

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF APRIL, 1989, AT 5:00 P.M.

On the 18th day of April, 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
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
Tommy Deaton	Assistant City Attorney
Atha Stokes	City Secretary

being present, and

Robert Flournoy	City Attorney
Brian Boudreaux	Assistant City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Brance Moyer, Minister, First Church of the Nazarene.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of April 4, 1989 and Workshop meeting of April 12, 1989 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - LINDA J. WARD - 3002 PAUL - RS TO RS, SU (DAY NURSERY - LIMITED TO NO MORE THAN SIX CHILDREN NOT RELATED BY BLOOD AND LIMITED TO THIS PARTICULAR OWNER OF THIS PROPERTY)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change request by Linda J. Ward, covering property located at 3002 Paul from Residential Small to Residential Small, Special Use (Day Nursery - limited to no more than six children not related by blood and limited to this particular owner of this property.)

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

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - MEMORIAL MEDICAL CENTER OF EAST TEXAS - 1200 BLOCK OF FRANK AVENUE - LB, RL TO LB, SU (PROFESSIONAL OFFICES - WITH THE FOLLOWING RESTRICTIONS: SITE PLAN REVIEW TO INCLUDE NO MORE THAN TWO (2) ENTRANCES ON FRANK AVENUE; SIGHT BEARING FENCE WITH LIGHTED PARKING LOT FOR SECURITY AND PROTECTION; SURVEY OF AREA TO BE ZONED COMPLETED PRIOR TO FIRST READING OF ORDINANCE BEFORE CITY COMMISSION, OMIT-

TING A MINIMUM OF 86' BUFFER BETWEEN PARKING LOT AND MANTOOTH TO REMAIN RESIDENTIAL LARGE)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change request by Memorial Medical Center of East Texas, covering property located at 1200 Block of Frank Avenue from Local Business, Residential Large to Local Business, Special Use (Professional Offices - with the following restrictions: Site plan review to include no more than two (2) entrances on Frank Avenue; Sight bearing fence with lighted parking lot for security and protection; Survey of area to be zoned completed prior to First Reading of Ordinance before City Commission, omitting a minimum of 86' buffer between parking lot and Mantooth to remain Residential Large).

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented.

Commissioner Bob Bowman recused himself from voting. Motion carried with six affirmative votes.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - MEMORIAL MEDICAL CENTER OF EAST TEXAS - 1201 FRANK AVENUE - RL, RL, SU (PARKING LOT), RM, LB, TO LB, SU (HOSPITAL - WITH THE PROVISION THAT THE LOT ABUTTING KILN HAVE A SIGHT BEARING FENCE ADDED WHEN PROPERTY IS UTILIZED ABUTTING ALL RESIDENTIAL PROPERTY AND NO ACCESS TO KILN STREET TO BE ADDED, AND A MINIMUM PARKING/BED RATIO OF 2.14 BE MAINTAINED)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change request from Memorial Medical Center covering property located at 1201 Frank Avenue from Residential Large, Residential Large, Special Use (Parking Lot), Residential Medium, Local Business to Local Business, Special Use (Hospital - with the provision that the lot abutting Kiln have a sight bearing fence added when property is utilized abutting all residential property and no access to Kiln street to be added, and a minimum parking/bed ratio of 2.14 be maintained.)

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented.

Commissioner Bob Bowman recused himself from voting. Motion carried with six affirmative votes.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - SAMUEL K. KAEMMERLING - NORTH LOOP 287 AND SPENCE STREET - LM TO HM, SU (WITH THE PROVISION OF A 30 FOOT SETBACK OFF OF THE LOOP AND A NATURAL BUFFER - TREES AND SHRUBBERY - TO BE MAINTAINED ON SOUTHWEST PORTION SURROUNDING RESIDENTIAL PROPERTY)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change request by Samuel K. Kaemmerling, covering property located at North Loop 287 and Spence Street from Light Manufacturing to Heavy Manufacturing, Special Use (with the provision of a 30 foot setback off of the Loop and a natural buffer - trees and shrubbery - to be maintained on southwest portion surrounding residential property).

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

8. ORDINANCE - APPROVED - SECOND READING - PRIVATE AMBULANCE SERVICE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance regulating private ambulance service within the City.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that Ordinance regulating private ambulance service within the City of Lufkin be approved on Second and Final Reading, to include annual certificate fee of \$100 in accordance with Article V - Section 5.10 of the Ordinance. A unanimous affirmative vote was recorded.

9. MINIMUM HOUSING STANDARDS - DEMOLITION OF DILAPIDATED HOUSES

Mayor Bronaugh stated that at the Workshop meeting the Commission met in Executive Session to review a number of dilapidated houses. Mayor Bronaugh stated that the Commission had requested City Attorney Flournoy to go over the list and present a list of those houses that could be torn down immediately.

Assistant City Attorney Tommy Deaton stated that he had looked at each of the files with pictures of the property and, in his opinion the ten houses submitted at this time were in an unsafe condition and appropriate for demolition.

City Manager Westerholm stated that the Public Works Department is ready to commence with demolition of the properties Wednesday morning if the City Commission gives their approval.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden authorizing the City staff to commence with demolition of the ten houses as submitted by the City Attorney, with the order of demolition left to the discretion of the Public Works Director. A unanimous affirmative vote was recorded.

Mr. Wesch stated that his crews would start with the first house on the list, 906 Glenn Street.

10. AMENDMENT - APPROVED - SECOND READING - TOW TRUCK ORDINANCE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Amendment to the Tow Truck Ordinance.

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

11. REQUEST - APPROVED - LUFKIN JAYCEES - ELLEN TROUT PARK - JULY 4TH

Mayor Bronaugh stated that the next item for consideration was requests from the Lufkin Jaycees for exclusive fund raising privileges at Ellen Trout Park for July 4th.

Bert Brady, representing the Jaycees, stated that they were requesting- (1) exclusive use of the park on July 4th for the purpose of a fund-raising activity (2) the temporary waiver of the ban of boats from Ellen Trout Park Lake for the purpose of sponsored boat races for the entertainment of the public (3) cooperation of the City in providing fire, ambulance and police coverage in the Park to ensure the safety of the public and (4) the cooperation of the City concerning the display of fireworks on the night of July 4th.

Mayor Bronaugh requested that the Jaycees provide proof of liability insurance to Mr. Hannabas.

Mayor Bronaugh stated that the purchase of fireworks had been cut from this year's budget and the Jaycees have taken over the fireworks as a part of their July 4th project. Commissioner Roper clarified that the Lions Club would still operate the Z & 00 Train concession.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that requests from the Lufkin Jaycees for exclusive fund raising at Ellen Trout Park for July 4, 1989, be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - SMALL BUSINESSES

Mayor Bronaugh stated that the next item for consideration was a Resolution recognizing contributions of small business to Lufkin's economy.

Mayor Bronaugh recognized Cooper Castleberry, Chairman of the Small Business Council and Jerry Huffman, Executive Director of the Chamber of Commerce.

Mr. Castleberry stated that Senator Phil Gramm will be attending a ceremony in observance of Small Business Recognition Day in the City of Lufkin at Taylor Brothers on Monday, April 24th at 3:30 p.m.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden that Resolution in recognition of Small Business Day in the City of Lufkin be approved as presented. A unanimous affirmative vote was recorded.

13. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - WASTEWATER TREATMENT PLANT

Mayor Bronaugh stated that the next item for consideration was a final invoice from EGA for engineering services on the Wastewater Treatment Plant.

City Manager Westerholm stated that funding for this invoice will be withheld from the contractor's final invoice.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that final invoice from Everett Griffith and Associates for engineering services on the Wastewater Treatment Plant in the amount of \$856.12 be approved as presented. A unanimous affirmative vote was recorded.

14. ORDINANCE - APPROVED - FIRST READING - SPEED LIMIT ON FM 58

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance lowering the speed limit on FM 58.

Mayor Bronaugh stated that the State Department of Highways and Public Transportation had been studying the traffic problems at the intersection of Loop 287 and Chestnut and had prepared an Ordinance for the City to use in establishing reduced speed limits at two locations - (1) from Denman Avenue south of Loop 287 (50 to 45 mph) and (2) south of Loop 287 to the south City limits of Lufkin (55 to 50 mph).

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

15. POLICY - APPROVED - BUILDING PERMITS LIMITED TO 30 DAYS

Mayor Bronaugh stated that the next item for consideration was a policy authorizing the City Building Official under certain conditions to limit building permits to 30 days.

City Manager Westerholm stated that at last meeting, in a discussion of dilapidated housing, it was brought up that a person can obtain a permit for one year and do a minimal amount of work and avoid having to demolish the building. City Manager Westerholm suggested that the Building Official be allowed to use some discretion if a reasonable effort has not been made, and that under certain conditions the building permit be limited to 30 days.

City Attorney Flournoy will prepare a Resolution to be approved at next meeting authorizing the Building Official, under certain conditions, to limit building permits to 30 days.

16a. BID - APPROVED - AMBULANCE COTS - FIRE DEPARTMENT - DIXIE USA, INC.

Mayor Bronaugh stated that the next item for consideration was bids for ambulance cots to be used by the Fire Department.

City Manager Westerholm stated that Fire Chief Snyder has recommended the low bid of Dixie USA, Inc. in the amount of \$2,997. Funding for the stretchers will be made from the Personal Property Finance monies.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of Dixie USA, Inc. in the amount of \$2,997 be approved as presented and that funding for the stretchers be made from Personal Property Finance monies. A unanimous affirmative vote was recorded.

16b. BIDS - APPROVED - MOWER - PARKS DEPARTMENT - AIR COOLED ENGINES

Mayor Bronaugh stated that the next item for consideration was bids for a rotary mower to be used by the Parks Department.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that bid of Air Cooled Engines in the amount of \$5,177 be approved as presented. A unanimous affirmative vote was recorded.

16c. BID - APPROVED - SALE OF LOT - CHERYL MITCHELL

Mayor Bronaugh stated that the next item for consideration was a bid received from Cheryl Mitchell for a 100' X 100' lot in Redland, which had been purchased by the City for a proposed water well site.

The appraised value of the land was \$1,000.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that bid received from Cheryl Mitchell in the amount of \$1,201.95 be accepted as presented.

Motion was amended by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that funds received from the sale of the lot be placed in the Water and Sewer Contingency Fund. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION - CIVIL SERVICE COMMISSION - ROYCE GARRETT

Mayor Bronaugh recessed regular session of the City Commission at 5:39 p.m. Mayor Bronaugh reconvened regular session at 5:46 p.m. and stated that appointments to various City boards had been discussed.


Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that Royce Garrett be reappointed to the Civil Service Commission for a three-year term. A unanimous affirmative vote was recorded.

18. COMMENTS - RESOLUTION FOR DAN HILL - NORTH LUFKIN WATER PROJECT

Commissioner Percy Simond stated that Dan Hill, Managing Editor of the Lufkin Daily News was leaving Lufkin for a job in Longview. Motion was made by Commissioner Simond that a Resolution be passed commending Mr. Hill and that the Resolution be forwarded to his new employer. Motion was seconded by all other members of the Commission. A unanimous affirmative vote was recorded.

In response to question by Commissioner Boyd, Mr. Wesch stated that it will take another couple of months to clean up and restore the area where the water line is being replaced in North Lufkin.

19. There being no further business for consideration, meeting adjourned at 5:53 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary