

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
21ST DAY OF SEPTEMBER, 1993 AT 5:00 P.M.**

On the 21st day of September, 1993 the City Council 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	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Manager/Finance
Ron Wesch	Asst. City Manager/Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Leon Wallace, Associate Minister, Eastview United Pentecostal Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Called Meeting of August 31, 1993 and the Regular Meeting of September 7, 1993 were approved on a motion by Councilman Larry Kegler and seconded by Councilman Jack Gorden, Jr. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - TAX ABATEMENT - JOSEPH J. KWIATKOWSKI -
INTERNATIONAL TRUCK AND EQUIPMENT OF TEXAS, INC. - LOOP 287 AND
DAVISVILLE ROAD - ANGELINA & NECHES RIVER RAILROAD**

Mayor Bronaugh opened Public Hearing to consider request of Joseph J. Kwiatkowski on behalf of International Truck and Equipment of Texas, Inc. for the purpose of granting a Tax Abatement on approximately 18.657 acres located south of Loop 287 between Davisville Road and the Angelina & Neches River Railroad.

Mr. Kwiatkowski stated that he is requesting a Tax Abatement for 18 acres of property which has been vacant for some time. Mr. Kwiatkowski stated that his intentions are to place an international dealership with a 12 bay drive thru, eventually expanding to a 24 bay drive thru. Mr. Kwiatkowski stated he will not only service local trucks but also through traffic. At this time, there are 22 employees with future expansion of 40 employees. Mr. Kwiatkowski stated that he will send his mechanics to school at an expense of \$40-50,000. The initial expense to set up this operation at the Davisville Road location will be \$50,000 with future plans to develop the entire 18 acres.

Mr. William Bouslog, Service Manager for the company, stated that he will be training local people for this facility. Primarily, the employee payroll will be in the neighborhood of \$900,000 and eventually will be as high as \$1 million per year. Mr. Bouslog stated that salaries for employees could be as high as \$30,000 per year.

There was no opposition present.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE - APPROVED - SECOND READING - REVISIONS IN LOCAL GOVERNMENT CODE - BIDDING PROCEDURES

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance reflecting revisions in the Local Government Code relating to bidding.

City Manager Maclin stated that at last meeting Council decided on a level of \$10,000 rather than the \$15,000 level provided for by the State. City Manager Maclin stated that included in the packet is the revised Purchasing Policy relating to bidding procedures.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Ordinance be approved on Second and Final Reading, including the Purchasing Policy, as presented. A unanimous affirmative vote was recorded.

6. EMPLOYEE PERSONNEL HANDBOOK UPDATES - APPROVED

Mayor Bronaugh stated that the next item was for further consideration of updates to the Employee Personnel Handbook.

City Manager Maclin stated that there were two areas that Council requested that staff address and they were the Grievance Procedures and the Nepotism Policy. City Manager Maclin stated that the Nepotism Policy has been revised so that relatives other than Department Head employees would be able to work for the City as long as they were not in the same Department; however, the Department Head level would not be able to have relatives that meet the definition of immediate family member as eligible for employment with the City. City Manager Maclin stated that the current policy for those hires made prior to October 1st, which is when this would go into effect if it is approved, would remain under the current policy which does not allow a family member by definition to be supervised by another family member within the same department.

City Manager Maclin stated that as far as the Grievance Committee, this likewise reflects the direction from Council in that the Grievance Committee will be an independent committee with each, the aggrieved employee and the Department Head of the aggrieved employee being able to pick one employee from the City to serve on the Grievance Committee, and the third person being selected through a striking process. The results of the Grievance will be presented to the City Manager.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Don Boyd that updates to the Employee Personnel Handbook be approved as presented.

Councilman Simond stated that he would like to add two words to the sentence in paragraph 3 of the Grievance Committee, which would change the sentence to read: The Director of Personnel will act as the recorder with no voice or vote. Councilman Simond stated that it was his understanding that the Personnel Director talks more in the meetings than anybody else. Mayor Bronaugh stated that the tapes indicate otherwise. Councilman Simond stated that if the City Manager feels that there is no problem with the Personnel Director in the Grievance Committee meetings, then he (Councilman Simond) doesn't have a problem with it either. Councilman Simond stated that the Personnel Director should not have anything to say at the meetings unless he is asked a question.

A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT - JOSEPH J. KWIATKOWSKI - INTERNATIONAL TRUCK AND EQUIPMENT OF TEXAS, INC. - LOOP 287 AND DAVISVILLE ROAD - ANGELINA & NECHES RIVER RAILROAD

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Tax Abatement as requested by Joseph J. Kwiatkowski on behalf of International Truck and Equipment of Texas, Inc. for the purpose of granting a Tax Abatement on approximately 18.657 acres located south of Loop 287 between Davisville Road and the Angelina & Neches River Railroad.

Copies of the Tax Abatement Agreement were handed out to Councilmembers.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that Ordinance for Tax Abatement be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - ARLLIE & IRENE ELLIOTT - 102 W. KERR AVENUE - RESIDENTIAL LARGE, SPECIAL USE (PROFESSIONAL OFFICE) TO LOCAL BUSINESS - MAKING AND SELLING OF PORCELAIN DOLLS

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for a change of zoning at 102 W. Kerr Avenue from Residential Large, Special Use (Professional Office) to Local Business or any other more restrictive zoning classification that will allow the making and selling of porcelain dolls, as requested by Arllie and Irene Elliott.

City Manager Maclin stated that included in the Councilmember's packets is the minutes of the P&Z Commission meeting along with a unanimous recommendation that this existing Special Use Permit be amended to allow for the making and selling of porcelain dolls with three conditions: (1) That the gross floor area for the making and selling of articles not exceed 1,000 SF; (2) That no more than one on-premise sign be permitted and it shall be limited to sixteen SF. If the sign is free standing, it shall not exceed four feet in height measured from the ground; and (3) The hours of operation will be limited to 8:00 a.m. to 4:00 p.m., except the hours will be extended to 8:00 p.m. on one evening per week.

City Manager Maclin stated that the City Planner had been out of town on the night of the P&Z meeting and was not able to discuss some items with the P&Z Board that might make this request more manageable from an administrative standpoint.

Stephen Abraham, City Planner, stated that the P&Z Commission did recommend to amend the Special Use Permit to allow only for the making and selling of porcelain dolls. Mr. Abraham stated that it was his recommendation that the City allow a retail shop for the making and selling of items on the premises, and if she wanted to make doll houses as an accessory, then she should be able to do so. City Planner Abraham stated that the limitation of 1,000 SF will mitigate any adverse impact she would have, basically because the existing zoning does allow Office with no limitation on the office size.

Mr. Abraham stated that the second item he would like to address is the hours of operation. Mr. Abraham stated that he has no problem with extending one day a week to 8 PM but he would ask that the day be specified for enforcement purposes. Mayor Bronaugh stated that this decision should be flexible in the event the day Mrs. Elliott chooses initially does not prove to be profitable. Mr. Abraham stated that this was not a recommendation of P&Z, but rather came as a result of the Public Hearing.

In response to question by Councilman Gorden, Mr. Abraham stated that the Comprehensive Plan clearly stated that this is an area in transition.

Mrs. Elliott stated that she is presently in business in downtown and is having to move because the building she now occupies is being sold. Mrs. Elliott stated that she is trying to supplement her income by using her skills in dollmaking. Mrs. Elliott stated that in the P&Z meeting she said that her normal business hours would be from 9 a.m. until 4 p.m. Mrs. Elliott stated that she would like the option of coming back to Mr. Abraham and changing the late night if the one she selects does not work out, and would be allowed some flexibility in time so that if a customer was not finished right at 8 p.m. they could be allowed to finish their project. Mrs. Elliott stated that she has an existing patio that she will be enclosing and adding 15' on one side and 20' on another side, and it will still be in compliance with the Zoning Ordinance.

Mrs. Elthia Shelton, who resides at 110 W. Kerr, appeared in opposition of the request. Mrs. Shelton stated that she opposed this Special Use Permit because of the busy traffic that is already on this street. Mrs. Shelton stated that the Elliott's are a large household and there are between 5 and 8 cars parked on the property every evening. Mrs. Shelton stated that she is also concerned about the kilns since there are mostly older wooden homes in the neighborhood and this could pose a fire hazard. Mrs. Shelton stated that she would personally like for the neighborhood to remain residential in nature.

Mrs. Elliott stated that she does have a large family and as far as parking is concerned, she will be able to accommodate as many as 25 cars without any difficulty. Mrs. Elliott stated that she is not looking to increase the parking area.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Ordinance be approved on First Reading as presented with the hours of operation to be 8:00 a.m. to 6:00 p.m., and remaining open from 6:00 p.m. until 9:00 p.m. one night a week starting with Monday night, and applicant having 30 days to make request to change the night through the City Planner. A unanimous affirmative vote was recorded.

Mr. Abraham stated that his recommendation was to include accessory items.

9. PUBLIC HEARING DATE SET - GENE CARRIER - EAST TEXAS ASPHALT - TAX ABATEMENT (ENTERPRISE ZONE) - SPENCE AND LOOP 287

Mayor Bronaugh stated that the next item for consideration was to consider the request of Gene Carrier on behalf of East Texas Asphalt Company to call a Public Hearing for the purpose of granting a Tax Abatement within the Enterprise Zone on property located at the corner of Spence and Loop 287.

City Manager Maclin stated that representatives from East Texas Asphalt were present to answer any questions Council might have.

Gene Carrier, VP/General Manager of East Texas Asphalt, stated that ETA was a division of Moore Brothers Construction, and they are trying to develop property at the corner of Spence and Loop 287.

City Manager Maclin stated that before the Public Hearing he would meet with Mr. Carrier to clarify the point system that has been established.

Motion was made by Councilman Percy Simond and seconded by Councilman Jack Gorden, Jr. that Public Hearing be set for the October 5th meeting of the City Council. A unanimous affirmative vote was recorded.

10. AMENDMENT - APPROVED - ZONING ORDINANCE/ARTICLE XIX - BOARD OF ADJUSTMENT & APPEALS

Mayor Bronaugh stated that the next item for consideration was an Amendment to

Article XIX of the Zoning Ordinance (Board of Adjustment & Appeals).

City Manager Maclin stated that currently there are five members on the Board of Adjustment of Appeals with two alternates. City Manager Maclin stated that the Ordinance requires that there are five members present before any business can be conducted. City Manager Maclin stated that frequently there is a problem getting a meeting together with only two alternates to call upon if the Board members are unavailable, and this is a request to Council by staff to help alleviate that problem.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

11. ANIMAL CONTROL AGREEMENTS - APPROVED - CITIES OF HUDSON AND GROVETON

Mayor Bronaugh stated that the next item for consideration was approval of Animal Control Agreements with the cities of Hudson and Groveton.

City Manager Maclin recognized Don Hicks of Groveton, and J. W. Reeves and Mayor M. B. Baker of the City of Hudson. City Manager Maclin stated that included in the Councilmember's packets are sample contracts and agreements similar to the contracts the City has with the Cities of Diboll and Huntington. City Manager Maclin stated that both Hudson and Groveton have met and agreed to the terms of this type of contract and are asking the City Council to approve the Contracts to provide these services at the designated fees.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that Animal Control Agreements with the Cities of Hudson and Groveton be approved as presented. A unanimous affirmative vote was recorded.

12. REPORT - APPROVED - CONCERNED BLACK MEN OF LUFKIN, TEXAS, INC. - SUMMER YOUTH PROGRAM

Mayor Bronaugh stated that the next item for consideration was a report from the Concerned Black Men of Texas, Inc. on the summer youth program.

Mayor Bronaugh recognized Oscar Kennedy and Rotley Tankersley of the Concerned Black Men of Lufkin, Texas, Inc. Mr. Tankersley thanked the City Council for their support and confidence in the Concerned Black Men's organization, and for the \$4,000 grant for a very successful summer youth program. Mr. Tankersley stated that through this program various community leaders spoke to the group. Mr. Tankersley stated that there were 189 participants in the four week program between the ages of 8 and 15. Mr. Tankersley stated that Officers Bean and Hadnot had spoken to the group along with the DARE Officer Ben Vaughn.

Oscar Kennedy gave a report on how the grant money was spent. Total expenditures were \$3,048.99 with the organization returning \$952.01 to the City.

13. DESIGNATED FUND BALANCES - APPROVED - GENERAL FUND - WATER & SEWER FUND

Mayor Bronaugh stated that the next item for consideration was to discuss the designated fund balances in the General Fund and the Water & Sewer Fund.

City Manager Maclin stated that staff and Council have talked in the past about when there are projects budgeted in one fiscal year, and due to certain situations beyond staffs control, they are forced to be prolonged beyond the fiscal year for payment. City Manager Maclin stated that from an audit standpoint it is much cleaner and much more advantageous to the City if those funds are designated

within the fund balance. City Manager Maclin stated that when Moody's or Standard & Poors reviews the City's audit for bond rating purposes, if there is a designated fund balance and it is spent for that designated fund, that will not be held against the City.

City Manager Maclin stated that staff recommendation is that these designated fund balances be so noted by Council action tonight for purposes of documentation in the City's audit.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that designation of fund balances in the General Fund and Water and Sewer Fund be approved as shown in request by Asst. City Manager Darryl Mayfield in the packet information for the September 21, 1993 City Council meeting. A unanimous affirmative vote was recorded.

14. OUTSTANDING ACCOUNTS RECEIVABLE - CURB & GUTTER PROJECTS

Mayor Bronaugh stated that the next item for consideration was outstanding Accounts Receivable on curb and gutter projects per Mr. Simond's request.

Councilman Simond stated that he was attempting to find a way to get some of the money in that is owed to the City. Councilman Simond stated that Mr. Mayfield had provided him with a list of the outstanding accounts for curb and gutter. Councilman Simond stated that if the people who owed for curb and gutter were given a forgiveness of the interest, perhaps they would be encouraged to pay the balance of the account. Councilman Simond stated that the amount of interest paid by the other residents was an insignificant amount and if the City wanted to refund them the interest paid it would only be approximately \$2-3,000. Councilman Simond stated that on some of the accounts, the interest will equal the value of the property in a short period of time.

City Manager Maclin stated that when the City first started the curb and gutter program the interest was 10%, and then in the second or third year the interest dropped to 9%. City Manager Maclin stated that Mr. Mayfield had furnished some options that would persuade citizens to take care of their outstanding responsibilities.

Councilman Simond stated that he would like for the letter to the citizens with outstanding balances to be simple, and that the time limit be longer than six months if Option C is chosen.

City Manager Maclin stated that the list submitted by Mr. Mayfield is strictly for curb and gutter assessments and does not include delinquent bills for weeded lots, etc.

In response to question by Councilman Gorden, City Manager Maclin stated that State law requires that 66% of the residents on a street sign a petition for curb and gutter, or the City cannot take a lien on the property. City Manager Maclin stated that the other 1/3 of the residents, even if they didn't choose to participate, by law they are required to participate.

Mr. Flournoy stated that this list reflects only those citizens who had notes set up for payment. Mr. Flournoy stated that there is one residence listed on Franklin Street, and he knows that there are more houses on Franklin Street.

City Attorney Flournoy stated that a forgiveness of interest had been tried last year and it did not produce much.

In response to question by Councilman Kegler, Mr. Mayfield stated that this list is current as of September 1, 1993.

Councilman Simond stated that to be fair to those who have already paid and those

who are currently paying, the City would have to refund the interest to them. City Manager Maclin stated that this would not be a good precedent for the City. Mayor Bronaugh stated that there are many people who have paid and that would involve a large amount of money to refund.

Mr. Mayfield stated that last year the City implemented a no-charge interest program which lasted for 90 days. During that time some individuals came in and paid off their account, and some set up payment plans. Mr. Mayfield stated that this list contains the names of some that are trying to pay and those who are not paying at all. Mr. Mayfield stated that one of Mr. Simond's concerns is that while some people are trying to pay, the interest continues to accumulate.

Councilman Simond stated that he would like for Mr. Mayfield to draft a letter in unambiguous language stating the amount they now owe, the amount they will owe in 1-5-10 years, and that the City has a lien on their property and that they cannot sell the property until the lien is removed.

Councilman Gorden suggested that if the resident pays within the 180 day period perhaps a 20% discount could be negotiated.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Larry Kegler to adopt Option C of the proposed options for repayment of curb and gutter assessments, and that a letter outlining the significance of the interest that is accumulating be sent to all outstanding accounts, and that a 20% discount be offered to those who pay off their accounts in the 180 day period. A unanimous affirmative vote was recorded.

15a. BID- APPROVED - PICKUP TRUCK - WATER UTILITIES DEPARTMENT - BARRETT BROTHERS OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was bids for a pickup truck to be used in the Water Utilities Department.

City Manager Maclin stated that staff recommendation is to award the bid of Barrett Brothers of Lufkin in the amount of \$12,246.44. City Manager Maclin stated that Barrett Brothers is not the low bid, but they are offering a 1994 model truck for approximately \$40 more than the low bidder requires for a 1993 model.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond that bid of Barrett Brothers in the amount of \$12,246.44 be accepted as submitted. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - CONCRETE PIPE - WATER UTILITIES DEPARTMENT - GIFFORD HILL AND COMPANY

Mayor Bronaugh stated that the next item for consideration was bid for concrete pipe to be used in the Water Utilities Department.

City Manager Maclin stated that basically there was only one bid that responded and it was the bid of Gifford Hill and Company in the amount of \$13,045.20.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that bid of Gifford Hill and Company in the amount of \$13,045.20 be accepted as submitted. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:38 p.m. to enter into Executive Session. Regular Session reconvened at 6:58 p.m. and Mayor Bronaugh stated that the Councilmembers had discussed appointments to Boards, real estate matters, legal matters and the recommendation of dilapidated houses to be demolished.

Motion was made by Councilman Percy Simond and seconded by Councilman Larry Kegler that the following list of houses recommended for demolition by the City Attorney be approved as presented. A unanimous affirmative vote was recorded.

1. 2211 Atkinson Drive
2. 810 Kay Morgan Drive
3. 704 Maxwell

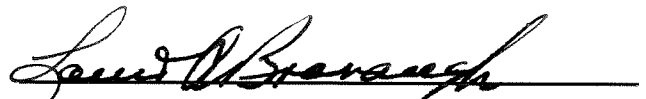
17. COMMENTS

Mayor Bronaugh recognized the new City Hall reporter from Lufkin News, Paula Metzinger.

Councilman Bob Bowman announced that a DETDA meeting would be held on Friday at 10 a.m., and the program would be "Rural Health Care in East Texas".

Mayor Bronaugh announced he had been informed that Angelina College has been accepted as a Police Academy.

18. There being no further business for consideration, meeting adjourned at 7:07 p.m.



Louis A. Bronaugh - Mayor

ATTEST:



Atha Stokes - City Secretary