

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

On the 21st day of November, 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, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Tommy Deaton	Assistant City Attorney
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present, and

Danny Roper

Commissioner, Ward 3

being absent when the following business was transacted.

1. Meeting was opened with prayer by Retired Navy Captain Kevin L. Anderson.
2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of November 7, 1989 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - TMRS PROVISIONS - UPDATED SERVICE CREDIT AND 70% INCREASE TO ANNUITANTS - MILITARY SERVICE CREDIT

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance adopting new TMRS provisions for updated service credit and 70% increase to annuitants, and military service credit.

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

5. ORDINANCE - APPROVED - SECOND READING - SANITATION RATES - INCREASED - LANDFILL FEES

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for adjustment of sanitation rates to offset increase in landfill fees.

Motion was made by Commissioner Paul Mayberry 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 - TABLED - FIRST READING - FIRE LANES DESIGNATED

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance designating fire lanes.

City Manager Westerholm stated that there is no enforcement procedure for violation of present fire lanes, and this Ordinance will give authority to the Police and Fire Departments and those who enforce handicapped parking.

Fire Marshal Clayton Havard stated that fire lanes will be determined by the necessity of allowing access by fire apparatus or other emergency vehicles and for the evacuation of occupants in the case of fire or other emergency. Fire Marshal Havard stated that he and the Fire Chief and property managers will work out the means of marking the designation of the fire lanes, which will probably be red curbing with white letters. Fire Marshal Havard stated that property owners will be responsible for keeping up the area.

Commissioner Bowman stated that Section One (a) needs clarification, and before the Ordinance is adopted there needs to be input from store owners.

City Manager Westerholm stated that the staff would meet with shopping center owners prior to the Ordinance being reconsidered at the next meeting.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that this item be tabled and reconsidered at the December 5th City Commission meeting. A unanimous affirmative vote was recorded.

7. ORDINANCE - TABLED - FIRST READING - LIQUID WASTE HAULERS-
SETTING FEES - SEWER PLANT

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance regulating liquid waste haulers and setting fees at the Sewer Treatment Plant.

City Manager Westerholm stated that the proposed Ordinance will provide control over the type of waste accepted at the City Sewer Treatment Plant and that the Treatment Plant is under strict regulation by the EPA. City Manager Westerholm stated that most of the septic sewage brought to the plant comes from outside the City.

Bobby Mott, Wastewater Treatment Plant Superintendent, stated that the request for a seepage control program to the City Commission in May was promulgated by the U. S. Environmental Protection Agency's audit last year. Mr. Mott stated that the EPA mandated that some type of control be put in place for tracking seepage waste. Mr. Mott stated that the Ordinance will also give the City control in an effort to police and fine violators that might spill or purposely discharge any type of septic waste into a road ditch, unauthorized manholes, or storage on property that could get into a stream and cause health problems.

Mr. Mott stated that the present Ordinance is somewhat vague and is extremely difficult to enforce.

Mr. Mott stated that there is a \$30 annual permit fee required for anyone operating a seepage hauling truck within the City Limits; it sets a dumping fee of \$5 per 100 gallons of waste discharged at the plant; a \$5 fee for sensory exam testing and physical observation of the material being discharged per load. Mr. Mott stated that there is a \$7.50 charge for Ph testing.

Mr. Mott stated that if commercial type waste such as heavy grease collected from fast-food restaurants along Timberland Drive is not allowed to be dumped into the sanitary landfill, and will not be ac-

cepted at the Treatment Plant, then there needs to be an alternative for disposing that type of waste.

Mr. Mott stated that the City of Tyler has a contract with a Dallas based firm, where they have a special tank at the Wastewater Treatment Plant for this type of waste. The seepage hauler pays a fee for disposal and the waste is rendered. The City of Tyler is not involved in this process; they just provide a place for disposal. Mayor Bronaugh stated that he would be interested in this procedure at the City's treatment plant.

Doyle Oliver, of Oliver Plumbing, stated that he was not opposed to the new Ordinance, but wanted to be sure the Ordinance was written in a way that it could be enforced.

- 1) He opposes a new trip ticket that he will have to buy from the City since he is already using a manifest and trip ticket mandated by the State.
- 2) There will be a problem with "gypsy" haulers dumping in man-holes if an alternate site is not provided since the County will no longer accept liquid waste after January 1, 1990.
- 3) There will be problems with "rendering" grease picked up from fast-food restaurants since other things such as insecticides, drain cleaner, etc. are also deposited in grease traps.
- 4) By continuing to add fees it will be an incentive to hire haulers who are not permitted. What alternative will the City have if a hauler comes to the plant and is not permitted?
- 5) The Ordinance needs to originate with the County.

Mr. Oliver stated that the County can franchise waste hauling and has the ability to set controls. Mr. Oliver stated that he was requesting the City's help in dealing with the County in this matter.

Commissioner Bowman stated that City residents do not have septic tanks, and this is the County's problem.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that this item be tabled until next meeting. A unanimous affirmative vote was recorded.

8. AGREEMENT - APPROVED - ANGELINA AND NECHES RIVER AUTHORITY/CITY OF LUFKIN - OLD CITY HALL BUILDING

Mayor Bronaugh stated that the next item for consideration was extension of an Agreement between the Angelina and Neches River Authority and the City of Lufkin for use of the Old City Hall building.

City Manager Westerholm stated that A&NRA has requested a 5-year extension of their Agreement with the City, and plan to remodel their laboratory and other rooms on the second floor of the Old City Hall building.

City Manager Westerholm stated that a letter had been received from Paulette Crain, Gallery Director of the Old City Hall Art Gallery, in regards to the renewal of the Agreement with A&NRA.

Mayor Bronaugh stated that the problem with water leakage, as cited in Ms. Crain's letter, was due to condensation from the air conditioner, and it has now been taken care of.

Chuck Thomas, representing A&NRA, stated that his firm has utilized this space for the past 18 years. They plan to remodel and expand the facilities to include replacing sub-floors and floors.

Mr. Thomas stated that he had tried to co-operate with the Art Gallery in the past, and wished to continue co-operating with them.

City Manager Westerholm stated that Section IV 1. of the Agreement will be corrected to read "The designated premises shall be used solely for the purpose of the administration and laboratory of the Angelina and Neches River Authority."

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Percy Simond that Agreement between the City of Lufkin and the Angelina and Neches River Authority for use of the second floor in a building located at 210 East Lufkin Avenue (Old City Hall Art Gallery) be granted a 5-year extension. A unanimous affirmative vote was recorded.

9. AGREEMENT - APPROVED - ANIMAL SHELTER SERVICES - READJUSTMENT OF FEES - HEMPHILL - HUNTINGTON - DIBOLL - ANGELINA COUNTY

Mayor Bronaugh stated that the next item for consideration was continuation of Agreement with the City of Hemphill on animal shelter services, and readjustment of fees for Huntington, Diboll and Angelina County.

City Manager Westerholm stated that a letter had been received from City Manager Tommy Neal of Hemphill requesting that the Agreement with the City's Animal Shelter be continued. Cathy Clark, Animal Shelter Director, stated that there have been no problems with the present Agreement.

Ms. Clark stated that there has been an increase in the number of animals being dumped since the County is no longer paying for animals brought in by county residents. Ms. Clark stated that the County will only pay for animals brought in by County employees.

Mayor Bronaugh stated that Ms. Clark was requesting that fees charged to the Cities of Diboll and Huntington and Angelina County also be adjusted from \$11 per animal to \$15 per animal to be more in line with the costs for handling these animals.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Agreement with the City of Hemphill be re-newed for one year at the rate of \$15 per animal, and that the rate per animal for the Cities of Diboll, Huntington and Angelina County be raised to \$15. A unanimous affirmative vote was recorded.

10. CONTRACT - RENEWAL - LUFKIN BASEBALL ASSOCIATION - BASEBALL FIELD MAINTENANCE

Mayor Bronaugh stated that the next item for consideration was renewal of baseball field maintenance contract with the Lufkin Baseball Association.

City Manager Westerholm stated that the present contract provides for the City to contribute \$4,000 to the Lufkin Baseball Association, and they assume the maintenance of the baseball fields.

City Manager Westerholm stated that this arrangement has worked well and he would recommend renewal of the Contract.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that baseball field maintenance contract with Lufkin Baseball Association be renewed. A unanimous affirmative vote was recorded.

11. PROPOSAL - APPROVED - EMERGENCY REPLACEMENT - INTER-CITY BASE UNIT - JOHNSTON ELECTRONICS

Mayor Bronaugh stated that the next item for consideration was proposals for emergency replacement of inter-city base unit.

Chief David Kirkland stated that the old base station, which had been in use for 18 years, had become inoperable, and the Police Department was not able to communicate with any of the outside agencies.

City Manager Westerholm stated that three bids had been received and the low bid was from Johnston Electronics in the amount of \$3,995.

It was the consensus of opinion that the City Manager negotiate with the County to pay half of the cost.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that bid of Johnston Electronics in the amount of \$3,995 be accepted as the lowest and best bid. A unanimous affirmative.

12. INTERLOCAL AGREEMENT - APPROVED - AMBULANCE - HOUSTON-GALVESTON AREA COUNCIL CO-OPERATIVE PURCHASING PROGRAM

Mayor Bronaugh stated that the next item for consideration was a request to purchase an ambulance through the Houston-Galveston Area Council Co-Operative Purchasing Program and entering into an inter-local agreement.

City Manager Westerholm stated that this bid is good for one year.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman to enter into an interlocal agreement with the Houston-Galveston Area Council for the purchase of an ambulance for the Fire Department. A unanimous affirmative vote was recorded.

13. ANNEXATION/PROPOSED AREAS ADJACENT TO CITY

Mayor Bronaugh stated that the next item for consideration was proposed annexation of areas adjacent to the City.

City Manager Westerholm stated that there are two different areas to be considered for annexation. City Manager Westerholm stated that Don Langston, representing R. H. Duncan has requested annexation of property off of the West Loop to provide sewer service to an industrial park. City Manager Westerholm stated that the City's policy has been not to extend sewer service outside the City limits, and Mr. Duncan wanted the option of annexation. City Manager Westerholm stated that the City has made two exceptions to their policy by providing service to residents on Wildlife Lane and to residents at the King's Row Mobile Home Park. City Manager Westerholm stated that the residents on Wildlife Lane and the owner's of the Mobile Home Park have paid the cost of tying into the sewer. City Manager Westerholm stated that Mr. Duncan's cost to tie into the sewer system would be \$9,401. City Manager Westerholm stated that the City Commission might want to consider extending sewer service to Mr. Duncan rather than annexation.

City Manager Westerholm stated that the other annexation was the area around the extension of FM 819, and was brought about by visiting with the P & Z Commission. City Manager Westerholm stated that this annexation was considered for zoning control since FM 819 is an important artery into the City.

City Manager Westerholm stated he had received a telephone call from Jack Powell, who owns 60 acres of land in the area of the proposed annexation, objecting to the annexation.

In response to question by Commissioner Bowman regarding the annexation procedure, City Manager Westerholm stated that the City Commission should start the decision whether or not to annex; then State law is followed regarding notices, Public Hearings, and On-Site Hearing; it goes through Planning and Zoning and then to City Commission for two hearings with completion of the whole procedure in 90 days.

In response to question, City Manager Westerholm stated that a Public Hearing has been set by the P & Z Commission for November 27th, with an On-Site Hearing set for November 28th.

City Manager Westerholm stated that if the annexation goes through, City taxes will not be due until October 1991.

In response to question by Commissioner Mayberry, City Manager Westerholm stated that the cost for water and sewer down FM 819 would be approximately \$101,000, and the City would have three years to complete the work.

Mayor Bronaugh stated that, in his opinion, the City Commission should hear the request for annexation first and then start the proceedings from there.

Mayor Bronaugh stated that the request for annexation of FM 819 came from the Planning and Zoning Commission. Mayor Bronaugh stated that Planning and Zoning could ask the City Manager to present proposed annexations to the City Commission and if the City Commission saw fit to approve the study of the proposed annexation it would be turned back over to Planning and Zoning to proceed with the annexation.

In response to question by Commissioner Bowman, City Manager Westerholm stated that he had received a letter from Mr. Duncan asking for sewer service and if it was not available, then annexation. City Manager Westerholm stated that he told Mr. Duncan that the City's policy is "no sewer service outside the City limits," but there were those two exceptions where the residents paid the construction costs and there was no cost to the City.

Mayor Bronaugh stated that the City has obviously set a precedent by accepting the other two requests. City Manager Westerholm stated that as far as the City is concerned, in liability it would be cheaper not to annex and Mr. Duncan pay the cost of the construction, then the City would collect two-times the amount of sewer rates.

City Manager Westerholm stated the owner of R & W Components called and said that he could see advantages and disadvantages but would probably not be opposed to the annexation.

Commissioner Gorden stated that FM 819 is not finished, and it is premature to annex this property with the expense involved.

City Manager Westerholm stated another option would be to go parallel to FM 819 about 150' on each side for frontage control. City Manager Westerholm stated that you can lessen the amount of land you advertise but you cannot increase the amount of land you have advertised.

Commissioner Gorden suggested that the City Manager contact Mr. Duncan and offer him the option of tying into the sewer system and paying the construction costs. Commissioner Gorden stated that there is a large amount of undeveloped property within the current City limits of Lufkin, and the control of water and sewer is a basic tool he felt should be used to encourage development of property already in the City limits.

Commissioner Mayberry stated that there are water lines within the

present City limits that need to be repaired or replaced before this amount of money is spent for service to a newly annexed area.

Commissioner Gorden stated that the City already has water lines to industrial sites.

In response to question by Commissioner Mayberry, City Manager Westerholm stated that you cannot annex around an area and leave an area unannexed.

City Manager Westerholm stated that residents have the right to petition for deannexation if City services are not supplied within three years.

Commissioner Mayberry stated that the entrance into the City will be used extensively, but he does not want to be committed for that amount of money at this time.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that the process of annexation of FM 819 be stopped at this time. A unanimous affirmative vote was recorded.

Walter Myer, Rt. 10 - Box 9875, stated that he lives within the proposed area of FM 819, and he was present in opposition to the annexation.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Paul Mayberry that the City Manager contact Mr. Duncan regarding the cost of him furnishing the materials for the sewer connection, and if he does not agree to pay these costs then the annexation could proceed.

Commissioner Simond stated that, in his opinion, Mr. Duncan or his representative should have been present to answer questions by the Commissioners.

Commissioner Simond stated that in the past requests for annexation have always gone before Planning and Zoning first and then have come to the City Commission. City Manager Westerholm stated that a lot of times it has come to City Commission first and the City Commission sends it to Planning and Zoning to go through the process and then comes back to City Commission.

Dale Green, Planning and Zoning Commissioner, stated that the request came before Planning and Zoning for annexation and the Planning and Zoning considered setting a Hearing at their last meeting. Mr. Green stated that after hearing Mr. Langston and Mr. Myer, the Planning and Zoning Commission decided to set a Public Hearing date for November 27th and an On-Site Hearing for the 28th. Mr. Green stated that the Planning and Zoning Commission needs to know if the City Commission wishes them to go forward with the Hearings.

Commissioner Bowman stated that if Mr. Langston has asked for the annexation before the Planning and Zoning Commission, and if the Planning and Zoning Commission has done the right thing by setting the Public Hearing and On-Site Hearing, the process should proceed through Planning and Zoning and then be heard by the City Commission.

Mr. Green stated that there might be some question as to whether Mr. Langston or Mr. Duncan understood that they have the option of having the sewer service without being annexed and that might be a point in question. City Manager Westerholm stated that this option has never been offered to Mr. Duncan.

Commissioner Boyd suggested that City Manager Westerholm contact Mr. Duncan tomorrow to see if he is willing to pay the construction costs of tying into the sewer system without being annexed, and if

he is not willing to pay these costs, then the annexation will proceed.

Commissioner Simond stated that he would withdraw his motion.

14a. BID - APPROVED - UNIFORMS - RELIABLE UNIFORMS

Mayor Bronaugh stated that the next item for consideration was bids for uniforms for various departments.

City Manager Westerholm stated that the low bid did not meet the specifications and he was recommending the bid of Reliable Uniforms.

In response to question, Ron Wesch stated that each department is budgeted for uniforms, and they have always stayed within their budgets.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that the bid of Reliable Uniforms be accepted as presented. A unanimous affirmative vote was recorded.

14b. BID - APPROVED - KURTH DRIVE WATER TOWER FENCE - LONE STAR FENCE

Mayor Bronaugh stated that the next item for consideration was bids for Kurth Drive Water Tower fence.

City Manager Westerholm stated that the cost of materials was \$2,604 and the Parks and Recreation Department will provide the labor to install the fence.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that the bid of Lone Star Fence be accepted as presented. A unanimous affirmative vote was recorded.

15. There being no further business for consideration, meeting adjourned at 7:20 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary