MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF JUNE, 1992 AT 5:00 P.M.

On the 16th day of June, 1992 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
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present, and

Percy Simond	Commissioner, Ward No. 1

being absent when the following business was transacted.

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

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Retreat Meeting of May 20, 1992, and Regular Meeting of June 2, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. **OATH OF OFFICE - COMMISSIONER WARD 6 - TUCKER WEEMS**

Mayor Bronaugh administered the Oath of Office to newly appointed Commissioner of Ward 6, Tucker Weems, who will serve out the unexpired term of Paul Mayberry.

5. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - JACK GREER DAVIS - RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE - JOHN REDDITT DRIVE BETWEEN HANKS STREET AND MOSSFIELD ROAD**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Zone Change as requested by Jack Greer Davis from Residential Large to Restrictive Professional Office on approximately 9.25 acres of land fronting the west side of John Redditt Drive between Hanks Street and Mossfield Road.

City Manager Maclin stated that this request was tabled at last meeting to give the residents in the neighborhood and the property owner requesting the Zone Change the opportunity to explore any possibilities or compromise they could work out. City Manager Maclin stated that there was some discussion regarding a potential voluntary deed restriction to be placed on the property by Mr. Davis, the property owner, but after discussion that was not agreed upon as an appropriate compromise.

City Manager Maclin stated that staff had received a letter from Mr. Davis indicating that he did not wish to voluntarily place a deed restriction on his property (the letter is on file in the City Planner's office).

Diane Pounds, representing her husband John Pounds, stated that the Restrictive Professional Office Ordinance is allowing for more than what they feel is appropriate for Loop property.

Gene Tate stated that at last meeting Mr. Davis agreed to a compromise of putting a deed restriction on the property so that the Ordinance would cover only the primary use, and not any secondary or special uses. He would like to know on whose advice Mr. Davis decided not to honor his pledge to the other property owners in the area, and if the City participated in his decision in any way. Mayor Bronaugh stated that the City had not participated in Mr. Davis' decision.

Mayor Bronaugh stated that Mr. Davis had made the statement that he would place a deed restriction on the property, and the City Attorney suggested that Mr. Davis discuss his decision with his attorney. Mayor Bronaugh stated that the City Commission is not entering into this in any way.

Frances Peavy, sister of Jack Greer Davis, read the following statement by Mr. Davis: "My request to the Planning & Zoning Commission for a Zone Change was unanimously granted. I have been advised that I should present the same request to the City Commission for their consideration."

In response to question by Commissioner Gorden, City Manager Maclin stated if the zone change is approved, a site plan is required before any construction can begin, and a site plan would have to include adequate drainage protection.

City Manager Maclin stated that the main opposition to this request is "secondary uses" to the property under the Restrictive Professional Office Ordinance.

In response to question by Commissioner Bowman, City Attorney Flournoy stated that the property owners could go to Court to overturn this decision, but it would be extremely remote that they could overturn the action of the City Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that Ordinance be approved on First Reading as presented.

The following vote was recorded:

Aye: Commissioners Boyd, Kegler, Weems, Bowman and Mayor Bronaugh
Nay: Commissioner Gorden

Motion carried by a vote of 5 to 1.

Mr. Tate stated that there seems to be some confusion on the drainage problem. Mr. Tate stated that before the work was done on the Loop, the recommendation was made by the Texas Highway Department that no further development be done on the Loop until a drainage study was made. Mr. Tate stated that whatever is decided in regard to drainage on this piece of property is not going to take care of the problems with the Cedar Creek basin.

6. **CONSTRUCTION PLANS - APPROVED - RUFUS DUNCAN, SR. - STREETS, UTILITIES, DRAINAGE - BROOKHOLLOW SUBDIVISION NO. 13**

Mayor Bronaugh stated that the next item for consideration was request of Rufus Duncan, Sr. for approval of construction plans for utilities, streets and drainage for the Brookhollow Subdivision No. 13.

City Manager Maclin stated that this recommendation comes to the City Commission with approval of the Planning & Zoning Commission. City Manager Maclin stated that when Mr. Duncan constructed Brookhollow Subdivision No. 12, he approached the Commission to substitute for concrete specifications 5" rather than 6", in lieu of asphalt. City Manager Maclin stated that this particular variance includes the use of a matte on a 6" center that comes in squares rather than in rolls, and provides a greater degree of security to the concrete because of the closeness of the mesh as opposed to the 24" centers for the regular mesh in the 6". City Manager Maclin stated that the concrete poured in Brookhollow 12 approximately a year ago has held up very well. City Manager Maclin stated that the City staff feels that this is in the City's best interest versus the other alternative of asphalt in the way the current asphalt specifications are written. City Manager Maclin stated that staff is currently reviewing the City's specifications for subdivision street construction, and hope to bring the Commission a recommendation later this summer. City Manager Maclin stated that the staff is in support of Mr. Duncan's request.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that construction plans for utilities, streets and drainage for the Brookhollow Subdivision No. 13 be approved as submitted. A unanimous affirmative vote was recorded.

7. **CITY POLICY - TABLED - GARBAGE PICKUP FROM ALLEYS**

Mayor Bronaugh stated that the next item for consideration was revision of City policy to eliminate garbage pickup from alleys.

City Manager Maclin stated that a letter from the Assistant City Manager of Public Works had been included in the Commissioners packets relating to this situation along with a list of the alleys with photos. Mr. Wesch stated that the alley pick up situation creates numerous problems for the residential garbage trucks. Mr. Wesch stated that the drivers have encountered problems with limbs and other debris stacked in the alleys. Mr. Wesch stated that these alleys in most cases were not designed for the residential units.

Mr. Wesch stated that he was requesting that the garbage be moved to the front of the homes where all other garbage is picked up, and hopefully speed up the pick up of this garbage.

In response to question by Mayor Bronaugh, Mr. Wesch stated that the residents have not been notified of the request to eliminate picking up garbage from alleys.

In response to question by Mayor Bronaugh, Mr. Wesch stated that he is not requesting that the alleys be closed.

Motion was made by Commissioner Larry Kegler and seconded by Commissioner Bob Bowman that this item be tabled until next meeting, and the residents who will be affected by this request be notified of this change in City policy. A unanimous affirmative vote was recorded.

8. **RESOLUTION - APPROVED - WAIVER OF BUILDING CONSTRUCTION FEES - WATER & SEWER TAP FEES - LUBY'S CAFETERIA**

Mayor Bronaugh stated that the next item for consideration was a Resolution for the waiver of building construction fees, and water and sewer tap fees for Luby's Cafeteria.

City Manager Maclin stated that a memorandum from the City Building Official, listing the building permit fees and the water and sewer tap fees, along with a Resolution prepared by the City Attorney, had been included in the Commissioners packets.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Resolution waiving the building construction fees and the water and sewer tap fees for Luby's Cafeteria be approved as presented. A unanimous affirmative vote was recorded.

9. **BUDGET AMENDMENT - APPROVED - TLL TEMPLE FOUNDATION GRANT - PILOT'S CLUB - H. O. BATTEN - POLICE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was a budget amendment for the Police Department in relationship to the receipt of a grant from the TLL Temple Foundation, the Pilot's Club, and H. O. Batten.

City Manager Maclin stated that a memorandum from Chief Collins requesting the budget amendment and a budget amendment form, had been included in the Commissioner's packets. City Manager Maclin stated that these donations reflect a $45,942 grant from the TLL Temple Foundation, a $3,200 from the Pilot Club of Lufkin, and a $1,500 donation from Mr. H. O. Batten. City Manager Maclin stated that all of these individuals made these contributions with the intent of assisting the Department in the purchase of video cameras.

City Manager Maclin stated that Sgt. Nowak prepared an evaluation of various mobile video systems in patrol cars, to include the advantages and disadvantages of various units currently on the market. Chief Collins stated that he, too, would like to acknowledge the work that Sgt. Nowak had done on this project, which took him a year to complete. Chief Collins stated that these cameras will not be used primarily for traffic enforcement, but will be available for crime scene video taping out of the vehicle.

In response to question by Commissioner Bowman, City Manager Maclin stated that there is a 12-month warranty on the cameras.

Motion was made by Commissioner Weems and seconded by Commissioner Bowman that Budget Amendment of the Police Department in relationship to the grants totaling $50,642 be approved as presented. A unanimous affirmative vote was recorded.

10. **BID PROPOSAL - APPROVED - VIDEO CAMERAS - POLICE DEPARTMENT - KUSTOM SIGNALS, INC. - REDI-CAM SURVEILLANCE SYSTEMS**

Mayor Bronaugh stated that the next item for consideration was the award of bid proposals for the purchase of video cameras for Police units.

City Manager Maclin stated that staff recommendation is to award the bid of Kustom Signals, Inc. in the amount of $40,005, and the bid of Redi-Cam Surveillance Systems in the amount of $4,632 for the mobile video recording systems.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that bid of Kustom Signals, Inc. in the amount of $40,005, and bid of Redi-Cam Surveillance Systems in the amount of $4,632 for the mobile video recording systems be approved as submitted. A unanimous affirmative vote was recorded.

11. **BUDGET AMENDMENT - APPROVED - EMERGENCY EXPENSE - CITY HALL AIR CONDITIONING SYSTEM - AIR CONDITIONING UNLIMITED**

Mayor Bronaugh stated that the next item for consideration was a budget amendment, and emergency expense for repairs to the City Hall air conditioning system.

City Manager Maclin stated that the main chillers for the air conditioning system for City Hall and the Police Department, recently, had major problems with both units. City Manager Maclin stated that the invoice in the amount of $10,585 was for repairs to the unit that was in the worse condition, and the $4,952 invoice was for repairs to the other unit. Total amount of the invoices is $15,512. City Manager Maclin stated that staff is requesting that this amount be taken from the Contingency Fund, which currently has a balance of $121,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that budget amendment in the amount of $ 15,512 for emergency repairs to the City Hall and Police Department air conditioning system be approved as presented. A unanimous affirmative vote was recorded.

12a. **BID - APPROVED - RADIO SYSTEM UPGRADING - POLICE DEPARTMENT - JOHNSTON ELECTRONICS**

Mayor Bronaugh stated that the next item for consideration was bids for upgrading the radio system in the Police Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Johnston Electronics in the amount of $17,395.

Chief Collins stated that the following equipment is being purchased by the City in the bid:

1 antenna
3 ninety-nine channel mobile radios with scramblers
4 DC remotes (for different offices to transmit on the radio)
2 repeaters
2 radio headsets for communications operators
1 combiner system to be able to transmit and receive different frequencies at the same location
3 power line surge protectors to protect the 3 repeaters
1 power supply, antenna, and scrambler to make the mobile radio at the Narcotics Office a control station to transmit on the Narcotics frequency

The bid also includes:

Changing the frequency in one repeater
Making the mobile radio at the Narcotics Office a control station
Programming 18 mobile radios to the specified frequencies
Programming 18 walkie/talkie radios to the specified frequencies
Moving the intercity radio to the Wood Street water tower
Installing lightning arrestors in the intercity system
Moving existing and new equipment to new radio equipment room

Chief Collins stated that the bid also includes all cables and connectors to the radio system.

In response to question by Commissioner Gorden, Chief Collins stated that this equipment would be paid out of the forfeited funds accounts. Thirty-thousand dollars ($30,000) had been set aside for this equipment.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of Johnston Electronics in the amount of $17,395 be accepted as submitted. A unanimous affirmative vote was recorded.

12b. **BID - APPROVED - TELEPHONE POLES - KIT McCONNICO PARK - PAYNE ELECTRICAL**

Mayor Bronaugh stated that the next item for consideration was telephone poles for Kit McConnico Park.

City Manager Maclin stated that staff recommendation is to award the low bid of Payne Electrical in the amount of $2,760 (price to include delivery to Kit McConnico Park).

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of Payne Electrical in the amount of $2,760 be accepted as submitted. A unanimous affirmative vote was recorded.

13. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:03 p.m. to enter into Executive Session. Regular session was reconvened at 6:17 p.m. Mayor Bronaugh stated that the City Commission had discussed appointments to various Boards.

14. **APPOINTMENT - APPROVED - DETCOG BOARD MEMBER - TUCKER WEEMS**

Mayor Bronaugh stated that he had received a letter of resignation from Paul Mayberry, who had served on the DETCOG Board of Directors.

Mayor Bronaugh stated that four members of the City Commission are appointed to serve on the DETCOG Board of Directors. Currently serving in this capacity are Mayor Bronaugh, Paul Mayberry, Don Boyd and Percy Simond.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Tucker Weems be appointed to the DETCOG Board of Directors to serve out the unexpired term of Paul Mayberry. A unanimous affirmative vote was recorded.

15. **COMMENTS**

City Manager Maclin stated that staff is now ready to set the budget workshop meetings for the Department Heads to present their proposed budgets to the City Commission. Meeting times were discussed, and the City Manager stated that he would work out a schedule to be sent to each of the Commissioners.

City Manager Maclin stated that he would like to recognize Dennis Webster for his efforts at the Recycling Center.

Commissioner Bob Bowman stated that the Pineywoods Foundation had approved another $15,000 for the rehabilitation of homes in North Lufkin.

16. There being no further business for consideration, meeting adjourned at 6:35 p.m.

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary