MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF MARCH, 1989 AT 5:00 P.M.

On the 21st day of March, 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
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
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Bob Bowman	Commissioner, Ward 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Harold Edwards, Minister, Church of the Living God.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 7, 1989, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RITA RUSSELL - 213 HUBBARD - RL TO RS

Mayor Bronaugh stated that the first item for consideration was Second Reading of Ordinance for Zone Change request by Rita Russell covering property located at 213 Hubbard from Residential Large to Residential Small.

Motion was made by Commissioner Don Boyd 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 - ROBERT D. GARBS, SR. - 2502 ATKINSON DRIVE - RM TO NR, SU (WITHOUT SIGHT BEARING FENCE)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change request by Robert D. Garbs, Sr. covering property located at 2502 Atkinson Drive from Residential Medium to Neighborhood Retail (without sight bearing fence).

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - VFW, LUFKIN POST NO. 1836 - 1501 FORD CHAPEL ROAD - RS TO RS, SU (ADDITION TO BUILDING: PRIVATE CLUB, DANCES, BINGO, CONVENTIONS, FALL FESTIVAL, CARNIVALS, CIRCUS', AND TYPICAL ACTIVITIES OF THE VFW AND OTHER SPECIAL EVENTS TO COMPLY WITH ALL CITY ORDINANCES, WITH PROOF OF INSURANCE PROVIDED TO THE CITY OF LUFKIN, AND TO INCLUDE APPROVAL OF FUTURE BUILDING LOCATION AND SIZE)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request by Veterans of Foreign Wars, Lufkin Post No. 1836, covering property located at 1501 Ford Chapel Road from Residential Small to Residential Small, Special Use (Addition to building).

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

7. ORDINANCE - APPROVED - SECOND READING - CITY ELECTION - MAY 6, 1989 - SINGLE MEMBER DISTRICT NO. 1 - SINGLE MEMBER DISTRICT NO. 3

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance providing for the calling of a City election, establishing polling places, and setting a date for the election.

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

8. ORDINANCE - TABLED - ZONE CHANGE - LINDA J. WARD - 3002 PAUL - RS TO RS, SU (DAY NURSERY - LIMITED TO NO MORE THAN SIX CHILDREN NOT RELATED BY BLOOD)

Mayor Bronaugh stated that the next item for consideration was First 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).

Applicant was not present.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that First Reading of Ordinance be tabled until April 4th meeting. A unanimous affirmative vote was recorded.

9. SUSPENSION ORDER - WILLIAMS WRECKER SERVICE

Mayor Bronaugh stated that the next item for consideration was a request from Williams Wrecker Service concerning a suspension order.

James Williams, of Williams Wrecker Service, stated that in an administrative hearing conducted by the Police Department on February 17, 1989, he was given a 60-day suspension from the wrecker rotation list. Mr. Williams stated that he was before the City Commission to appeal that decision.

Mr. Williams stated that he has been in business since 1963, and has always charged a fee for night calls. Mr. Williams stated that the recently adopted Tow Truck Ordinance does not address night calls and he would like for the City Commission to clarify this issue.

Mr. Williams stated that the Statement of Charges by the Police Department lists four charges, and he is contesting #2 and #4.

City Attorney Flournoy stated that the Ordinance is unclear as to what the "usual and customary fees" should be, and the City Commission might want to establish a maximum fee.

Mayor Bronaugh suggested that Chief Collins, Lt. Leach, and City Attorney Flournoy work on the areas in the Ordinance that need clarification and submit revised Ordinance to City Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the decision of Police Chief Sherman Collins suspending Williams Wrecker Service from the wrecker rotation list for 60-days be upheld.

The following vote was recorded:
Aye: Commissioners Simond and Boyd
Nay: Commissioners Roper, Gorden, Mayberry, and Mayor Bronaugh

Mayor Bronaugh declared that motion failed by a vote of 2 to 4.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that suspension of Williams Wrecker Service from wrecker rotation list be reduced to 30-days.

The following vote was recorded:
Aye: Commissioners Roper, Mayberry, Gorden, and Mayor Bronaugh
Nay: Commissioners Simond and Boyd

Mayor Bronaugh declared that motion carried by a vote of 4 to 2.

10. CONSTRUCTION OF BOY SCOUT HUT - APPROVED - KIWANIS PARK - EVENING LION'S CLUB

Mayor Bronaugh stated that the next item for consideration was a request from the Evening Lion's Club to construct a Boy Scout hut in Kiwanis City Park.

Jerry Campbell, president of the Evening Lion's Club, introduced Frank Shockley, who presented plans of the proposed hut.

In response to question, Mr. Shockley stated that maintenance of the hut will be provided by members of the club and parents of the Scouts.

Also in attendance were club members: Ernest Bartlett, Dan Longacre, Doug Nicholson and Frank Villarreal.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper granting permission to the Evening Lion's Club to erect a Boy Scout hut at Kiwanis Park. A unanimous affirmative vote was recorded.

City Attorney Flournoy suggested that a long term lease be drawn up for the protection of the City. Commission members concurred.

11. PROPOSED ORDINANCE - PRIVATE AMBULANCE SERVICE - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was a proposed Ordinance regulating private ambulance service within the City.

City Manager Westerholm stated that at the time the contract for ambulance service was being discussed with the hospitals the need to have an Ordinance that would regulate the private sector so that there would not be a conflict between them and what the City provides.

City Manager Westerholm stated that the City basically has a gentlemen's agreement with the private ambulance service providers.

City Manager Westerholm stated that EMS Coordinator Steve Howland has written a proposed Ordinance which the City feels is fair and equitable.

Mr. Howland stated that the Ordinance was drafted primarily because there were no regulations on the books, and to set forth certain standards that assure optimum care.

Mr. Howland stated that after talking to the ambulance service personnel he would strike the provision for malpractice insurance under Section 5.11 - C.

Commissioner Simond stated that, in his opinion, since the ambulance service has been operating for some time it should be under the "grandfather clause" and no registration fee should be charged. City Attorney Flournoy stated that the fee would be an annual fee for records.

Mrs. Gloria Minatrea, of Lifeline Ambulance, stated that her company feels they have a very good relationship with the Fire Department's EMS service.

Mayor Bronaugh stated that after some minor changes are made, the Ordinance can be rescheduled for the April 4th meeting for consideration.

12. PAYMENT OF APPRAISAL BILL - APPROVED - BRIAN MAXEY PROPERTY

Mayor Bronaugh stated that the next item for consideration was payment of appraisal bill on Brian Maxey property.

City Manager Westerholm stated that the City Attorney had requested a very comprehensive appraisal of the former Lufkin Courts owned by Mr. Maxey prior to the City demolishing the buildings. City Manager Westerholm stated that the invoice from the appraisers was larger than anticipated, and would need City Commission approval since it was over $2,000.

City Attorney Flournoy stated that the appraisers will probably be called to testify when Mr. Maxey's case goes to court.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that payment of invoice from Dickerson - Seely and Associates, Inc., be approved for the exact amount of $3,875, and paid from funds in the General Fund Contingency Fund.

The following vote was recorded:

Aye - Commissioners Roper, Gorden, Mayberry and Mayor Bronaugh
Nay - Commissioners Simond and Boyd

Mayor Bronaugh stated that motion carried by a vote of 4 to 2.

13. SALE OF FORMER WATER WELL SITE

Mayor Bronaugh stated that the next item for consideration was the sale of a former water well site.

City Manager Westerholm stated that the City purchased a 100' square lot on County Road 112 in Redland in 1963 as a possible water well site but it was never developed. City Manager Westerholm stated that in 1973 the City attempted to sell the land but bids came in below the appraised value and were unacceptable.

City Manager Westerholm stated that he had received a letter from Cheryl Mitchell, whose property adjoins the water well site, and she is interested in purchasing the lot.

City Manager Westerholm stated that David Cochran, City Purchasing Agent, has appraised the land at $1,000.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd authorizing bids for property at former water well site (County Road 112) to be sold at fair market value. A unanimous affirmative vote was recorded.

14. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - SEWER TREATMENT PLANT

Mayor Bronaugh stated that the next item for consideration was invoice from Everett Griffith and Associates for additional services provided on finalizing the Wastewater Treatment Plant project.

City Manager Westerholm stated that this project was supposed to have been completed over a year ago and at this time it does not appear that the contractor will finish the project. City Manager Westerholm stated that, in his opinion, this is a legitimate bill from Everett Griffith and Associates.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that invoice from Everett Griffith and Associates in the amount of $1,652.60 be approved for payment contingent upon certification by Bobby Mott, Water Pollution/Sewer Plant Superintendent, that the work has been completed. A unanimous affirmative vote was recorded.

15. REPLACEMENT OF CLERK - APPROVED - BUILDING OFFICIAL'S OFFICE

Mayor Bronaugh stated that the next item for consideration was replacement of clerk in the Building Official's office.

City Manager Westerholm stated that the clerk in the Building Officials office has resigned and is leaving the City. City Manager Westerholm stated that this is a vital position and he was requesting authority to advertise for a replacement.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden authorizing the City Manager to advertise for replacement of clerk in the Building Official's Office. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that the policy as set forth in the Budget Workshop that the City Manager seek City Commission approval for replacement of personnel be changed, and, that the City Manager use his discretion to replace positions as authorized in the budget, and to eliminate positions wherever possible. A unanimous affirmative vote was recorded.

16a. BIDS - APPROVED - TRUCKS - STREET DEPARTMENT - WATER POLLUTION CONTROL PLANT - PARKS DEPARTMENT - WATER PRODUCTION DEPARTMENT- SANITATION DEPARTMENT - BARRETT GMC - BARRETT DODGE

Mayor Bronaugh stated that the next item for consideration was bids on trucks for various City departments.

City Manager Westerholm stated that trucks from three departments had been cut from the budget as a result of the Rollback election. City Manager Westerholm suggested that these trucks be purchased from the balance in the Personal Property Finance Package, and a 3/4 ton pickup for Sewer Plant and a 1/2 ton pickup for the Water Production be paid for out of budgeted funds.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that the bid of Barrett GMC for dump truck for the Street Department, a 1/2 ton pickup for the Sanitation Department, a 1/2 ton pickup for the Parks Department, in the amount of $41,058 be approved and paid for with funds from the Personal Property Finance package; and bid of Barrett Dodge for a 3/4 ton pickup for the Water Pollution Control Plant and a 1/2 ton pickup for the Water Production in the amount of $22,639.80 be approved and paid for as budgeted. A unanimous affirmative vote was recorded.

16b. BID - APPROVED - LITTER AND GARBAGE REMOVAL - WALTER A. SMITH

Mayor Bronaugh stated that the next item for consideration was bids for litter and garbage removal for City parks.

Don Hannabas, Parks and Recreation Director, stated that one bid had been received and it was from the contractor who was awarded the bid last year.

Mr. Hannabas stated that the amount for cleaning the right-of-way had gone up from $185 to $285 per month and he was recommending maintenance of the right-of-way with City employees. Mr. Hannabas stated that he is working with the Baseball Association to get co-operation in picking up litter after games are completed.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Paul Mayberry to accept bid of Walter Smith in the amount of $1,400 per month for park cleaning and $70 per day for cleaning Morris Frank Park. A unanimous affirmative vote was recorded.

17. SALES TAX - ABANDONED VEHICLES - HOUSING ORDINANCE

Several Commissioners expressed concern over the sales tax taken in by solicitors and vendors in the City. City Manager Westerholm stated that he would check with Bob Bullock's office in regard to what can be done to keep these sale tax monies in Lufkin.

Commissioner Simond stated he was concerned about the many abandoned vehicles on City streets and would suggest that they be removed.

Commissioner Simond stated that he was not pleased with the proposed minimum housing standards Ordinance because it is too restrictive. Mayor Bronaugh suggested a Workshop with the City staff available to work on this Ordinance.

18. There being no further business for consideration, meeting adjourned at 7:48 p.m.

Louis A. Bronaugh
Louis A. Bronaugh, Mayor

ATTEST:

Atha Stokes
Atha Stokes, City Secretary