

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF MAY, 1989, AT 5:00 P.M.

On the 16th day of May, 1989, 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
Danny Roper	Commissioner, Ward No. 3
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Don Boyd	Commissioner, Ward 2
Bob Bowman	Commissioner, Ward 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Michael Gillen, Minister, Bethel Assembly of God.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of May 2, 1989 and minutes of Special meeting of May 9, 1989 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - BUILDING PERMITS LIMITED TO 30 DAYS

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance authorizing the City Building Official to limit building permits to 30 days under certain conditions.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - RESCHEDULED - FIRST READING - ZONE CHANGE - CECIL C. BERRY - 911 O'QUINN - RS TO LB ON LOT 10 - RS TO LB, SU (WITH RESTRICTIONS THAT OPERATING HOURS ARE FROM 6:00 A.M. TO 8:00 P.M.; SIGHT BEARING FENCE TO THE SIDE OF PROPERTY TO PROTECT RESIDENTIAL AREA; WITH NO FURTHER EXPANSION TO THE BUILDING; AND, PARKING AS IS WILL BE SATISFACTORY) ON LOT 11

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change request by Cecil C. Berry, covering property located at 911 O'Quinn from Residential Small to Local Business on Lot 10, and from Residential Small to Local Business, Special Use on Lot 11 with restrictions that operating hours are from 6:00 a.m. to 8:00 p.m.; sight bearing fence to the side of property to protect residential area; and, parking as is will be satisfactory.

Applicant was not present and First Reading of Ordinance was rescheduled for June 6, 1989.

6. CONTRIBUTION - ACCEPTED - TLL TEMPLE FOUNDATION - CLEAN-UP PROGRAM IN NORTH LUFKIN

Mayor Bronaugh stated that the agenda had been amended to accept a contribution by the TLL Temple Foundation for a clean-up program in North Lufkin.

Mayor Bronaugh recognized Ward Burke who made the presentation to the Commission. Mr. Burke stated that the Temple Foundation had received a letter from Commissioner Percy Simond requesting some funds to assist in a program to clean-up and beautify North Lufkin. Mr. Ward stated that the Board of Trustees had approved the grant in the amount of \$10,500.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Paul Mayberry to accept a contribution from the TLL Temple Foundation in the amount of \$10,500 for the clean-up program in North Lufkin. A unanimous affirmative vote was recorded.

7. AMENDMENT TO ORDINANCE NO. 2702 - ZONE CHANGE OF A PUD - CROWN COLONY - SECTION VI-B-2

Mayor Bronaugh stated that the next item for consideration was an Amendment to Ordinance No. 2702 for a Zone Change of a PUD for Crown Colony, Section VI-B-2.

Mayor Bronaugh recognized Philip Goodwin in representation of the request. Mr. Goodwin stated that the developer has now decided to develop a section set aside as "Reserve A" which had been approved in January and now needs City Commission approval to amend the original Ordinance No. 2702.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Percy Simond that First Reading of Amendment to Ordinance No. 2702 be approved as presented. A unanimous affirmative vote was recorded.

8. DELETION OF SECTION 1 OF ARTICLE 16 SPECIAL USES - APPROVED - ZONE CHANGE FOR GOVERNMENT BUILDINGS

Mayor Bronaugh stated that the next item for consideration was deletion of Section 1 of Article 16 Special Uses - requirement for special use Zone Change for government building.

City Attorney Flournoy stated that the present Ordinance is confusing since this is the only activity regulated by ownership and not by its actual use.

City Attorney Flournoy stated that the amended Section (1) of Article XVI reads: "Any property used partially or wholly by the City, State, County, or Federal Government, the use of which is not permitted by the same or similar classification in any other zone."

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that the deletion of Section (1) of Article XVI Special Uses of the Zoning Ordinance be approved as submitted. A unanimous affirmative vote was recorded.

9. WASTE HAULER SYSTEM - APPROVED - ADOPTION OF RATES

Mayor Bronaugh stated that the next item for consideration was implementation of a waste hauler system.

City Manager Westerholm stated that the County has stopped accepting septic tank waste at the landfill, and it is anticipated that there will be more waste coming to the sewer treatment plant.

Included in the Commissioner's packet is a letter from Bobby Mott, Water Pollution Control Plant superintendent, recommending the following charges to be implemented with the program:

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|--|---------|
| 1. Annual discharge permit | \$30.00 |
| 2. Sensory examination, inspection, testing | \$ 5.00 |
| 3. Cost per 100 gallons (both commercial and domestic) | \$ 5.00 |

In response to question by Commissioner Roper, Public Works Director Ron Wesch stated that people who dump waste at the sewer treatment plant will need a manifest ticket stating where the waste came from and a log will be kept on the people dumping the waste.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden approving the implementation of the waste hauler system and adopting the rates for dumping as presented. A unanimous affirmative vote was recorded.

10. EXECUTION OF DEED - APPROVED - H. E. LACY

Mayor Bronaugh stated that the next item for consideration was execution of a deed from the City of Lufkin to H. E. Lacy.

City Attorney Flournoy stated that five years ago the City through tax sales bought some property in the River Oaks Addition and the deed inadvertently included some property owned by Mr. Lacy. City Attorney Flournoy stated that he had examined the title and all the tax certificates and receipts and was confident that the taxes had been paid on the property. City Attorney Flournoy stated that he was requesting authorization from the City Commission to deed this portion of the property back to Mr. Lacy.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond authorizing the City Attorney to execute a deed from the City of Lufkin returning the property to H. E. Lacy. A unanimous affirmative vote was recorded.

11a. BID - APPROVED - DEPOSITORY AGREEMENT - FIRST CITY BANK

Mayor Bronaugh stated that the next item for consideration was bids for a depository agreement with the City.

Commissioner Jack Gorden stated that People's National Bank had submitted a bid for the depository based on past procedures and precedent set by the City. Commissioner Gorden stated that after the bid was submitted, the City Attorney informed him that there might be some concern since he is the President of the bank and also serves on the City Commission, and he would like to withdraw the bid for People's National Bank.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper to accept the bid of First City, Texas Bank as the depository for the City of Lufkin. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - PERSONAL COMPUTER - PROFESSIONAL COMPUTER SYSTEMS

Mayor Bronaugh stated that the next item for consideration was bids for a personal computer to be used in the Engineering Department for an automated water valve location system.

Public Works Director Ron Wesch stated that the budgeted amount for this item was \$50,000. The low bid from Professional Computer Systems is \$18,887. Mr. Wesch stated that \$19,865 had been taken from the budgeted amount of \$50,000 to cover the cost of the additional aerial grid photos recently approved by the City Commission.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond approving the bid of Professional Computer Systems in the amount of \$18,887. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that any excess funds left from the budgeted amount of \$50,000 be placed in the Contingency Fund. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session of the City Commission at 5:43 p.m. Regular session was reconvened at 6:05 p.m. and Mayor Bronaugh stated that the City Attorney had recommended six additional houses for demolition, and appointments to various City boards had been discussed.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper authorizing the City Attorney to proceed with demolition of dilapidated houses located at:

1. 1800 block of Culverhouse
2. 403 Stark
3. 1218 North Avenue
4. 713 Wilson
5. 1401 South First
6. 1929 Williams

A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that a number of the property owners he has contacted have indicated that they will take out a permit to restore the structures located on their property. Mr. Flournoy stated that he will have another list of houses for demolition for consideration at next meeting of the Commission.

Mayor Bronaugh stated that appointments of members on various City Boards whose terms had expired had also been discussed.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that Don Cutler and Bob Beddingfield be reappointed to the Examining and Supervising Board of Electricians and that Dick Gardemal, Floyd Marsellos and Larry Sumners be reappointed to the Plumbing Appeals and Advisory Board. A unanimous affirmative vote was recorded.

13. COMMENTS - MUNICIPAL COURT REPORT - GRIEVANCE COMMITTEE - MAYOR'S/COMMISSIONER'S MEETING - LUFKIN TRANSIT SYSTEM

In response to question by Commissioner Mayberry, concerning the Municipal Court Report, City Manager Westerholm stated that based on the number of fines or arrests that have been made, the City's percentage of collections have increased in the last two months.

In response to question by Commissioner Simond, Assistant City Manager Brian Boudreaux stated the Grievance Committee meets when an employee requests to be heard. Members of the Committee are:

Willie Jones	Accounting Clerk
Tom Carrington	Firefighter
David Fudge	Policeman
Lewis Garza	Sanitation Department
Eddy Matts	Sanitation Department

Mr. Boudreaux stated that the grievance procedure is addressed in the City's employee handbook.

Fire Chief Kenneth Snyder stated that the Fire Department has changed the procedure for hiring practices to meet the Affirmative Action and

Civil Service guidelines by implementation of the "Port Arthur Plan." Chief Snyder stated that the Department is now considering lowering the age limit from 21 to 18. The present eligibility list will expire June 22nd.

Mayor Bronaugh reminded members of the Commission of the Mayor/Commissioner's meeting in Corpus Christi June 23-25.

Mayor Bronaugh stated that May 17th has been set aside as Lufkin Transit System Day in observance of their one year in business.

14. There being no further business for consideration, meeting adjourned at 6:28 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary