. Wesch that this had been completed.

Mr. Wesch stated that there are 10 to 12 homes left to be added to the sewer line and they should be added on within the next 30 days unless weather interferes.

Mr. Wesch stated that sewer service for the pending annexation will not be installed until the summer of 1992.

Mayor Bronaugh stated that another Public Hearing and First Reading of the Ordinance is scheduled for November 6th.

5. ORDINANCE - APPROVED - SECOND READING - TMRS PROVISIONS

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance adopting new TMRS provisions.

In response to question by Commissioner Mayberry, City Manager Westerholm stated that the City will not incur any cost for the period of probationary employment in this fiscal year, but will incur some costs in 1992.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance adopting new TMRS provisions be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - DIXON ABNEY - 115 EAST LUFKIN AVENUE - CENTRAL BUSINESS TO COMMERCIAL, SPECIAL USE (CERAMIC SHOP)

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Zone Change requested by Dixon Abney, President of Abney and Medford Hardware, Inc., covering property located at 115 East Lufkin Avenue from Central Business to Commercial, Special Use (Ceramic Shop), contingent upon a favorable report by the Fire Marshal and final site plan approval.

City Manager Westerholm stated that there was some concern at the Planning and Zoning Commission meeting about the electric kiln to be installed at this location, but the Fire Marshal has answered those concerns. Fire Marshal Clayton Havard stated that he has inspected the building and has given his approval of the operation.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that Ordinance for Zone Change be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - ZONE CHANGE - FIRST READING - DOMINGO CARDENAS - 604 SHADY PINE - RESIDENTIAL LARGE TO RESIDENTIAL SMALL

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change requested by Domingo Cardenas covering property located at 604 Shady Pine from Residential Large to Residential Small.

Mayor Bronaugh stated that the Zone Change request had been unanimously recommended by the Planning and Zoning Commission to the City Commission.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that Ordinance for Zone Change be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. QUIT CLAIM DEED - APPROVED - KENNETH SMITH - BRENTWOOD DRIVE AND WHITE HOUSE

Mayor Bronaugh stated that the next item for consideration was a request from Kenneth Smith for a quit claim deed to property vacated near Brentwood Drive and White House.

City Manager Westerholm stated that a map of the area to be discussed had been passed out to the Commissioners.

City Attorney Flournoy stated this is property that the City has voluntarily abandoned. Mr. Flournoy stated that a portion of the property was used for Brentwood Drive before it was rerouted. Mr. Flournoy stated that the property was never deeded to the City, and the City only had a prescriptive easement. Mr. Flournoy stated that, in his opinion, the property should be deeded back to the respective property owners off of whose property it came. Mr. Flournoy stated that this is not one of these situations where the City can charge for the property because once they ceased to use it the prescriptive easement is gone and the property basically reverts back to them. Mr. Flournoy stated that a portion of the property on the south side should go to Kenneth Smith, but the rest of the property should be deeded back to adjoining owners (property shown above

the heavy line on the map). Mr. Flournoy stated that one of the things he would require of the property owners is some title opinion to satisfy the City that there has in fact never been a deed to the City. Mr. Flournoy stated that he would like to have some assurance from the abstract company that the City does not have any legal title to it and once they supply that, it is the City's responsibility to deed it back to the property owners reserving any easements for water and sewer lines. Mr. Flournoy stated that it is important to get the full easement prior to conveying the property back to the property owners.

Mr. Flournoy stated that he is assuming that the property on the north side is the Herrington property that is being conveyed to Wal-Mart.

In response to question by Commissioner Roper, Mr. Flournoy stated that there has been a recent survey by Dean Leggett.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper authorizing a transfer of property on Brentwood Drive at White House Drive by Quit Claim Deed to Kenneth Smith subject to proper easements and subject to title information. A unanimous affirmative vote was recorded.

9. INVOICE - APPROVED - EGA - WASTEWATER TREATMENT PLANT RENOVATIONS

Mayor Bronaugh stated that the next item for consideration was an invoice from Everett Griffith and Associates for Wastewater Treatment Plant renovations.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that invoice from EGA in the amount of \$2,088 be approved as submitted. A unanimous affirmative vote was recorded.

10. AUTHORIZATION - DISCUSSED - FEDERAL OPERATING GRANT APPLICATION - ZOO

Mayor Bronaugh stated that the next item for consideration was authorization for the Zoo to make application for a Federal Operating Grant.

Gordon Henley, Zoo Director, stated that the Grant is basically for operating funds and cannot be used for repairs or building maintenance.

Mr. Henley stated that this is an Institute of Museum Services operating grant, a funding source that they have provided for a number of years to 13 different organizations including zoos and museums. Mr. Henley stated that he had submitted a copy of allowable and unallowable costs with his letter to the City Manager. The minimum amount of the grant is \$5,000, and the maximum amount is up to 10% of the Zoo's operating budget (\$32,000), up to a maximum of \$75,000.

Mr. Henley stated that he would like to utilize the money by making some operational improvements, to upgrade their educational program, to hire a temporary person to assist in the educational program, or to upgrade the telephone system. Mr. Henley stated that most of the things that he wants to do are "one-shot" things that the grant application could help them do without having a long term impact that the City will have to keep paying for year after year.

In response to question by Commissioner Bowman, Mr. Henley stated that this is a one time grant, but you are eligible to apply every year. Mr. Henley stated that this is a peer reviewed grant and the application he submits is sent to seven other Zoo Directors that operate zoos approximately the size of Lufkin's zoo and they evaluate the services that are provided based on an admissions statement he provides. Mr. Henley stated

that the application is graded and a recommendation is made to IMS where the grants are standardized statistically. The grants are ranked numerically and money is given out on that ranking until the money runs out.

Commissioner Bowman stated that he would like to see how the funds would be utilized before the grant application gets too far along.

Commissioner Mayberry stated that he would like for the City Commission to review the application before it is submitted. Mr. Henley stated that the deadline for the application is November 2nd.

City Manager Westerholm stated that there will not be another City Commission meeting before the application is due, but it can be circulated to members for their review prior to the deadline.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden authorizing the Zoo Director to make application for a Federal Operating Grant. A unanimous affirmative vote was recorded.

11. COMPREHENSIVE MASTER PLAN - DISCUSSED - REVIEW AND UPDATING

Mayor Bronaugh stated that the next item for consideration was review and updating of the Comprehensive Master Plan, which was completed in 1987.

Mayor Bronaugh stated that there have been some things done since the Comprehensive Plan was approved which will directly or indirectly affect the City, and he would like for the Committees to meet and review the Plan. (A list of those who served on the Comprehensive Master Plan committee was included in the Commissioners packets.)

In response to question by Commissioner Bowman, Mayor Bronaugh stated that he did not think it was necessary to bring in an outside Planner to make the changes and, in his opinion, they could be done in-house. Commissioner Gorden stated that there needs to be some kind of professional guidance in making any changes.

Commissioner Roper stated that there were some goals that were given in each of the areas where there were committees established and the City needs to be updated as to what the goals were and what has been done in the past three years that address those goals: Commissioner Roper stated that Ms. Ellison could give the Commission an overview of these particular areas that the committees had met on, and what the City has done subsequently. Commissioner Roper stated that if there are areas in her opinion that she feels like have not proceeded she could bring them to the attention of the Commission before the committees are reorganized to address those problems.

Mayor Bronaugh stated that he and the City Manager and Rita Ellison could meet and discuss this item and get back to the Commission.

12a. BID - APPROVED - FIREMEN AND EMS UNIFORMS - SYSCO, INC.

Mayor Bronaugh stated that the next item for consideration was bids for uniforms for the firemen and EMS.

City Manager Westerholm stated that the low bid for uniforms had been received from Sysco, Inc. and the Fire Department has recommended acceptance of the bid.

In response to question by Commissioner Boyd, Chief Snyder stated that each fireman is issued two sets of uniforms every six months. Chief Snyder stated that if a uniform is destroyed while fighting a fire another uniform will be issued to the

firefighter. Chief Snyder stated that turnout gear, helmets, gloves and boots are also purchased out of this budget.

In response to question by Commissioner Mayberry, Chief Snyder stated that the firemen are not required to turn in old uniforms but they must turn in old bunker gear before new gear is given out. Chief Snyder stated that firemen are required to remove the patches from their old uniforms and are encouraged to turn them in to the Fire Department.

In response to question by Commissioner Bowman, Chief Snyder stated that the budgeted figure for uniforms for firemen and EMS is \$22,750, which includes \$500 per man for turnout gear.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that the bid of Sysco, Inc. be accepted as the low bid. A unanimous affirmative vote was recorded.

12b. BID - REJECTED - VEHICLE FOR CODE ENFORCEMENT OFFICER

Mayor Bronaugh stated that the next item for consideration was bids for a vehicle for the Code Enforcement Officer.

City Manager Westerholm stated that the bid specifications were sent out for a high axle vehicle and three bids were received. The low bid of \$14,415.75 was received from Al Meyer Ford. The budgeted amount for this vehicle was \$13,000. City Manager Westerholm stated that he was under the impression that the bid would be for a 4-door sedan, but Mr. Williams felt like he needed a high axle vehicle for driving over rough lots.

Commissioner Bowman stated that he would like to see this vehicle rebid for another type vehicle.

Commissioner Simond stated that he had talked with Mr. Williams and he agrees that this vehicle is a little excessive and he is willing to rebid for a lower priced car.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman to reject all bids and to rebid this item at a later date. A unanimous affirmative vote was recorded.

Commissioner Mayberry suggested looking at end-of-the year models.

12c. BIDS - APPROVED - VEHICLES - SANITATION DEPARTMENT - STREET DEPARTMENT - ANGELINA AUTOPLEX

Mayor Bronaugh stated that the next item for consideration was bids on vehicles for the Sanitation and Street Departments.

City Manager Westerholm stated that bids had been received for one one-half ton pickup for the Sanitation Department and two 3/4 ton pickups for the Street Department. City Manager Westerholm stated the low bid had been received from Angelina Autoplex. The budgeted amount is \$13,000.

Commissioner Mayberry stated that he would like to see a policy written dealing with air conditioning service trucks. Commissioner Mayberry stated that it might be worth considering the difference in the price of vehicles with air conditioning and without air conditioning.

Mr. Wesch stated that he has recommended purchasing diesel vehicles.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that bid of Angelina Autoplex for one 1/2 ton pickup in the amount of \$11,297.08 and two 3/4 ton diesel pickups in the amount of \$14,149.11 each be accepted as the low bid. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Regular meeting adjourned at 5:52 p.m. for Executive Session. Mayor Bronaugh reconvened regular session at 6:40 p.m. and stated that litigation, dilapidated houses, real estate matters and appointments to the Civil Service Commission, Planning and Zoning Commission and the Examining and Supervising Board of Electricians had been discussed.

City Attorney Flournoy stated that the City has been in litigation with Buel Puryear, Captain in the Fire Department, and there had been some question regarding his accumulated sick leave and vacation time. Mr. Flournoy stated that a settlement of \$25,000 for his sick leave has been offered subject to approval by the City Commission, and the Firemen's Pension Board paying him for three months service retirement.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that recommendation by City Attorney Bob Flournoy that the City pay Buel Puryear the sum of \$25,000 for his accumulated sick leave be approved. A unanimous affirmative vote was recorded.

City Attorney Flournoy recommended the following dilapidated houses for demolition:

1. 609/611 Williams (several buildings)
2. 1904 Fairy Drive
3. 709-1/2 Highland Street
4. 601 Setliff
5. 1902 Fairy Drive and Keltys
6. North Avenue and Pine Street
7. Culverhouse and James

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that dilapidated houses as recommended for demolition by the City Attorney be approved as submitted. A unanimous affirmative vote was recorded.

14. FULLER SPRINGS WATER WELL - SALE APPROVED - CITY OF HUNTINGTON

Mayor Bronaugh stated that the Fuller Springs Water Well had been appraised at \$50,026, and authorization was needed by the City Commission to sell the well to the City of Huntington.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond to approve the sale of the Fuller Springs Water Well to the City of Huntington for the appraised amount of \$50,026. A unanimous affirmative vote was recorded.

15. APPOINTMENTS - APPROVED - CIVIL SERVICE COMMISSION - ROD PITTMAN - EXAMINING AND SUPERVISING BOARD OF ELECTRICIANS - EUGENE McCLAIN

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Eugene McClain be reappointed to the Examining and Supervising Board of Electricians, contingent upon his willingness to serve. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Rod Pittman be reappointed to the Civil Service Commission. A unanimous affirmative vote was recorded.


Mayor Bronaugh stated that the City Commission had received a letter of resignation from Dr. Ned Barrett, Jr. who is presently serving as Vice Chairman on the Planning and Zoning Commission.

16. COMMENTS

Mayor Bronaugh stated that the City of Lufkin will be celebrating it's 100th birthday on Friday, October 19th from 4 to 6 p.m. with an Open House.

Mayor Bronaugh stated that 48 applications for the position of City Manager had been received and a committee composed of himself, Commissioner Simond and Commissioner Mayberry were reviewing the applications at this time.

17. There being no further business for discussion, meeting adjourned at 6:53 p. m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary