

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS HELD ON THE 22ND DAY OF JANUARY, 1991, AT 5:00 P.M.

On the 22nd day of January, 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:

Louis Bronaugh	Mayor
Percy Simond, Jr.	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
C. G. Maclin	City Manager
Bob Flournoy	City Attorney
Ron Wesch	Public Works Director/ Assistance to City Manager
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present, and

Bob Bowman	Commissioner, Ward No. 4
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being absent when the following business was transacted.

1. Meeting was called to order by Mayor Louis Bronaugh.
2. Mayor Bronaugh welcomed visitors present.
3. APPROVAL OF MINUTES

Minutes of regular meeting of January 8th and workshop meeting of January 14th were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - STREET CLOSINGS - SUSSEX DOWNS SUBDIVISION - ARTHUR TEMPLE/CARROL ALLEN/ANN TEMPLE ALLEN/LUFKIN RETIREMENT VILLAGE, INC.

Mayor Bronaugh opened Public Hearing to consider street closings for the dedicated but undeveloped portion of Carolyn Drive located south of Janeway Avenue; portion of Arthur Avenue lying west of Tom Temple Drive; portion of Charlotte Drive lying south of Arthur Avenue; and portion of Tom Temple Drive located south of Arthur Avenue, as requested by Bill Ricks, Agent and Attorney for Arthur Temple, Carrol Allen and Ann Temple Allen, for the benefit of Lufkin Retirement Village.

Attorney Bill Ricks was present representing Lufkin Retirement Village.

There was no opposition present.

Mayor Bronaugh closed Public Hearing.

5. PUBLIC HEARING - STREET CLOSINGS - A PORTION OF TOM TEMPLE DRIVE - A PORTION OF ARTHUR AVENUE - CITY OF LUFKIN

Mayor Bronaugh opened Public Hearing to consider street closings for that portion of Tom Temple Drive extending from Janeway Avenue to Arthur Avenue and portion of Arthur Avenue extending from Tom Temple Drive and dead ending at the First Presbyterian Church as requested by the City.

Bill Ricks, attorney, stated that when he filed his request on December 13th, Mr. Temple and Mr. and Mrs. Allen owned the lots that are immediately adjacent to the streets mentioned in the previous Public Hearing and the streets presented in this Public Hearing. Mr. Ricks stated that after a City Commission

meeting on December 31st approving the Zone Change, a deed was issued to the Methodist Retirement Systems, Inc. Mr. Ricks stated that he is now representing Methodist Retirement Systems, Inc. in this meeting. Mr. Ricks stated that his client is not opposed to the closing of the two streets being considered in this hearing, but he would like to make it clear that he is not requesting the closings, except to the extent that a 20' portion of Arthur, as it lies to the south adjacent to the southern boundary line of Sussex Downs Subdivision, to prevent that street from ever being opened and becoming a thoroughfare.

Don Duran, attorney representing the First Presbyterian Church, stated that they oppose the closing of those portions of Arthur and Tom Temple being considered at this Public Hearing. Mr. Duran stated that for the past 28 years the public and members of the Church have used both of these streets for access to and from the Church. Mr. Duran stated that the Church has started a \$1 million project for a new sanctuary, which will be completed within the next 4-5 months. Mr. Duran stated that the Church expects an increase in its membership, which will create a need for additional parking (proposed parking is to the south side of the Church).

Mr. Duran stated that these two streets are integral to the Church and they have no interest in purchasing the streets or maintaining them.

Mr. Duran stated that the Church has no objection to closing a 20' portion at the end of Arthur street as proposed by Mr. Ricks.

It was the consensus of opinion that the two streets proposed for closing by the City of Lufkin would not be closed.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE - APPROVED - FIRST READING - STREET CLOSINGS - WILLIAMS R. RICKS, AGENT AND ATTORNEY FOR ARTHUR TEMPLE, CARROL ALLEN AND ANN TEMPLE ALLEN - LUFKIN RETIREMENT VILLAGE - PORTION OF CAROLYN DRIVE - PORTION OF ARTHUR AVENUE - PORTION OF CHARLOTTE DRIVE - PORTION OF TOM TEMPLE DRIVE

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for street closings as requested by William R. Ricks Agent and Attorney for Arthur Temple, Carrol Allen and Ann Temple Allen for the benefit of Lufkin Retirement Village for the dedicated, but undeveloped portion of Carolyn Drive located south of Janeway Avenue; portion of Arthur Avenue lying west of Tom Temple Drive; portion of Charlotte Drive lying south of Arthur Avenue; and portion of Tom Temple Drive located south of Arthur Avenue.

Mayor Bronaugh stated that a letter from David Cochran had been included in the packet stating that the appraised value of Exhibit I (that portion being requested to be closed by the developers) is \$8,500.

Mr. Ricks stated that he was not aware of the appraised value of the property, but he does understand that his clients will have to purchase the property for whatever consideration the City requests. Mr. Ricks stated that he understands from speaking with the City Attorney that the property will have to be surveyed prior to the next hearing so that it can be incorporated into a format that can be incorporated into a deed.

City Attorney Flournoy stated that the value of the 20' portion of Arthur Avenue would have to be pro rated.

City Manager Maclin stated that there is no Ordinance for consideration of Item 5 on the agenda. City Manager Maclin stated that the 20' portion of Arthur Avenue will have to come

back to the Commission and a new appraisal submitted by Mr. Cochran.

City Manager Maclin stated that he was assuming by the Council's silence that they do not wish to pursue further the closing of the two developed portions as opposed by the First Presbyterian Church.

There was no opposition present.

Mr. Ricks stated that the Planning and Zoning Commission made certain recommendations and one of them was that the property be replatted. Mr. Ricks stated that by the closings of the streets Methodist Retirement, Inc. will own all the undeveloped portions of the streets and be able to use them as they see fit. Mr. Ricks stated that he will be requesting a variance from the Zoning Board of Adjustment and Appeals for a variance to accommodate the three-story building.

Mr. Ricks stated that whenever Planning and Zoning was considering the closing of the developed streets there was some thought that part of the streets could be used for parking by the Methodist Retirement, Inc. Mr. Ricks stated that he will still have to go back to Planning and Zoning for final plat approval and at that time consideration can be given to adjusting the parking spaces.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. AUTHORIZATION FOR TRANSFER OF FUNDS - APPROVED - INSURANCE LOSS FUND - GROUP HOSPITALIZATION

Mayor Bronaugh stated that the next item for consideration was authorization for transfer of funds from the designated insurance fund to reimburse the group hospitalization trust fund.

City Manager Maclin stated that this item had been discussed in the Insurance Workshop last week, and a recommendation had been made to increase the budgeted allowance of \$111 per employee to \$141.75 per employee per month effective February 1st. City Manager Maclin stated that this would also include those City affiliates who are a part of the group insurance program (the Library, County/City Health District, the Legal Department, retirees and the COBRA participants). City Manager Maclin stated that Commissioner Mayberry had asked at the Workshop if the staff could get claims experience on these other groups and make a determination as to whether or not they were self-sustaining in terms of the claims paid versus the premiums paid. City Manager Maclin stated the answer is that there is a small deficit in the Legal Department, the Library, and the Health District, are self-sustaining. City Manager Maclin stated that as far as the retirees are concerned there are twice as many claims made as premiums being paid. City Manager Maclin stated that the COBRA program is a federally mandated program whereby any employer who has an employee who leaves the City can elect to continue on that Company's health insurance program for a period of twelve months at their own expense. City Manager Maclin stated that the City has taken a \$50,000 loss on COBRA claims.

City Manager Maclin stated that the staff's recommendation is to increase the premium effective February 1st, and because in the past the City had not been charging the affiliates the pro-rated share per employee per month for the Memorial Medical Center membership of \$1.67 per employee per month, he was requesting that this cost also be passed on to the affiliate members. City Manager Maclin stated staff would be notifying the affiliates that they will now be paying a total amount of \$143.42.

City Manager Maclin stated that if the City increases the monthly allocation from \$111 to \$141.75 this will expend the budgeted

funds for this line item by July. City Manager Maclin stated that he is proposing that for the balance of the fiscal year to utilize the designated insurance fund, which was created when the City went to the half cent sales tax for the reduction of ad valorem tax in 1988. City Manager Maclin stated that a recapitulation of the fund in terms of how much the City started with, how much has been paid out over the past few years in terms of claims expense had been included in the packet. City Manager Maclin stated that most of the claims have dealt with deductible for liability for a total of \$46,925.82.

City Manager Maclin stated that he is requesting that the City be authorized to use this fund for the balance of fiscal year 1990-91 (approximately \$148,000). City Manager Maclin stated that he will come back to Council in June to make a line item budget amendment and determine how much will be needed for the remainder of the year. City Manager Maclin stated at that point claims experience can be taken into consideration between January 1 and June 1 to see how the City is doing.

Robert Telford was present and answered questions regarding Medicare.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd granting the City Manager authority to begin paying \$141.75 into the insurance trust fund per City employee and \$143.42 for affiliates starting February 1st, with the understanding that there will be a line item amendment to the General Fund budget; the shortfall will be taken from the insurance loss fund and the amount to be determined exactly at the second City Commission meeting in June. A unanimous affirmative vote was recorded.

Commissioner Roper stated that he would like for the Commission to seriously consider at the next budget workshop returning that \$148,000 back to the insurance loss fund.

#### 8. WELLNESS PROGRAM - CITY EMPLOYEES

Mayor Bronaugh stated that the next item was to request Council consideration and implementation of wellness program for all City employees.

City Manager Maclin stated that part of the plan to try and get a better handle on the insurance claims experience will involve the implementation of a variety of things to help educate the employees and help provide some preventative maintenance and cost containment features in the City's health insurance. City Manager Maclin stated that what he was specifically requesting at this meeting is authorization for City staff to utilize EMS abilities from a standpoint of having mandatory biannual blood pressure checks for all employees.

City Manager Maclin stated that any abnormal blood pressure readings would be turned into his office and he would see that the employee went for the medical attention he needed in an effort to discover problems at the early stages where they can be controlled medically and much less expensively by medicine as opposed to surgery which has a negative impact on the insurance claims experience.

City Manager Maclin stated that in the report he received from Mr. Telford for calendar year 1990, 36-37% of the claims were cardio vascular related.

In response to question by Mayor Bronaugh, City Manager Maclin stated that if a person did not take his recommendation to seek medical help for high blood pressure, would be addressed through the personnel policy in terms of failure to follow established policies of the City. City Manager Maclin stated that failure to comply with the recommendation would not be a first time offense termination but rather a progressive situation.

In response to question by Commissioner Simond, City Manager Maclin stated that he had visited with the company that provides drug testing for the City, and learned that there have been eight cases that have been referred for rehabilitation purposes.

Mayor Bronaugh stated consideration for mandatory drug testing will be scheduled for the next City Commission meeting.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden authorizing the City Manager to implement a wellness program for the City with mandatory blood pressure testing twice a year by EMS personnel. A unanimous affirmative vote was recorded.

9. REDISTRICTING REVIEW COMMITTEE - ESTABLISHED - APPOINTMENT TO COMMITTEE

Mayor Bronaugh stated that the next item was to consider appointments and establishment of a redistricting review committee.

Mayor Bronaugh stated that Commissioners Roper, Gorden and Boyd and City Attorney Bob Flournoy, the City Manager and himself have agreed to serve on the redistricting review committee.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Danny Roper that Commissioners Roper, Gorden and Boyd, City Attorney Flournoy, the City Manager and Mayor Bronaugh be appointed to serve on the redistricting review committee. A unanimous affirmative vote was recorded.

10. LETTER OF AGREEMENT - APPROVED - TEXAS HISTORICAL COMMISSION - TEXAS MAIN STREET PROGRAM

Mayor Bronaugh stated that the next item for consideration was approval of Letter of Agreement with the Texas Historical Commission regarding Lufkin's participation in the Texas Main Street Program.

Mayor Bronaugh stated that a letter from the Texas Historical Commission had been included in the packet along with an invoice that has already been paid. Mayor Bronaugh stated that the Commission needs to authorize the City Manager to enter into an Agreement with the Texas Historical Commission.

City Manager Maclin stated that Lufkin was previously a Main Street city early in the mid-80's. City Manager Maclin stated that this program continues participation in the Main Street Program as an official graduate Main Street city, which allows the City to utilize the resources of the Texas Main Street project.

Mayor Bronaugh stated that Dawn Glover, who is the present Main Street manager, has recently finished one of the training seminars offered by the Texas Main Street Department of the Texas Historical Commission.

In response to question by Commissioner Mayberry, City Manager Maclin stated that the invoice in the amount of \$450 has been paid by LADDC out of funds provided by the City

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper approving the Letter of Agreement with the Texas Historical Commission regarding the City of Lufkin's participation in the Texas Main Street Program.

The following vote was recorded:

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

Mayor Bronaugh declared motion carried by a vote of 5 to 1.

11. BIDS - APPROVED - WASTEWATER TREATMENT PLANT RENOVATION

Mayor Bronaugh stated that the next item was to consider accepting bids and funding for Wastewater Treatment Plant renovations.

City Manager Maclin stated that Jimmy Griffith had prepared bid tabulations for renovations at the Wastewater Treatment Plant. City Manager Maclin stated that bids were opened in November for a package turn-key deal that involved all the labor, materials, and supplies. The bids came in too high and the engineer was requested to rebid with a separation of materials and labor in an attempt to define a way to come in with lower bids.

Mr. Griffith stated that the bid that was received in November was for approximately \$880,000. Mr. Griffith stated that on the labor bid he has asked for an estimate of time of completion. Mr. Griffith stated that he has prepared an Estimated Total Project Cost grouped according to work category and an estimated total project cost grouped in decreasing order of priority. Mr. Griffith stated that there were seven bidders and a tabulation has been prepared listing the item, bidder and amount.

Mr. Griffith stated that the total project cost is \$667,405.50 which includes \$57,000 in contingencies. Mr. Griffith stated that this total project figure represents a savings of 25% over the November bid. Mr. Griffith stated that the equipment bid is a firm bid.

City Manager Maclin stated that staff would like to recommend proceeding with all the items included in this bid. City Manager Maclin stated that the City is under EPA mandate to complete the dechlorination by April 1st. City Manager Maclin stated that the EPA and state agencies that govern sewage treatment and wastewater control have continued to increase the rules and regulations. City Manager Maclin stated in past years cities were only concerned about BOD and total suspended solids and now the requirements include taking the chlorine back out, the ammonia out, and being concerned about metals and toxicity.

City Manager Maclin stated that, in his opinion, it is in the City's best interest to go ahead with these renovations because anything that is put on hold will continue to go up in price.

City Manager Maclin stated that there is \$250,000 left in bonds that were originally set up for some work done several years ago and the City will have to make up the difference to meet these standards.

Mr. Griffith stated according to the suppliers these renovations will result in a \$80-100,000 savings in energy costs per year.

City Manager Maclin stated that staff was proposing for Council consideration a "pay-as-we-go" on an as-completed basis. City Manager Maclin stated that after the \$250,000 is expended the City would seek a short-term loan by utilizing the provision's of the depository that provides for loans at 95% of current prime. City Manager Maclin stated that if the Commission agrees to this Plan they would be in essence spending next years money. City Manager Maclin stated that the estimated time of completion is September or October of this year.

City Manager Maclin stated that when the Commission gets into budget process this summer, it may be necessary to consider as an alternative more continued financing of this money. City Manager Maclin stated that it is obvious that a substantial rate increase will be needed to make up the money or pro-rate it over a period of years.

In response to question by Commissioner Gorden, Mr. Griffith stated that he would like to see the electric service at the Wastewater Treatment Plant monitored to be sure that the City is receiving the energy savings as proposed by the supplier.

In response to question by Commissioner Gorden, City Manager Maclin stated that Council will be given some numbers in the Budget Workshop to determine how the \$400,000 will be funded, with the option of a rate increase or 12 month or longer financing.

Mr. Griffith introduced his associates, Bobby Scalf and Keith Small.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden accepting the bids for renovations at the Wastewater Treatment Plant as recommended by EGA. A unanimous affirmative vote was recorded.

## 12. EXECUTIVE SESSION

Regular meeting adjourned at 6:25 p.m. to enter into Executive Session. Mayor Bronaugh reconvened regular session at 6:48 p.m. and stated that legal matters had been discussed and no decisions were made. Mayor Bronaugh stated that demolition of dilapidated houses was also discussed and that the City Attorney had recommended the following houses for demolition:

208 Magnolia  
105-1/2 Lock Alley  
801 Abney

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that authorization be granted for demolition of the houses at 208 Magnolia, 105-1/2 Lock Alley and 801 Abney. A unanimous affirmative vote was recorded.

## 13. COMMENTS

Commissioner Simond complimented the staff on the new format of the City Commissioner's packets.

Commissioner Roper suggested that the staff find a way to express support of the Armed Forces troops in the Middle East on behalf of the City of Lufkin.

14. There being no further business for discussion, meeting adjourned at 6:53 p.m.

  
Louis A. Bronaugh, Mayor

ATTEST:

  
Atha Stokes, City Secretary