

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF DECEMBER, 1991 AT 5:00 P.M.

On the 3rd day of December, 1991, 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:

Don Boyd	Mayor pro tem
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Paul Mayberry	Commissioner, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Mgr./Finance
Ron Wesch	Asst. City Mgr./Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Louis A. Bronaugh Mayor

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Michael O'Neal, Associate Minister, First Presbyterian Church.

2. Mayor pro tem Boyd welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of Regular Meeting of November 19, 1991 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - RUNNELL WILLIAMS - 705 MAPLE STREET - APARTMENT TO APARTMENT, SPECIAL USE (BEAUTY SHOP) -

Mayor pro tem Boyd stated that the first item for consideration was a request by Runell Williams for a change in zoning from Apartment to Neighborhood Retail on property commonly known as 705 Maple Street for the purpose of operating a beauty shop on site.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that Ordinance for zone change as requested by Runell Williams for property commonly known as 705 Maple Street from Apartment to Apartment, Special Use (Beauty Shop) be approved on Second Reading to include changes made on First Reading of the Ordinance at the November 19, 1991 meeting.

The following vote was recorded:

Aye-Commissioners Simond, Gorden, Bowman, Mayberry, and
Mayor pro tem Boyd
Nay-Commissioner Roper

Motion carried by a vote of 5 to 1.

5. CONVEYANCE OF CITY PROPERTY - APPROVED - DAVISVILLE ROAD RIGHT-OF-WAY - HIGHWAY DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was approval of conveyance of City property along Davisville Road to the State of Texas for right-of-way purposes.

City Manager Maclin stated that a letter from the Asst. City Manager of Public Works and a map showing the property had been included in the Commissioner's packets. City Manager Maclin stated that this is a request from the Highway Department in order for them to complete a highway improvement project at this location, which is just off Loop 287 at Davisville Road. City Manager Maclin stated that this is City right-of-way and the State needs it to become their right-of-way in order for them to make the improvements.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that conveyance of City property along Davisville Road to the State of Texas for right-of-way purposes be approved as presented. A unanimous affirmative vote was recorded.

6. QUIT CLAIM DEED - APPROVED - DR. & MRS. W. D. THAMES - PORTION OF DANIEL MCCALL DRIVE - LOOP 287 AND U. S. 59

Mayor pro tem Boyd stated that the next item for consideration was a Quit Claim Deed to Dr. and Mrs. W. D. Thames for a portion of Daniel McCall Drive which became surplus when the new route was opened at Loop 287 and U. S. 59 South.

City Manager Maclin stated that a letter from James Blackburn of the Highway Department had been included in the Commissioner's packets. City Manager Maclin stated that basically this concurs with an agreement made in a letter from Harvey Westerholm dated December 1985 that indicated that once that project was completed and the old portion of Daniel McCall Drive was no longer needed by the City or the State it would be quitclaimed back to Dr. Thames. City Manager Maclin stated that approval of this Quit Claim Deed is just carrying out that agreement now that the project is completed.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that Quit Claim Deed to Dr. and Mrs. W. D. Thames for a portion of Daniel McCall Drive which became surplus when the new route was opened at Loop 287 and U. S. 59 South, be approved as presented. A unanimous affirmative vote was recorded.

7. SEWER SERVICE REQUEST - DENIED - DOUG THOMPSON - MOBILE HOME SUBDIVISION - OUTSIDE CITY LIMITS

Mayor pro tem Boyd stated that the next item for consideration was a request of Doug Thompson to provide sewer service to his mobile home subdivision outside the City limits.

Mr. Thompson stated he owns a mobile home subdivision that abutts with the City Limits on the back side of the property. Mr. Thompson stated that the plant is old and the Texas Water Commission has requested that he seek approval from the City of Lufkin to provide sewer to the subdivision. Mr. Thompson stated that he is only 200' away from the City limits on Kent Street.

In response to question by Commissioner Gorden, Mr. Thompson stated that TWC has imposed some stiff penalties on him, and he will have to operate under some heavy restrictions that will be very expensive if he is not allowed to get on the City sewer. Mr. Thompson stated that he will need an "A" operator for the plant and more tests will have to be performed. Mr. Thompson stated that there are 16 units in the subdivision that are charged \$15 per month for water. Mr. Thompson stated that he will be charged \$4,500 for the first month and \$2,700 each month thereafter if he is not allowed to get on the City sewer. In response to question by Commissioner Bowman, Mr. Thompson stated

that he had not priced how much it would cost to replace the plant, but he would imagine that it would be quite expensive.

In response to question by Commissioner Roper, Mr. Thompson stated that he had talked to someone at the City approximately 8 to 9 years ago about annexation and didn't get a favorable response. Mr. Thompson stated that the area is very sparsely populated with people owning large parcels of land.

In reply to statement by Commissioner Roper, Mr. Thompson stated that M & M Water Company has agreed to turn the water off if the residents of the mobile home subdivision do not pay their bill. Mr. Thompson stated that the residents of the subdivision have purchased the land their mobile home is on. Mr. Thompson stated that the mobile home subdivision is approximately 20 years old and that he has owned it for 10 years. Mr. Thompson stated the subdivision is on 10 acres of land.

In response to question by Mayor pro tem Boyd, City Manager Maclin stated that if Mr. Thompson petitions for annexation it will only be for his 10 acres. City Manager Maclin stated that the annexation would be extended from Kent Street as opposed to coming up Watkins Road. City Manager Maclin stated that the most appropriate way from the current Subdivision Ordinance would be for Mr. Thompson to request annexation and provision of City utilities the same as any developer requesting annexation into the City where they provide the connection to their subdivision and then the City takes over and maintains it.

In response to question by Commissioner Simond, City Manager Maclin stated that if the 16 current tenants did not pay the amount would be \$5,760 per year; if all 46 units were sold, the amount would be \$14,400 per year. City Manager Maclin stated that the City Commission can grant whatever they desire to grant, but he would like to point out that they would be setting a dangerous precedent for future subsequent requests. City Manager Maclin stated that his recommendation is to treat this request like the City Commission would treat any other subdivision developer.

City Attorney Flournoy stated that as far as the collection is concerned, and this is not the ideal way, but there could be a contract with both M & M Water Supply and those individual lot owners that would allow the water to be turned off if they did not pay their sewer bill. Mr. Flournoy stated that the best way to control this is for them to be in the City and the City furnish the water. Mr. Flournoy stated that if this is done, an arrangement would have to be made with M & M to make the 16 connections.

Mr. Thompson stated that he has made arrangements with M & M Water Supply and that there are letters signed by all the residents agreeing to cut the water off.

Commissioner Gorden stated that he had been opposed in the past to the City extending services to those people outside the City limits. City Manager Maclin stated that there is one circumstance that he is aware of where sewer service was extended without the City having control over the water. City Manager Maclin stated that he is doing everything within his legal power to correct that situation. Commissioner Mayberry stated that he would concur with Commissioner Gorden in that the City should not go outside the City limits to provide City services.

City Attorney Flournoy stated that most of the situations where the City has extended services outside the City limits have been where the property was not contiguous to the existing City limits. City Attorney Flournoy stated that it is a much easier situation when the person requesting the service is treated like

a developer and they provide all the connections and the City doesn't have any cost to the project.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that in as much as the City staff has recommended that City service not be extended to the mobile home subdivision, and that the City currently has problems with the Water Treatment Plant, that the request be rejected. A unanimous affirmative vote was recorded.

Mayor pro tem Boyd informed Mr. Thompson that he could come back to the City and apply for annexation. City Manager Maclin stated that the annexation process will take between 60 and 90 days.

8. APPLICATIONS & CONSTRUCTION BIDS - APPROVED - TEXAS COMMUNITY DEVELOPMENT PROGRAM - NEIGHBORHOOD IMPROVEMENT COMMITTEE

Mayor pro tem Boyd stated that the next item for consideration was approval of the top ranked applications and construction bids for the Texas Community Development Program as recommended by the Neighborhood Improvement Committee.

City Manager Maclin stated that a letter from Code Enforcement Officer Kenneth Williams recommending the low bid for the five cases listed in the packets. City Manager Maclin stated that Rufus Duncan, Jr., Chairman of the Neighborhood Improvement Committee, was present if there were any questions.

City Manager Maclin stated that the NIC was recommending Due Construction for the first four cases and the low bid of Bowlin Construction for the fifth case.

Mr. Duncan stated that there were only two bidders and that all bidders were within the budget. Mr. Duncan stated that it is possible that there will be some money left at the end of the project.

Darryl Mayfield, Asst. City Manager of Finance, stated that after adjusting for the grant service fees, there was approximately \$225,000 left for the project. Mr. Mayfield stated that the Commission had previously approved the NIC to spend some money for insurance for those homes who were not insured. Mr. Mayfield stated that two of the individuals from the five presented, Mrs. Hunt and Mrs. Hubbard, may require assistance on insurance.

Mr. Mayfield stated that it is planned that the Committee will send out bids for the next five houses in January. Mr. Mayfield stated that the two bidders who were awarded the bids on the first five houses have had previous experience in doing this kind of work.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that the first five houses presented by the Neighborhood Improvement Committee be approved as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - POSTPONED - AMENDMENT TO ZONING ORDINANCE - MOBILE HOMES

Mayor pro tem Boyd stated that the next item for consideration was approval of an Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas with regard to the location of mobile homes by repealing Ordinance No. 1580.

City Manager Maclin stated that staff is requesting that this item be tabled to allow time for additional research and the development of guidelines. City Manager Maclin stated that

because this item was advertised it was necessary that it be placed on the agenda even though it would be tabled.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Ordinance amending the Zoning Ordinance of the City of Lufkin, Texas with regard to the location of mobile homes by repealing Ordinance No. 1580 be tabled until a later date. A unanimous affirmative vote was recorded.

10a. BID - APPROVED - TELEPHONE SYSTEM - PARKS & RECREATION

Mayor pro tem Boyd stated that the next item for consideration was a telephone system for the Parks and Recreation Department.

City Manager Maclin stated that the low bid had been received from LCTX in the amount of \$2,888.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that the bid of LCTX in the amount of \$2,888 for the telephone system for the Parks & Recreation Department be accepted as submitted. A unanimous affirmative vote was recorded.

10b. BID - APPROVED - DUMP TRUCK - BARRETT MOTOR OF TYLER - STREET DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was bids for a dump truck to be used in the Street Department.

City Manager Maclin stated that the low bid had been received from Barrett Motor of Tyler in the amount of \$47,418.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that the bid of Barrett Motor of Tyler in the amount of \$47,418 be accepted as the low bid. A unanimous affirmative vote was recorded.

10c. BID - APPROVED - DUMP TRUCK - BARRETT MOTOR OF TYLER - WATER DISTRIBUTION DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was a dump truck to be used in the Water Distribution Department.

City Manager Maclin stated that the low bid had been received from Barret Motor of Tyler in the amount of \$25,995.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that the bid of Barrett Motor of Tyler in the amount of \$25,995 be accepted as the low bid. A unanimous affirmative vote was recorded.

10d. BID - APPROVED - DUMP TRUCK - BARRETT MOTOR OF TYLER - SANITATION DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was a dump truck to be used in the Sanitation Department.

City Manager Maclin stated that the low bid had been received from Barrett Motor of Tyler in the amount of \$29,998.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that the bid of Barrett Motor of Tyler in the amount of \$29,998 be approved as the low bid. A unanimous affirmative vote was recorded.

10e. BID - APPROVED - LEASE PURCHASE VEHICLES - AL MEYER FORD - POLICE DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was a bid for lease purchase vehicles to be used in the Police Department.

City Manager Maclin stated that the staff recommendation is the low bid of Al Meyer Ford in the amount \$53,984.58. City Manager Maclin stated that in the budget process, five full-sized vehicles, five mid-sized vehicles and one utility pickup were budgeted. City Manager Maclin stated that when the bids came in staff was surprised to see that the City could get the full-sized Crown Victoria police package cheaper than the mid-sized Taurus package. City Manager Maclin stated that departments that have purchased the mid-sized vehicles, and the Taurus in particular, have experienced some problems with the vehicle. City Manager Maclin stated that the Crown Victoria package has been on the market for some time and the Taurus package is relatively new and all the "bugs" have not been worked out. City Manager Maclin stated that staff is recommending that the City purchase 10 full-sized vehicles instead of five and five. City Manager Maclin stated that \$67,000 had been budgeted and the amount came in well below that figure.

In response to question by Mayor pro tem Boyd, City Manager Maclin stated that staff is recommending that the utility sized pickup also be purchase from Al Meyer Ford.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that the bid of Al Meyer for 10 full-sized Crown Victoria vehicles and one Ranger pickup in the amount of \$53,984.58 per year lease payment be approved as submitted. A unanimous affirmative vote was recorded.

10f. BID - APPROVED - CARDIAC MONITORS/DEFIBRILLATORS -
PHYSIO-CONTROL CORP. - FIRE DEPARTMENT

Mayor pro tem Boyd stated that the next bid for consideration was for cardiac monitors/defibrillators for the Fire Department.

City Manager Maclin stated that one bid had been received from Physio Control in the amount of \$17,202. City Manager Maclin stated that equipment from another manufacturer would require the purchase of additional batteries, battery chargers and carrying cases. City Manager Maclin stated that the use of another brand would also require retraining and may lead to confusion under stressful conditions in the field.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Physio Control in the amount of \$17,202 be approved as the low bid. A unanimous affirmative vote was recorded.

10g. BID - APPROVED - AMBULANCE REMOUNT - COLLIN AMBULANCE SERVICE -
FIRE DEPARTMENT

Mayor pro tem Boyd stated that the next item for consideration was bids for an ambulance remount for the Fire Department.

City Manager Maclin stated that the low bid had been received from Collins Ambulance in the amount of \$31,654. The budgeted amount was \$32,000.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Collins Ambulance in the amount of \$31,654 be approved as the low bid. A unanimous affirmative vote was recorded.

10h. BID - APPROVED - MACINTOSH COMPUTER - APPLE COMPUTER CO. -
ADMINISTRATIVE OFFICES

Mayor pro tem Boyd stated that the next item for consideration was an Apple Computer to be used in the administrative offices.

City Manager Maclin stated that this is another item from the Lease Purchase Program and will be used in the City Secretary's office. City Manager Maclin stated that the cost of the computer is \$3,698.60. City Manager Maclin stated that this amount includes a scanner. City Manager Maclin stated that bids are not necessary because it meets the State criteria because it is a State and local purchasing list.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that the bid for an Apple Computer to be used in the Administrative offices in the amount of \$3,698.60 be approved as submitted. A unanimous affirmative vote was recorded.

10i. BID - APPROVED - COPIER - COPY DUPLICATING PRODUCTS - ZOO

Mayor pro tem Boyd stated that the next item for consideration was a copier to be used at the Zoo.

City Manager Maclin stated that the low bid had been received from Copy Duplicating Co. in the amount of \$2,490.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that low bid of Copy Duplicating Co. in the amount of \$2,490 be accepted as the best bid. A unanimous affirmative bid was recorded.

11. EXECUTIVE SESSION

Mayor pro tem Boyd recessed Regular Session at 5:45 p.m. to enter into Executive Session. Regular Session reconvened at 6:10 p.m. and Mayor pro tem Boyd stated that legal matters had been discussed.

12. COMMENTS

City Manager Maclin reminded Commissioners of the Joint Meeting on Thursday with the Civil Service Commission. Also, on Tuesday, December 17th, a Public Hearing for redistricting will be held at 6:00 p.m. immediately after the City Commission meeting.

Mayor pro tem Boyd reminded Commissioners that Winterfare would be held downtown on Saturday, December 7th. Mayor pro tem Boyd stated that on Tuesday, December 11, the Regional Review Committee of DETCOG will be holding a meeting in the Council Chambers to consider, among other things, the pedestrian overpass at Dunbar Intermediate School.

13. There being no further business for consideration, meeting adjourned at 6:11 p.m.



Don E. Boyd, Mayor pro tem

ATTEST:



Atha Stokes, City Secretary