

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
7TH DAY OF NOVEMBER, 1995 AT 5:00 P. M.**

On the 7th day of November, 1995 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis Bronaugh	Mayor
Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	City Planner
Tommy Deaton	Asst. City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Robert Schomp, Minister, First Christian Church.

2. Mayor Bronaugh welcomed visitors present and recognized Paul Mayberry, former City Councilmember, and his wife Lee.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that the minutes of the Regular Meeting of October 17, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. **PROCLAMATION - MONASTERY OF THE INFANT JESUS - 50TH ANNIVERSARY**

Mayor Bronaugh presented a Proclamation to Sister Mary John, O. P. (Prioress) and Sister Mary Cabrini, O. P. (Sub-Prioress) in commemoration of the 50th Anniversary of the Monastery of the Infant Jesus. Mayor Bronaugh stated that a ceremony will be held this Thursday at 2:00 p.m. at the Monastery.

(Mayor Bronaugh read the Proclamation, which is on file in the City Secretary's office.)

5. **PROCLAMATION - LUFKIN PANTHER GOLD AND PURPLE DAY**

Mayor Bronaugh presented a Proclamation to Daniel Spikes, President of the Student Council, designating Friday, November 10th as Panther Pride Purple and Gold Day in the City of Lufkin. Mayor Bronaugh stated that Friday night will be Homecoming, and the Panthers will be playing Nacogdoches. Patti Smithhart, representing parent support, introduced: Panther Mascot Liz Maclin; Quarterback Courtney Garcia; Drum Major Katrina Schultz; Head Cheerleader Karen Rusk; Captain Kelly Whitton of the Panther Pride Drill Team; Faculty representative Ellen Hollis; and Student Council President Daniel Spikes.

(Mayor Bronaugh read the Proclamation, which is on file in the City Secretary's office.)

6. RESOLUTION - APPROVED - ANGELINA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS - CITY'S REPRESENTATIVE - DON BOYD, MAYOR PRO TEM

Mayor Bronaugh stated that the next item for consideration was a Resolution appointing a City of Lufkin representative to the Angelina County Appraisal District Board of Directors.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Bob Bowman to reappoint Mayor pro tem Don Boyd as the City's representative to the Angelina County Appraisal District Board of Directors. A unanimous affirmative vote was recorded.

7. AMENDMENT - APPROVED - PRE-TREATMENT ORDINANCE NO. 3064

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Pre-Treatment Ordinance No. 3064 to include proposed fees.

City Manager Maclin stated that included in the Council packet is a cover letter from Keith Wright, Environmental Manager, along with a proposed revision to the Pre-Treatment Ordinance. City Manager Maclin stated that this Ordinance was originally adopted in 1990 and had a fee schedule under Section 2, but it did not apply any amounts. City Manager Maclin stated that due to additional paperwork requirements by the EPA in regards to the City's Pre-Treatment Program it was staff's recommendation to come back to Council for consideration of inclusion of some actual permit fees.

Keith Wright stated that basically the intention is to meet EPA and TNRCC expectations to show them the City's good faith in pursuing our program, and to encourage responsive replies on submittals and applications to the City from industry. Mr. Wright stated that the fees will help to insure the EPA/TNRCC that the City is actively pursuing compliance by industry. Mr. Wright stated that the fees should also help to forestall most major fines that could be levied due to industry inaction.

Councilmember Simond stated that, in his opinion, the fees should be higher and industry should have to pay at least half of the \$20,000 the City pays the EPA yearly. Councilmember Simond stated that Mr. Wright and Mr. Mott are doing a good job at the Pre-Treatment facility, and it was his hope that the fees could be increased at a later date.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Jack Gorden, Jr. that Amendment to the Pre-Treatment Ordinance No. 3064 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. REQUEST - APPROVED - LUFKIN BAND BOOSTERS - FIREWORK SHOW - ABE MARTIN STADIUM

Mayor Bronaugh stated that the next item for consideration was a request of the Lufkin Band Boosters for a firework show November 16th at the Abe Martin Stadium.

City Manager Maclin stated that included in the Council packet is a letter from Phil Huber, Fireworks Chairman, of the Lufkin Band Boosters, along with an application to the Texas Commission on Fire Protection, signed and approved by Fire Marshal Clayton Havard. City Manager Maclin stated that because fireworks are not allowed in the City limits, Council approval is needed for this request.

In response to question by Councilmember Bowman, Mayor Bronaugh stated that

the fireworks display will be coordinated by Atlas Enterprises, Inc.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond granting approval of a request by the Lufkin Band Boosters for a firework show November 16th at the Abe Martin Stadium. A unanimous affirmative vote was recorded.

9. **APPROPRIATE VOTING WARD - APPROVED - 703 ACRES OF NEWLY ANNEXED LAND**

Mayor Bronaugh stated that the next item for consideration was placement of approximately 703 acres of land recently annexed into the appropriate voting ward.

City Manager Maclin stated that included in the Council packet is a memorandum of recommendation from the Planning Department, along with a copy of a map of the area to be annexed. City Manager Maclin stated that also included in the packet information is a letter from Dr. Ronald Claunch, Political Science Professor at SFA, who was a part of the team of Dr. Claunch and Dr. Hallman who performed the City's redistricting study in 1991, following the 1990 census. City Manager Maclin stated that the staff recommendation, along with the review from Dr. Claunch, is that the newly annexed area be placed in Ward 4. City Manager Maclin stated that at the present time there are approximately 12 residences included in this area, and it is not a heavily populated area that would have a big impact on changing the percentages of the voting wards.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that 703 acres of newly annexed land be placed in the City of Lufkin's Ward 4. A unanimous affirmative vote was recorded.

10. **CONTRACT AMENDMENT - APPROVED - GARY R. TRAYLOR & ASSOCIATES - HOUSING REHABILITATION/RECONSTRUCTION MANAGEMENT AND INSPECTION SERVICES - CITY'S 1993 HOME PROGRAM GRANT**

Mayor Bronaugh stated that the next item for consideration was a Contract Amendment with Gary R. Traylor & Associates, Incorporated for housing rehabilitation/reconstruction management and inspection services for the City's 1993 HOME Program Grant.

City Manager Maclin stated that this actually would be an Amendment to a Contract approved by the Council last March that would allow for some additional services that would be provided by Gary R. Traylor & Associates. City Manager Maclin stated that these services would be related to the City's HOME Program Contract, specifically, writing of reports and additional inspection services. This would allow the City's Code Enforcement Department to have the flexibility of utilization of these services. City Manager Maclin stated that staff recommendation is to approve this Amendment to the Contract so that the City can utilize additional services with Gary R. Traylor & Associates.

In response to question by Councilmember Gorden, City Manager Maclin stated that these services would be provided on a per case basis as needed.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Percy Simond that Contract Amendment with Gary R. Traylor & Associates, Incorporated for housing rehabilitation/reconstruction management and inspection services for the City's 1993 HOME Program Grant be approved as presented. A unanimous affirmative vote was recorded.

11. RECOMMENDATION - APPROVED - INVESTMENT COMMITTEE - AMENDMENT TO CITY'S INVESTMENT POLICY - STATE GUIDELINES

Mayor Bronaugh stated that the next item for consideration was a recommendation from the Investment Committee regarding an Amendment to the City's Investment Policy to meet State guidelines.

City Manager Maclin stated that Councilmembers Gorden, Simond and Weems met today at 3:00 p.m. with the City's Asset Manager Dick Long of First Southwest, and has provided Council an updated version of the Investment Policy that was included in the Council packet.

Councilmember Gorden stated that Mr. Long had brought the City's Investment Policy into compliance with recent and active legislation. Councilmember Gorden stated that Mr. Long had reported the status of the City's portfolio, and some of the City's investments that had been under scrutiny are doing better. Councilmember Gorden stated that he would recommend approval of the Amendment to the Council.

City Manager Maclin stated that the legislation that Councilmember Gorden referred to was the Public Funds Investment Act approved by the State Legislature this past summer.

Councilmember Weems stated that the Committee may be bringing additional Amendments to the Policy in the near future.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Jack Gorden, Jr. that recommendation of the Investment Committee to adopt an Amendment to the City's Investment Policy to meet State guidelines be approved as presented. A unanimous affirmative vote was recorded.

12. PURCHASE OF PROPERTY - APPROVED - MOTT DRIVE - PUBLIC WORKS DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was the purchase of property along Mott Drive for the Public Works Department.

City Manager Maclin stated that this is an item that was included in the budget discussion in several departments and is for a master plan for the development of a new Public Works facility. City Manager Maclin stated that the current facility is very aged and depreciated and it is staff's opinion that it is in the City's best long-term interest to come up with a phased-in plan that would provide for a Public Works facility for all of the Public Works related activities.

City Manager Maclin stated that included in the packet is a cover letter from Asst. City Manager Ron Wesch regarding this purchase along with the cover letter portion of an appraisal performed by William J. Lyons & Associates, Inc. (The full appraisal packet is available upon request.) City Manager Maclin stated that the appraisal far exceeds the price that the City has a commitment for purchase, and staff feels that this is an excellent opportunity for the City in terms of the value of the property versus the price we would be required to pay. City Manager Maclin stated that the funds for the purchase of this property are allocated in the 1995-'96 budget.

Councilmember Simond stated that the only problem he had with this request is that it will take so long to start the construction of the new facility. City Manager Maclin stated that there is no money in the budget at this time to build the facility. City Manager Maclin stated that staff is trying to plan and program this activity in an affordable manner so that it can be absorbed within current budget limitations without a tax increase of any kind. Councilmember Simond stated that he was suggesting that the building be included in next year's budget.

Asst. City Manager Wesch stated that the first two departments that will be moved are the Water & Sewer Department and Street Department, which are currently located on Amy Street. Mr. Wesch stated that the City will try to sell this six acre tract once it is vacated by these two departments. Mr. Wesch stated that the third department to be moved will be Solid Waste. Mr. Wesch stated that there is still two years remaining on the lease of the Solid Waste facility.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Tucker Weems to approve the purchase of property along Mott Drive for a new Public Works facility. A unanimous affirmative vote was recorded.

13. MUNICIPAL COURT'S YEARLY REPORT

Mayor Bronaugh stated that the next item for consideration was to consider Municipal Court's yearly report.

Judge John Sloan stated that he has been dispensing justice for the City of Lufkin for the past 10 years. Judge Sloan stated that there is a lot of paperwork in the Municipal Court system, all of which must be retrieved on a 100% accuracy basis. Judge Sloan stated that the Court was still looking into computer programs and upgrading their systems. Judge Sloan stated that collections continue to run smoothly, and there has been good cooperation with the collection agency the Court is utilizing at this time. Judge Sloan stated that there are still some major problems with Code Enforcement, but felt that most of these problems are beyond the control of City personnel. Judge Sloan stated that the Animal Control workload has increased, which has a corresponding increase on Municipal Court. Judge Sloan stated that the Court is still involved with the policing of the campuses at Lufkin High and this is creating some additional work for the Court.

Judge Sloan stated that the Municipal Court has become involved with the Teen Court, which seems to be a good program for some of the offenses involved in the school system. Judge Sloan stated that another new area the Court has become involved with is community service. Judge Sloan stated that he primarily uses community service when it looks as if the probability of collecting the fine would be low and this is an alternative method if no money can be secured for the City. Judge Sloan stated that community service is also used as an incentive to keep young people from reappearing in Municipal Court. Judge Sloan stated that community service is performed downtown, at Animal Control and at the Civic Center.

Judge Sloan stated that one of the most active problems was when the handicapped parking fines increased to \$100. Judge Sloan stated that another new assignment for the Municipal Court, which was previously handled by the District Court, is the Emergency Protective Order. Judge Sloan stated that Emergency Protective Orders are primarily for the purpose of dealing with violent family situations and stalkings.

Judge Sloan stated that the Court is now having to deal with juveniles down to age 10, when they are charged with an offense that is punishable by fine only.

Judge Sloan stated that a new computer would better help the Municipal Court in keeping accurate records for these new duties.

Mayor Bronaugh complimented the Judge and his employees on the fine job they are doing for the City.

14. DELINQUENT ACCOUNT WRITE-OFFS - APPROVED - FIRE/EMS - LUFKIN EMS - 2ND AND 3RD QUARTERS OF 1995

Mayor Bronaugh stated that the next item for consideration was write-off of Fire/EMS delinquent accounts and Lufkin EMS delinquent accounts for the 2nd and 3rd quarters of 1995.

In response to question by Councilmember Weems, Chief Murry Brown stated that this is actual revenue being written off, and not a percentage. Councilmember Weems requested that the report be changed to reflect the actual quarters of the budget year.

In response to question by Councilmember Simond, City Manager Maclin stated that the Fire/EMS is for "hot" runs, and Lufkin EMS is for transfer runs.

In response to question by Councilmember Bowman, City Manager Maclin stated that the figures as shown in the report exceed national averages substantially. City Manager Maclin stated that the City's collection rate is 61% on "hot" runs and 73% on transfer runs as of last year.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd that Fire/EMS and Lufkin EMS delinquent accounts for the 2nd and 3rd quarters of 1995 be approved for write-off as presented. A unanimous affirmative vote was recorded.

15. APPOINTMENTS - APPROVED - LUFKIN HEALTH FACILITIES DEVELOPMENT CORPORATION (BETTY JONES) - LUFKIN HOUSING FINANCE CORPORATION (BETTY JONES, TUCKER WEEMS) - LUFKIN INDUSTRIAL DEVELOPMENT AUTHORITY (BETTY JONES, BOB BOWMAN, TUCKER WEEMS)

Mayor Bronaugh stated that the next item for consideration was appointments to the Lufkin Health Facilities Development Corporation, Lufkin Housing Finance Corporation and the Lufkin Industrial Development Authority. Mayor Bronaugh stated that immediately following the Council meeting there will be a meeting of the Lufkin Health Facilities Development Corporation, but before this business could be conducted it was necessary to update the members on the Board. Mayor Bronaugh stated that City staff's recommendation was to take this opportunity to update the other two Boards whose members are on the City Council.

Mayor Bronaugh administered the Oath of Office for the following Boards:

Lufkin Health Facilities Development Corporation - Councilmember Betty Jones

Lufkin Housing Finance Corporation - Councilmembers Betty Jones and Tucker Weems

Lufkin Industrial Development Authority - Councilmembers Betty Jones, Bob Bowman and Tucker Weems

16. APPOINTMENT - APPROVED - KURTH MEMORIAL LIBRARY - CITY'S REPRESENTATIVE - TUCKER WEEMS

Mayor Bronaugh stated that the next item for consideration was an appointment to the Kurth Memorial Library Board of Directors.

City Manager Maclin stated that included in the Council packet is a letter from Kristi Gay, President of the Kurth Memorial Library, requesting that the City appoint a representative to the Library Board.

Motion was made by Councilmember Don Boyd and seconded by Councilmember

Bob Bowman that Tucker Weems be appointed as the City's representative to the Kurth Memorial Library Board. A unanimous affirmative vote was recorded.

17. BID - APPROVED - FORK LIFT - RECYCLING DEPARTMENT - BRIGGS WEAVER

Mayor Bronaugh stated that the next item for consideration was bids for a fork lift to be used in the Recycling Department.

City Manager Maclin stated that two bids were received for a fork lift to be used in the Recycling Department, and Staff's recommendation is to award the low bid of Briggs Weaver in the amount of \$32,023.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Percy Simond that bid of Briggs Weaver in the amount of \$32,023 for a fork lift to be used in the Recycling Department be approved as submitted. A unanimous affirmative vote was recorded.

18. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:15 p.m. to enter into Executive Session. Mayor Bronaugh reconvened the meeting at 6:44 p.m. and stated that attorney-client matters and appointments to Boards and Commissions had been discussed.

Asst. City Attorney Tommy Deaton stated that in Executive Session there was discussion of a possible demolition of a building located at 113 W. Burke Street. Mr. Deaton stated that the City staff has a list of complaints from the Code Enforcement Office and \$2,000 in fines that have been assigned to the Jennings Estate beginning October 30, 1991.

Motion was made by Councilmember Percy Simond and seconded by Councilmember Don Boyd that the property at 113 W. Burke Street be demolished as soon as practical and that the vehicles be removed from the property. A unanimous affirmative vote was recorded.

19. APPOINTMENT - APPROVED - PLANNING & ZONING COMMISSION - DENNIS ROBERTSON

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Betty Jones that Dennis Robertson be appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

20. COMMENTS

Councilmember Simond stated that at the last City Council meeting there was discussion relating to City staff personnel having designated parking spaces in the new parking area across from City Hall. Councilmember Simond stated that before tonight's meeting he drove past the parking area and the parking spaces had not been marked as previously suggested. Mayor Bronaugh stated that staff members had declined the designated parking spaces because of the perception. Councilmember Simond stated that the City Council are the elected officials and, in his opinion, staff members should have designated parking spaces.

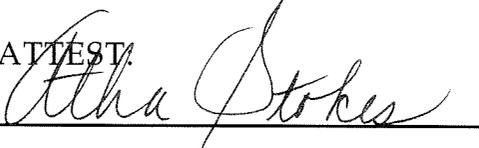
City Manager Maclin stated that Friday will be observed as a City Holiday in observance of Veteran's Day on Saturday, November 11.

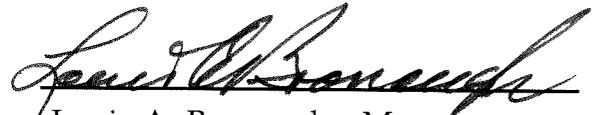
Mayor Bronaugh reminded Councilmembers of the 50th anniversary celebration at the Monastery on Thursday afternoon at 2:00 p.m.

Mayor Bronaugh stated that the next DETCOG meeting will be held on Thursday,

November 16th in Livingston.

21. There being no further business for consideration, meeting adjourned at 6:57 p.m.

ATTEST.

Atha Stokes - City Secretary


Louis A. Bronaugh - Mayor