

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON THE
4TH DAY OF FEBRUARY, 1992 AT 5:00 P.M.

On the 4th day of February, 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
Percy Simond, Jr.
Don Boyd
Danny Roper
Bob Bowman
Jack Gorden
Paul Mayberry

Mayor
Commissioner, Ward No. 1
Commissioner, Ward No. 2
Commissioner, Ward No. 3
Commissioner, Ward No. 4
Commissioner, Ward No. 5
Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. L. D. Bell, Minister, Mt. Olive Baptist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of January 21, 1992 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. **MAIN STREET LUFKIN - APPRECIATION STATEMENT - DON DURAN**

Mayor Bronaugh stated that the first item for consideration was a letter of appreciation to be presented to the City Commission by Don Duran, President of Main Street Lufkin.

Mr. Duran thanked the Commission for their assistance in the Downtown Christmas Lighting Project, for their backup support at Winterfare, and for help with the Cotton Square project. Mr. Duran expressed a special thank you to the Mayor, City Manager, Ron Wesch, Bobby Cheatham, Don Hannabas and Mike Sandlin. Mayor Bronaugh stated that all of these projects were a success due to the combined efforts by a great number of people.

5. **ORDINANCE - APPROVED - SECOND READING - GREASETRAPS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Greasetrap Ordinance.

Mayor Bronaugh stated that there had been no objections when this Ordinance was discussed at last meeting, however, there was considerable discussion as to what the City will do with the grease once it is pumped from the greasetraps. Asst. City Manager Ron Wesch stated that he is still working on getting a facility located within the City limits of Lufkin for the disposal of grease from the greasetraps as opposed to carrying this pumpage to Tyler. Mr. Wesch stated that he is working with the same company as the City of Tyler is using, and he will meet with them next week. Mr. Wesch stated that there is a possibility that this problem will be resolved within the next 60 days.

In response to question by Commissioner Bowman, Mr. Wesch stated that the grease from the greasetraps is not allowed at the sewer plant or the landfill.

In response to question by Commissioner Roper, Mr. Wesch stated that he is currently working on a figure that would be half the rate that the current pumpers charge when they have to take the pumpage to Tyler for disposal. Mr. Wesch stated that it costs a local pumper \$300 to dispose of a 500 gallon tank in Tyler. Mr. Wesch stated that he anticipates a charge of 25 to 30 cents per gallon if the pumpage is disposed of locally.

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

6. ORDINANCE - APPROVED - AMENDMENT TO ZONING ORDINANCE - SECOND READING - ESTABLISHMENT OF NEW ZONING DISTRICT CLASSIFICATION - RESTRICTIVE PROFESSIONAL OFFICE DISTRICT (RPO)

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment to the Zoning Ordinance by the establishment of a new zoning district classification to be known as Restrictive Professional Office District "RPO".

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Ordinance amending the Zoning Ordinance by establishing a new zoning district classification to be known as "Restrictive Professional Office District" (RPO) be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - AMENDMENT TO ZONING ORDINANCE - SECOND READING - AMENDING DEFINITIONS - "ACCESSORY BUILDING" - "CUSTOMARY HOME OCCUPATION"

Mayor Bronaugh stated that the next item for consideration was Second Reading of Amendments to the Zoning Ordinance by amending the definitions of "Accessory Building" and "Customary Home Occupation".

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Ordinance amending the definitions of "Accessory Building" and "Customary Home Occupation" in the Zoning Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - CLASSIFICATION PLAN - FIRE DEPARTMENT - LOWERING HIRING AGE FROM 21 TO 18 YEARS OF AGE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance adopting Classification Plan for the Fire Department, and lowering the hiring age in the Lufkin Fire Department from 21 years of age to 18 years of age.

City Manager Maclin stated that included in the packet was a letter from the Fire Chief and a unanimous recommendation of approval from the Civil Service Commission regarding this request. The Manager stated that the latter part of this recommendation, lowering the hiring age from 21 to 18 years of age, was discussed at a joint meeting of the City Commission and the Civil Service Commission in December of last year. The Manager stated that the State minimum is 18 years of age, and the Fire Department has traditionally been 21 years of age. The Manager stated that this was an opportunity to possibly improve some minority hiring opportunities by allowing 18 year olds to take the Civil Service exam as opposed to waiting until 21 when they have had the opportunity to go elsewhere.

The Manager stated that the first part of the recommendation deals with reclassification of three positions. The Manager stated that this does not reduce any personnel in the Department in terms of numbers, but rather reclassifies three Driver/Engineer positions to a firefighter position.

Chief Snyder stated that basically the presentation he made to the Civil Service Commission was that under the current Classification Plan for the Fire Department there were three Drivers who did not have permanent assignments. Chief Snyder stated that by giving these three Drivers permanent assignments it would have increased the Department's overtime budget and also the step-up budget. Chief Snyder stated that, in his opinion, these three Driver/Engineers were a by-product of the selling off of some equipment that was no longer needed. Chief Snyder stated that he did not recommend reducing these three positions until he had looked at all the possible alternatives of using these personnel, but he was not able to come up with anything that would not have a negative impact on the Fire Department budget. Chief Snyder stated that it was finally decided to do away with these three positions through attrition. Chief Snyder stated that no firefighter will be penalized by being demoted or terminated. Chief Snyder stated that by doing away with these three positions it would give the Fire Department an increase in the number of firefighters and only decrease drivers by three. Chief Snyder stated that this is being done based on economy and efficiency of the budget.

In response to question by Commissioner Boyd, Chief Snyder stated that there is one Driver/Engineer at Substations 3, 4 and 5. Chief Snyder stated that there are three Driver/Engineers on each shift at Central Station.

In response to question by Commissioner Boyd, Chief Snyder stated that the Driver/Engineer is the one that is assigned to the fire truck, but if that vehicle happens to be on an emergency run, then the Captain at the Station would take the vehicle to the fire call. Chief Snyder stated that in the event the Driver/Engineer is on vacation a firefighter can step-up and drive the fire truck. Chief Snyder stated that in many cases, it depends upon the level of expertise of the individual as to who will end up driving the EMS unit. Chief Snyder stated that normally the higher ranking or higher qualified individual will be in the back of the ambulance and not necessarily driving even if he happens to be the Driver/Engineer. Chief Snyder stated that in order to provide the citizen the highest level of care possible, the highest level of EMS personnel is in the back of the ambulance.

In response to question by Commissioner Boyd, Chief Snyder stated that at Station 3 on Atkinson Drive there is one front line ambulance, one front line pumper and one reserve pumper (the reserve pumper is not manned as a front line piece of equipment).

In response to question by Commissioner Boyd, Chief Snyder stated that on all fire calls two engines respond--Engine 1 responds to every fire call in the City, and normally carries two to three men on the unit at all times. Chief Snyder stated that the rescue truck also responds on every fire and carries two men and sometimes more. Chief Snyder stated that the rescue trucks primary responsibility is fire although the majority of their work is in EMS and first response.

In response to question by Commissioner Boyd, Chief Snyder stated that the first man on the scene can do some things by taking command of the scene until other units arrive and let them know what the situation is, where the fire hydrants are, and where to begin the firefighting activities. Chief Snyder stated that this is not the best situation but again this is what he has to work with.

In response to question by Mayor Bronaugh, Chief Snyder stated that he has suggested eliminating these positions through attrition so that no one would loose any pay. Chief Snyder stated that this will reduce the promotional opportunities by three, but will not reduce the total manpower.

Commissioner Simond stated that he has some reservations about this Ordinance, and since the Civil Service Commission, as an autonomous body has approved this Ordinance, he did not understand why it was being presented to the City Commission. Commissioner Simond stated that, in his opinion, the administration should not ride

rough shod over people, and the administration should not arbitrarily take away something from someone and not think that they will be unhappy about it. Commissioner Simond stated that he also has some reservations about the attitude of the firemen concerning the Pt. Arthur Plan. Commissioner Simond stated that he did not understand reducing a persons promotional opportunities.

In response to question by Commissioner Simond, Chief Snyder stated that eliminating these three positions will actually reduce the cost of manpower to the budget by \$1,800 in salary expenses per year.

Commissioner Simond stated that Long Associates recommendation was for four men to be at each Fire Station.

In response to statement by Commissioner Simond regarding a fire on Cairo Street, Chief Snyder stated that there was a closer hydrant to the fire. Chief Snyder stated that he would like it to be known that he totally agrees with what the first responding Captain did in response to the fire--he was a one-man unit , and the information he had when he left the Fire Station was that he had a house fire with two people trapped inside. Chief Snyder stated that his first responsibility as a firefighter is to save lives--he took the shortest, most expedient route to the house. Chief Snyder stated that while this route may not have been the best for fighting the fire, it was definitely the best for saving lives. Chief Snyder stated that, in his opinion, it was the media that distorted the facts in this case.

In response to statement by Commissioner Simond, Chief Snyder stated that the firemen in this instance did not get lost. Chief Snyder stated that the Fire Department has street testing on a regular basis and there are large expensive maps at the Stations to study and check where they are going before they leave on a call.

In response to question by Commissioner Simond, Chief Snyder stated that the Haz-Mat team is a sub-response of the rescue team manpower truck. Chief Snyder stated that the Fire Department could not afford to put six to nine men to man this unit full time to wait for a Haz-Mat incident.

John McCann, President of the Firefighters Association of Lufkin, stated that he was representing the firefighters and not just himself. Mr. McCann passed out handout material to the Commissioners. Mr. McCann stated that the firefighters feel that there is a need in the Department for the position of Driver/Engineer position. Mr. McCann stated that he is a firefighter/paramedic.

Mr. McCann stated that the position has been filled three times since the loss of the ladder truck in 1988. Mr. McCann stated that in the Department's job description of Driver/Engineer it states: Drives Fire Department EMS emergency equipment and apparatus, maintains apparatus and equipment records as required by the Fire Station. Mr. McCann stated that the firefighters have suggested alternatives they feel are viable and will work within the Department. Mr. McCann stated that the first alternative, as backed by the Long Associates survey of 1985, would be to assign the Driver/Engineer to Station No. 4. Mr. McCann stated that Station No. 4 houses the ladder truck and the ladder truck is responsible for responding to all multi-story, multi-unit and industry fires. Mr. McCann stated that Station No. 4 is an EMS station and makes the most runs. Mr. McCann stated that on page 49 of the study, the consultant has recommended two Driver/Engineers for Station No. 4.

Mr. McCann stated that on page 2 of the handout material, there is an excerpt from the NFPA handbook "Organization for Fire Protection", which relates to the size of a crew of a company. Mr. McCann stated that if the City went with the recommendation of Long Associates on page 49 of their study, it would not be necessary to increase manpower, and you would still come up with the six Driver/Engineers appropriately positioned in the Department. Mr. McCann stated that the firefighters feel that the cost, the maximum savings of \$3,000, justifies the position.

Mr. McCann stated that at Station No. 4 for a one year period there were 1,019 ambulance runs, which left the station with one man. Mr. McCann stated that the minimum amount of time for the crew being gone was two hours, and as long as eight hours if it was an out of town run.

Mayor Bronaugh stated that if there is this much interest in this request, he would suggest that a Workshop be scheduled for further discussion.

Mr. McCann stated that his request would be for the Commission to table the vote on this Ordinance and select a mediator and have a meeting between the Fire Department and the City Commission before making a decision on eliminating this position.

In response to question by Commissioner Boyd, the Manager stated that in this particular situation there is an Ordinance, and part of the Civil Service says that the City Commission establishes this Ordinance--the Civil Service Commission cannot establish an Ordinance the same way the City Commission can. The Manager stated that the Civil Service Commission can govern, and they can make interpretations of State Civil Service statutes, but there are some things such as the Ordinance that governs the manning totals by classification, that is this bodies responsibility.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance be approved on First Reading as presented, and that the hiring age in the Fire Department be lowered from 21 years of age to 18 years of age.

The following vote was recorded:

Aye - Commissioners Roper, Gorden, Bowman, Mayberry, Mayor Bronaugh

Nay - Commissioners Simond and Boyd

Motion carried by a vote of 5 to 2.

Commissioner Bowman requested a copy of the Long Associates study and a report from the Chief as to how many of the recommendations the Fire Department has implemented.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - JACK R. POWELL - RESIDENTIAL LARGE TO LOCAL BUSINESS, SPECIAL USE (GOLF DRIVING RANGE) - SOUTH JOHN REDDITT DRIVE BETWEEN HURRICANE CREEK AND SCENIC ACRES MOBILE HOME PARK

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a zone change as requested by Jack R. Powell from Residential Large to Commercial on approximately 6.9 acres of land fronting the south side of John Redditt Drive between Hurricane Creek and the Scenic Acres Mobile Home Park.

City Manager Maclin stated that an overview of the request has been included in the Commissioner's packets with a recommendation by unanimous vote of the Planning & Zoning Commission that the zone be changed from Residential Large to Local Business with a Special Use for a golf driving range. The Manager stated that the request is subject to site plan approval of the driving range.

In response to question by Mayor Bronaugh, Mr. Powell stated that he will be developing the golf driving range on the high side of the property and it should not interfere with any plans for the fitness trail.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - FIRST READING - AMENDMENT TO ZONING ORDINANCE - ESTABLISHMENT OF NEW ZONING DISTRICT - SINGLE-FAMILY DWELLING/MIXED USE "SF/MX"

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for an amendment to the Zoning Ordinance by the establishment of a new zoning district classification to be known as Single-Family Dwelling/Mixed Use "SF/MX".

City Manager Maclin stated that the Planning & Zoning Commission has been working on this for some time trying to establish a compromise alternative to the method of issuance of permanent home permits in the past. The Manager stated that the attempt was to try and maintain some of the benefits permanent mobile home permits that had been issued, while at the same time removing the subjectivity aspects of the permitting process. The Manager stated that after a lot of discussion, the Planning and Zoning Commission has agreed that the "SF/MX" single-family dwelling/mixed used zoning would be an appropriate alternative and compromise, and accomplish some of the same benefits as the permitting process of the past, but at the same time eliminating some of the subjectivity difficulties.

The Manager stated that it will be a lengthy process to go through and determine what areas of the Residential Small classification that currently exist will meet the qualifications for the new zone. The Manager stated that there will be an on-going process by the Planning Department to evaluate those areas, and eliminate those areas that cannot meet the qualifications (those areas that already have deed restrictions). The Manager stated that in the meantime there could be requests from the public for consideration of areas prior to staff's ability to get all the answers to the questions before they are asked.

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

Commissioner Roper stated that he would like to express his appreciation to City Planner Abraham for taking this issue, investigating it thoroughly, bringing the Planning & Zoning Commission and the City Commission together, and coming up with a good solution to a problem that has existed for years.

11. ORDINANCE - APPROVED - FIRST READING - ESTABLISHMENT OF CERTAIN PHYSICAL REQUIREMENTS - ZONING CLASSIFICATION OF MOBILE HOME "MH", MANUFACTURED DWELLING "MD", OR SINGLE-FAMILY DWELLING/MIXED USE "SF/MX"

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for establishing certain physical requirements for single-family residential dwelling structures located within the city limits on property with a zoning classification of Mobile Home "MH", Manufactured Dwelling "MD", or Single-Family Dwelling/Mixed Use "SF/MX".

City Manager Maclin stated that this is further continuation to clean up some definitions and specifics. The Manager stated that under the SF/MX a mobile home and a built home will be treated under the same circumstances, so that a mobile home would come in and get a building permit just like someone who would build a new home. The Manager stated that the purpose of this Ordinance is to make the changes in the Zoning classification necessary to bring this about.

Mr. Abraham stated that three Ordinances were discussed in the Workshop sessions, and two of them have been presented tonight. Mr. Abraham stated that the third Ordinance will be presented to the Commission for consideration at the March 4th

meeting.

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

12. INVOICE - APPROVED - ANGELINA COUNTY LANDEILL - STATE MANDATED SURCHARGES

Mayor Bronaugh stated that the next item for consideration was payment of an invoice from Angelina County landfill for State mandated surcharges.

City Manager Maclin stated that the City had been paying 17 cents per cubic yard, and State legislature has increased the fee to 50 cents per cubic yard. The Manager stated that even though a written copy of the new regulations was not available to local government entities until November, they made it retroactive back to September, 1991. The Manager stated that the County has been billed for this increase of 33 cents per cubic yard and now they are passing that increase onto the City. The Manager stated that the money is all going to the new Texas Water Commission Super Agency.

The Manager stated that he is requesting that the Commission give approval to pay this invoice to the County and use the Contingency Fund to supplement the difference. The Manager stated that contingencies were budgeted in the Solid Waste Fund.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that invoice from the Angelina County landfill for State mandated charges in the amount of \$14,741.10 be approved as submitted, and that the Contingency Fund of the Solid Waste Fund be amended accordingly. A unanimous affirmative vote was recorded.

13a. BID - APPROVED - TRACTORS/MOWERS - PARKS & RECREATION - JASPER EQUIPMENT COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for tractors and mowers to be used in the Parks and Recreation Department.

The Manager stated that staff was recommending the low bid of Jasper Equipment Company in the amount of \$31,853.90.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that bid of Jasper Equipment Company in the amount of \$31,853.90 be accepted as submitted. A unanimous affirmative vote was recorded.

13b.. BID - APPROVED - TRACTOR - RECYCLING DEPARTMENT - W. A. DUBOSE

Mayor Bronaugh stated that the next item for consideration was bids for tractor to be used in the Recycling Department.

The Manager stated that staff was recommending the low bid of W. A. Dubose in the amount of \$12,755.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that bid of W. A. Dubose in the amount of \$12,755 be accepted as submitted. A unanimous affirmative vote was recorded.

13c. BID - APPROVED - ASPHALT COMPACTOR - STREET DEPARTMENT - SPI MUNICIPAL SUPPLY

Mayor Bronaugh stated that the next item for consideration was bids for asphalt

compactor to be used in the Street Department.

The Manager stated that staff was recommending the low bid of SPI Municipal Supply in the amount of \$2,285.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of SPI Municipal Supply in the amount of \$2,285 be accepted as submitted. A unanimous affirmative vote was recorded.

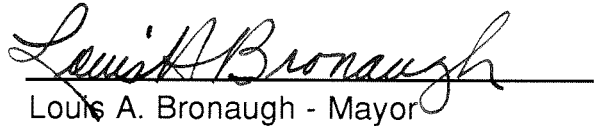
14. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:33 p.m. to enter into Executive Session. Regular session was reconvened at 7:05 p.m. and Mayor Bronaugh stated that the Commission had discussed personnel and real estate matters, and no decisions were made in Executive Session.

15. **COMMENTS**

Commissioner Mayberry stated that, in his opinion, there are people within the administration to handle problems or situations such as the situation with the Fire Department discussed in item #8. Commissioner Mayberry stated that Mr. McCann suggested bringing in a mediator, and, in his opinion, this would undercut the system. Commissioner Mayberry stated that this concerns him because decisions would be taken out of the local hands and someone who is not involved in the system would be making a decision that affects the City.

16. There being no further business for consideration, meeting adjourned at 7:15 p.m.


Louis A. Bronaugh - Mayor

ATTEST:


Atha Stokes - City Secretary