

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON THE
21ST DAY OF JANUARY, 1992 AT 5:00 P.M.**

On the 21st day of January, 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
Percy Simond, Jr.
Don Boyd
Jack Gorden
Paul Mayberry

Mayor
Commissioner, Ward No. 1
Commissioner, Ward No. 2
Commissioner, Ward No. 5
Commissioner, Ward No. 6

being present, and

Danny Roper
Bob Bowman

Commissioner, Ward No. 3
Commissioner, Ward No. 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Joe Ed Lamb, Minister, St. Paul's United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of January 7, 1992 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. **PRESENTATION OF CERTIFICATE OF COMMENDATION - STEVEN RAYBURN**

Mayor Bronaugh presented a Certificate of Commendation to Officer Steven Rayburn in recognition of his unselfish and meritorious service of duties involving rescue efforts in Lufkin on January 13, 1992.

5. **ORDINANCE - APPROVED - FIRST READING - GREASETRAPS**

Mayor Bronaugh stated that the first item for consideration was First Reading of the Greasetrap Ordinance.

The Manager stated that this is something that had been brought to the attention of the City staff in meeting with area plumbers. The Manager stated that Assistant City Manager Mayfield and the Plumbing Appeals and Advisory Board worked together on the Ordinance which is now ready for review by the City Commission.

Mr. Mayfield stated that the Ordinance deals with the size of grease traps, addressing the minimum standards for cleaning them, enzyme treatments with biodegradeable chemicals placed in the system to counteract the buildup of grease in the traps, and enforcement powers and procedures in the event the Ordinance is violated. Mr. Mayfield stated that the Plumbing Board felt that a more defined Ordinance specific to grease produced at commercial food serving and eating establishments was needed.

In response to question by Mayor Bronaugh, Mr. Mayfield stated that this Ordinance does not basically deal with the method of disposal of grease from the grease traps, however, it does deal with the size, containment and capacity of the grease traps in relationship to the seating size of the establishment they would be located in. Mr. Mayfield stated that currently grease traps in the City of Lufkin are pumped out by

private concerns who have a license and the grease is taken to be disposed of appropriately. Mr. Mayfield stated that this Ordinance will safeguard the City's Water Treatment Plant from having to treat the amount of grease that inadvertently gets into the City's sewer system. Mr. Mayfield stated that records and analysis reflect that much of the problem comes from the commercial eating establishments.

Mr. Mayfield stated that in the Ordinance the City is currently operating under there is no standard for size of grease traps and does not differentiate between the size that may be used at a commercial establishment that only seats 50 as opposed to a commercial establishment that may seat 300 or more.

The Manager stated that the other problem related to this is that the grease is hot and once it gets in the line it gets cold and coagulates and makes a stoppage. The Manager stated that the majority of lines that the City has to clean out are plugged up due to grease and this Ordinance will help prevent a large percentage of those that in the past have caused a lot of additional work on the part of the City's staff to go out and unplug these stopped up sewer lines when in essence it was grease. The Manager stated that the grease trap can help prevent many of those blockages from reoccurring.

Mayor Bronaugh stated that at the present time grease is being hauled to Tyler for disposal. Mayor Bronaugh stated that one of the things that is being considered along these lines is a separator which separates the water from the grease and the grease is then compressed and disposed of in block form.

Assistant City Manager Wesch stated that he had received a telephone call from a firm in Dallas who will be in Lufkin next week to talk about setting up a system at the sewer plant whereby grease can be collected and transported to Dallas by that company for rendering. Mr. Wesch stated that hopefully within the next 30-60 days Lufkin will have a system like Tyler has available to all grease trap haulers.

In response to question by Commissioner Mayberry as to how the City will police the enforcement of this Ordinance, the Manager stated that it would be a combination of the Building Inspection Department and the City/County Health Unit. The Manager stated that staff is working closely with the City/County Health Unit so that inspection of the grease traps for eating establishments would become part of their standard operating procedures.

In response to question by Mayor Bronaugh, Mr. Mayfield stated that the Ordinance requires that all the necessary documentation for disposing of the grease be kept on site so that it can be reviewed by City personnel as well as the City/County Health personnel.

In response to statement by Commissioner Simond that a \$2,000 fine each day for a violation is excessive in his opinion, the Manager stated that the fine is not to exceed \$2,000. Mr. Mayfield stated that the \$2,000 fine came from talking with the Court in relationship to the "exceed amount" on a misdemeanor. City Attorney Flournoy stated that the jurisdiction of the City Court is extended in health related matters whereas normally you have a \$200 per incident fine for health matters that can be extended up to \$2,000.

In response to question by Commissioner Gorden, Mr. Mayfield stated that where the establishments are not in compliance they will have 365 days to come into compliance.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading with an amendment to Penalties for a fine not to exceed \$1,000 per day. A unanimous affirmative vote was recorded.

Mayor Bronaugh recognized members of the Plumbing Appeals and Advisory Board, Joe Oliver, Bob Harbuck and Ray Johnson.

6. ORDINANCE - TABLED - AMENDMENT TO ORDINANCE NO. 223 - TEMPORARY MOBILE HOMES/TRAVEL TRAILERS OUTSIDE LICENSED TRAILER PARKS

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance amending Ordinance No. 223 regulating temporary mobile homes and travel trailers outside licensed trailer parks.

The Manager stated that the Planning & Zoning Commission had discussed temporary mobile homes in a Workshop meeting and was looking for further insight and study of the Ordinance. The Manager stated that some of the P&Z members felt like the definition of "temporary" was in question since some of the temporary permits had been in existence for as long as 20 years. The Manager stated that the P&Z Commission had held Public Hearings for public input and had requested staff to review the Ordinance and they came up with a revision that was somewhat of a compromise in that it grandfathered all the existing temporary mobile home permits so that they would not be subject to the revisions in the Ordinance that is being presented today.

City Planner Abraham stated that P&Z has been discussing temporary mobile home permits since September. Mr. Abraham stated that there are four different Ordinances in the packet which have been considered by the P&Z members. Mr. Abraham stated that P&Z members considered a time limit on all temporary mobile homes that included existing and all proposed temporary mobile homes. Mr. Abraham stated that P&Z also considered different categories--temporary mobile homes used for the care of the elderly and ill, and those temporary mobile homes used for security. Mr. Abraham stated that the next direction was to tighten up the process. Mr. Abraham stated that the "Temporary Mobile Home Policy" is a policy and not an Ordinance. Mr. Abraham stated that "Ordinance "D", which is being recommended to the City Commission by P&Z, simply re-enforces the policy that is currently in place, grandfathering all existing temporary mobile homes and putting a two-year time limit on all new temporary mobile home permits.

Mr. Abraham stated that there was discussion among the members that one of the answers for security purposes is to provide a permanent dwelling when the building is constructed.

Commissioner Boyd stated that he did not understand what the problem was with having a mobile home, and it did not make sense that the permit be limited to two-years. Commissioner Boyd stated that according to Governmental rules the City has to provide affordable housing for poor people and the temporary mobile home is affordable. Commissioner Boyd stated that each request for a temporary mobile home permit should be considered in its own merit.

Mr. Abraham stated that he could not speak for the Planning & Zoning Commission on this matter, and the Ordinance was simply a response to the Planning & Zoning Commission.

Mayor Bronaugh stated that his problem with the temporary mobile home permit is that it is being called "temporary" after eight or ten years. Commissioner Boyd stated that there is a possibility that a temporary mobile home could be needed for ten years if a person is ill.

In response to question by Commissioner Gorden, Mr. Abraham stated that the process for obtaining a temporary mobile home permit is that the applicant must submit a letter to his department explaining the hardship along with \$25 for the application fee. Mr. Abraham stated that the request then goes to the P&Z Commission for consideration. Mr. Abraham stated that at the time the request is placed on the P&Z agenda everyone within 300' is notified of the application. Mr. Abraham stated that the P&Z Commission then determines whether or not the

applicant has a hardship, and if they feel that there is a hardship that they feel comfortable granting, a temporary mobile home permit is then granted which is subject to review every six months. Mr. Abraham stated that the policy is that the applicant goes through this same process every six months, but the policy has not been strictly followed. Mr. Abraham stated that the only difference between the renewal process and the original approval is that the renewals are \$5 and the original permit is \$25. Mr. Abraham stated the complaints that he hears is at the six months review is that the same questions are asked concerning any changes regarding the circumstances and there is nothing to quantify renewing the temporary mobile home permit. Mr. Abraham stated that it is possible to consider not applying a time limit but putting a process in the form of an Ordinance so that if the holder of the temporary mobile home permit does not comply with the process completely every time, then P&Z cannot approve the temporary mobile home permit. Mr. Abraham stated that this would take the time limit out and would strengthen the hand of the P&Z Commission to adequately evaluate whether there is a need for the temporary mobile home.

Commissioner Simond stated that he has some deep reservations about the Ordinance and is opposed to it because of the empathy he has for the less affluent people who live in mobile homes. Commissioner Simond stated that he did not want to see the City put any more hardships on the people.

Mr. Abraham stated that he has simply written the Ordinances at the request of the P&Z Commission and has no recommendation on any of the four Ordinances that are being considered.

In response to question by Mayor Bronaugh, Mr. Abraham stated that mobile homes that are not within a licensed mobile home park are only allowed in Residential Small Districts. Mr. Abraham stated that if a mobile home is placed where a business is it will have to be zoned Residential Small and as soon as that is done, the business becomes a non-conforming use.

Mr. Abraham stated that the Zoning Ordinance states that you are allowed only one residence per lot in a single-family residential district. Mr. Abraham stated that the fact that people are putting mobile homes behind their house violates that section of the Zoning Ordinance.

Mr. Abraham stated that in the case of a hardship the mobile home behind the house would be considered an incidental use to the main use and would be acceptable.

Mr. Abraham stated that he had included four Ordinances in the packet to show that (1) there is no clear cut answer, and (2) he wanted to leave an impression with the Commission that there is nothing magical about the two years, and if the Commission wished to put a time limit on the permit it could easily be one or five years, with consequences in each instance.

Mr. Abraham stated that Section 2.044 (A) could be removed completely and there would be no time limit whatsoever on temporary mobile home permits, but it would still leave the mandatory process that if an applicant does not furnish all the information required, P&Z Commission does not have the authority to grant a permit.

Mr. Abraham stated that, in his opinion, temporary mobile home permits for security are not temporary. Mr. Abraham stated that it is possible that temporary mobile home permits for security could be reviewed once a year as opposed to every six months.

City Attorney Flournoy stated that it is important that everyone realize that the temporary mobile home permits are really a variance from the Zoning Ordinance. Mr. Flournoy stated that the purpose of them was to give people a reasonable opportunity to make arrangements for a hardship, and was not meant to be a permanent thing. Mr. Flournoy stated that there has been a lot of abuse with the permits and the biggest problem is that it is such a loose arrangement. Mr. Flournoy stated that the hardest thing to determine is "what is a hardship?" Mr. Flournoy stated that probably the time

limit would not be as important if the Ordinance could be tightened up giving some real guidelines to the P&Z Commission on what would constitute a hardship. Mr. Flournoy stated that the Ordinance suggests that if a person submits a letter from an attending doctor confirming the existence of an ailment that would be grounds for a hardship. Mr. Flournoy asked what this hardship could be--a broken leg, paralysis, a cold, cancer or a persons inability to take care of themselves. Mr. Flournoy stated that the Ordinance suggests a police report indicating the extent of criminal activity on the site over the last six months. Mr. Flournoy stated that no matter what you are in the City of Lufkin or any other city in the United States there is a certain degree of criminal activity going on. Mr. Flournoy asked how much criminal activity would be required before you would say this is a "hardship" and is necessary.

Mr. Flournoy stated the City will be allowing someone to violate the Zoning Ordinance when they are allowed to put a mobile home in a residential area, and that is why there are specific provisions for permanent mobile homes. Mr. Flournoy stated that he personally believes that the time limits would not be so important if this Commission could give some direction to the P&Z Commission on what constitutes a hardship and how long a hardship lasts.

Appearing in opposition of the Ordinance were:

Lester Atkison
Bo Letney
Doug Thompson
R. H. Lehman
Dan Hilbun
Woody Gann

The following points were made by those speaking in opposition of the Ordinance:

1. Would deprive young people from having a "starter home";
2. Older people want independence yet need someone to live nearby;
3. There are only 40 temporary mobile homes for a population of 30,000 people;
4. Very little construction difference in modular homes which are allowed with a building permit.

In response to question by Mayor Bronaugh, Mr. Thompson stated that it costs \$1,000 to set up a mobile home and that does not include skirting or utility hookups. Mr. Thompson stated that it costs between \$700-800, and sometimes as much as \$1,000 to remove a mobile home from a site.

Mr. Lehman stated that it was very bad timing to bring in an Ordinance such as this when there are a lot of mobile home dealers in the area with sales from the mobile homes being in the \$5 million range. Mr. Lehman stated that there is the possibility that in the future a mobile home manufacturer will move in the area and build mobile homes.

Dan Hilbun of L & S Storage stated that he is one of the holders of several mobile home permits for security for his business. Mr. Hilbun stated that he had some questions that he had not gotten answered from attending the P&Z Commission meetings. Mr. Hilbun stated that he would like to know who had initiated the change to the Ordinance, a concerned group of citizens that has had substantial repeated complaints against these temporary permits, or is it just one or two of the P&Z commissioners. Mr. Hilbun stated that he is in the self-storage business where originally there is no provisions for a permanent residential on-site security. Mr. Hilbun stated that the prospect of having to build a permanent structure on one of the mini-warehouse sites would greatly influence his decision to invest in the property in Lufkin or going to another city.

The Manager stated he felt that he was garnering some consensus of opinion either by statement or by silence, and the majority of those who spoke tonight agree, that staff needs some improvement on the definition of hardship so that the eight temporary

mobile permits that are causing a problem can be prevented from causing a problem in the future by a firm enforcement of an Ordinance that has a definition of hardship. The Manager stated that the other fact that seems to be a consensus of opinion is that business related mobile homes have a longer tenure so that they do not have to come every six months for renewal. The Manager stated that staff is aware that the business situation is not as temporary as a health situation may be and should not penalize themselves by requiring of them the same guidelines. The Manager stated that what he would request from a staff standpoint is that the Commission, as this item is being tabled, provide some feedback to the staff with something that will meet the needs of the community and will address the issue of differentiation between security hardship and health-related hardship. The Manager stated that he would like for the Commission to give staff specific parameters of the definition of hardship.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance be tabled for further study and input. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - AMENDMENT TO ZONING ORDINANCE - ESTABLISHMENT OF NEW ZONING DISTRICT CLASSIFICATION - RESTRICTIVE PROFESSIONAL OFFICE DISTRICT (RPO)

Mayor Bronaugh stated that the next item for consideration was First Reading of an Amendment to the Zoning Ordinance by the establishment of a new zoning district classification to be known as Restrictive Professional Office District (RPO).

The Manager stated that through the course of several P& Z Commission meetings and Workshops, the need was expressed for a new type of zoning district that would allow for an expanded professional office district. The Manager stated that this district would provide a "bridge" between the current residential zoning districts and the non-residential zoning districts. The Manager stated that there has been a lot of concern by P&Z, particularly in areas that fronted on the Loop, that those areas that are undeveloped now be developed in such a way that they would be in harmony with the residential areas that are adjacent. The Manager stated that Loop frontage has a "Commercial" flavor to it, but in some cases there is Loop frontage that is very close and contiguous to large residential areas. The Manager stated that the intent here was to develop a new zoning ordinance that would allow for a good transition from Loop frontage to residential.

Mr. Abraham stated that this will never be the most predominate land use category the City has, but is intended for use where the alternatives are very limited.

Mr. Abraham stated that he mailed these standards to local developers several weeks ago and they agreed that this is an Ordinance that has a lot of very good points.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. AMENDMENT - APPROVED - FIRST READING - ZONING ORDINANCE - AMENDING DEFINITIONS - "ACCESSORY BUILDING" - "CUSTOMARY HOME OCCUPATION"

Mayor Bronaugh stated that the next item for consideration was First Reading of Amendment to the Zoning Ordinance by amending the definitions of "Accessory Building" and "Customary Home Occupation".

The Manager stated that these definitions came up in discussion in the P&Z Commission meetings and workshops particularly relating to the new restrictive professional office district. The Manager stated that in some cases there was some ambiguity or lack of clarity on these definitions so it was necessary to clarify them so that they could become part of the Ordinance.

The Manager stated that these definitions are applicable to more situations than just this new zoning district.

Mr. Abraham stated that the new definition of "Customary Home Occupation" includes hair dressing salons and dressmaking.

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

9. QUARTERLY DELINQUENT WRITE-OFFS -APPROVED - AMBULANCE DEPT.

Mayor Bronaugh stated that the next item for consideration was quarterly delinquent write-offs for the Ambulance Department.

The Manager stated that this is a routine procedure. The Manager stated that the accounts are not automatically turned over to TRW after 90 days if the customer is still making an attempt to make payments on their account.

The Manager stated that the Fire Department is having a 57-58% collection rate, and the national average is 27%.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond that quarterly delinquent write-offs for the Ambulance Department be approved as submitted. A unanimous affirmative vote was recorded.

10. INVOICE - APPROVED - BACK SUPPORT BELTS - DETSIF

Mayor Bronaugh stated that the next item for consideration was an invoice from Deep East Texas Self Insurance Fund for back support belts.

The Manager stated that this item is part of the City's risk management program. The Manager stated that other entities have had excellent results in preventing back strains by having their employees wear these belts when performing multiple lifting tasks.

In response to question by Commissioner Simond, the Manager stated that the firemen started out on a voluntary basis wearing the belts and they have now been issued to other departments.

In response to question by Commissioner Simond, the Manager stated that failure to wear the back support belt will be a violation of the City's safety policy, and the employee will receive a letter of reprimand and ultimately will be terminated for not wearing the belt as a part of the issued equipment by the City.

The Manager stated that the first 20 belts from DETSIF were free. The Manager stated that the primary need for Commission action on this item is due to the total expense for these belts which exceeds the \$2,000 maximum expenditure. The Manager stated that the total expense for the 113 belts is \$5,720.

Personnel Director Kerry Little demonstrated the back support belts for the Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that invoice from DETSIF in the amount of \$5,720 be approved as submitted. A unanimous affirmative vote was recorded.

11. AUDIT REPORT - APPROVED - AXLEY & RODE

Mayor Bronaugh stated that the next item for consideration was the audit report

prepared by Axley & Rode Accounting Firm.

Lynn Montes, of Axley & Rode, stated that his firm had completed the audit of the general purpose financial statements for the City as of September 30, 1991. Mr. Montes stated that the City's general purpose financial statements are the responsibility of the City's management, and their responsibility was to express an opinion on the general purpose financial statements based on their audit. Mr. Montes stated that as a result of the audit procedure performed, the Independent Auditors Report dated November 15, 1991 states the following:

In our opinion, the general purpose financial statements present fairly, in all material respects, the financial position of the City of Lufkin, Texas as of September 30, 1991, and the results of its operations and the cash flows of its proprietary fund types for the year then ended in conformity with generally accepted accounting principles.

Mr. Montes stated that in accountant's terms, this is a clean opinion.

Mr. Montes stated that he had some general comments on the general purpose financial statements accompanying the independent auditors report.

Pages 3 and 4 - (The Combined Balance Sheet) Mr. Montes stated that this financial statement presents the assets and liabilities of all fund types and account groups that the City is responsible for. Mr. Montes stated that his main comment is that the City's combined balance sheet for all funds and account groups reflects an improvement in the City's financial position from the prior year. Mr. Montes stated that this improvement is not only in cash but in fund balance.

Pages 5 and 6 reflect the areas in which the financial position improved and generally the reasons for these improvements. Mr. Montes stated that the combined statement of revenues, expenditures and changes in fund balance in all governmental fund types discloses that as a result of operations the City increased the combined fund balances of these funds by approximately \$600,000 (shown on page 6). Mr. Montes stated that most of this increase was in the General Fund. Mr. Montes stated that the reason for these increases are listed on page 7. Mr. Montes stated that comparison of budget and actual revenues which is shown on pages 7 and 8 reflects that the increase was due to actual revenues exceeding anticipated amounts and the City controlling expenditures so that actual total expenditures did not exceed budgeted total expenditures.

Pages 9, 10 and 11 (Water and Sewer Utility Fund) - Mr. Montes stated that the statement of revenues, expenses and changes in fund equity of the City's water and sewer utility fund reflects that this fund had an operating income of approximately \$750,000, and after the payment of interest expense and receiving interest income, the City had a net income of \$395,000. Mr. Montes stated that on page 10 is a statement of cash flows. Mr. Montes stated that the statement on page 10 and 11 reflects a net increase in cash and cash equivalents for the fund of approximately \$425,000.

Mr. Montes stated that as a result of operations in the Enterprise Fund last year, the City increased its cash and cash equivalents by \$426,000. Mr. Montes stated that all these monies are not available for operation, but are restricted by bond indenture or some other indenture or ordinance. Mr. Montes stated that the City's major increase was in operating funds. Mr. Montes stated that this is a good reflection in that the City is now providing funds from its operating activities so that it can take care of unforeseen happenings without going out and issuing long term debt to take care of maintenance and repair activity.

Commissioner Mayberry stated that he was extremely pleased with the audit report and one of the major concerns that he initially had when he got into the records was the fact that the cash on hand in 1988 was \$16,206; 1989 - \$28,118; 1990 - \$184,195

and 1991 - \$829,410. Commissioner Mayberry stated that he wanted to compliment the City Manager for staying within the budget.

The Manager stated that in the course of the audit Mr. Montes brought out some things that he felt like were areas that he thought the City needed to look at methods of improvement. Mr. Mayfield and the Accounting Director Molly Hicks have already put together a list that is in the packet addressing some of these concerns relating to the audit process and things that can be done next year to make it even better as far as strict adherence to Government accounting procedures. The Manager stated that he wanted the Commission to know that the staff is aware of these problems and will give priority to correcting these deficiencies to get the City where it needs to be. The Manager stated that he would like to compliment the Axley & Rode firm for the method in which the audit was conducted, it was a very cooperative situation between City staff and the accounting staff.

Mr. Montes stated that a copy of the audit report was on file in the City Secretary's office and the Director of Accounting's office.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond that the audit report be accepted as presented. A unanimous affirmative vote was recorded.

12. WATER & SEWER SERVICE - APPROVED - EAST LOOP SUBDIVISION MOBILE HOME PARK - DOUG THOMPSON

Mayor Bronaugh stated that the next item for consideration was providing water and sewer service to the East Loop Subdivision Mobile Home Park (Doug Thompson).

The Manager stated that when this item was addressed at the last meeting one of the alternatives talked about was annexation so that the City would be able to avoid the problem of selling both water and sewer. The Manager stated that after further review and investigation, staff felt like Mr. Thompson would agree that it was economically unfeasible to be annexed, because to be annexed he would have to bring his streets, water and sewer, and other City infrastructure to Subdivision Code. The Manager stated that for Mr. Thompson to do that it would not be cost effective. The Manager stated that a letter was prepared and submitted to Mr. Thompson for his review listing the things that Mr. Thompson would be required to do and the things the City would be required to do. The Manager stated that Mr. Thompson has agreed to these conditions and this will then provide the City with a way of providing water and sewer service to the mobile home park outside the City limits at the normal routine procedure of 1 1/2 times the City rate for water and two times the City rate for sewer. The Manager stated that Mr. Thompson will now have a way of resolving his problem with the Texas Water Commission for the violation relating to his sewage treatment plant.

The Manager stated that this agreement does have a requirement where Mr. Thompson would negotiate with M & M Water Supply for the release of that water to the City of Lufkin for service purposes.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that the City of Lufkin provide water and sewer service to the East Loop Subdivision Mobile Home Park as requested by Doug Thompson. A unanimous affirmative vote was recorded.

13a. BID - APPROVED - THREE QUARTER TON PICKUP - ANIMAL CONTROL DEPARTMENT - ANGELINA AUTOPLEX

Mayor Bronaugh stated that the next item for consideration was bids for a three-quarter ton pickup to be used in the Animal Control Department.

The Manager stated that staff recommendation was the low bid of Angelina Autoplex in the amount of \$25,417.45.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the bid of Angelina Autoplex in the amount of \$25,417.45 be accepted as the low bid. A unanimous affirmative vote was recorded.

13b. BID - APPROVED - CORRUGATED METAL PIPE - TEXAS STEEL CULVERTS - STREET DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for corrugated metal pipe to be used in the Street Department.

The Manager stated that staff recommendation was the low bid of Texas Steel Culverts in the amount of \$4,808.50.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Texas Steel Culverts in the amount of \$4,808.50 be accepted as the low bid. A unanimous affirmative vote was recorded.

13c. BID - APPROVED - HYDRAULIC EXCAVATOR - WAUKESHA-PEARCE - STREET DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was bids for a hydraulic excavator to be used in the Street Department.

The Manager stated that bids were received from two bidders--Waukesha-Pearce Industries, Inc. and Highway Equipment of Houston and Waukesha-Pearce was the only bid that met all the bid requirements. The Manager stated that the difference between the two bids was that the Badger piece of equipment that W-P sells is a three axle with six wheels and the Gradall equipment sold by Highway Equipment is a two axle and has four wheels. The Manager stated that there are some other differences relating to one motor versus two motors, but by-and-large W-P basically met all the specifications. The Manager stated that the staff recommendation is to award the bid to W-P in the amount of \$124,000.

In response to question by Commissioner Gorden, Mr. Wesch stated that \$125,000 was budgeted for this item.

A letter from Highway Equipment of Houston had been faxed to the Mayor, City Commissioners and the Manager and was placed at their respective places at the Council table.

Commissioner Mayberry suggested that if the Commission votes to purchase the excavator that the Manager is recommending, that the letter from Highway Equipment be included in the Purchase Order along with more justification for the award than has been stated by the Assistant City Manager of Public Works in his letter that was included in the packet.

Commissioner Mayberry stated that he tended to agree with the Highway Equipment company that the bids shouldn't be too specific.

The Manager stated that the City has had Badger equipment in the past with good results.

Mr. Wesch stated that the specifications were written around the Badger equipment since the City has had two Badger units for the past 11 years.

Mr. Wesch stated that one of the reason why the City only received two bids is because these companies are heavily restricted as to where they can bid because of territorial lines.

David Cochran, Purchasing Agent, stated that in the bid specifications is the statement

that "The City of Lufkin reserves the right to evaluate variations from the specifications and select the bid most advantageous to the City of Lufkin."

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Waukesha-Pearce in the amount of \$124,000 be accepted as submitted. A unanimous affirmative vote was recorded.

Commissioner Mayberry stated that for the record he would like to have the letter of Highway Equipment of Houston and Mr. Wesch's justification for awarding the bid to Waukesha-Pearce be included with the Purchase Order.

13d. BID - APPROVED - PERSONAL COMPUTER - FIRE DEPARTMENT - TRIAD

Mayor Bronaugh stated that the next item for consideration was bids for a personal computer to be used in the Fire Department.

The Manager stated that staff recommendation is for the low bid of Triad in the amount of \$8,877.

In response to question by Commissioner Simond, Chief Snyder stated that this amount does not include a maintenance contract.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Triad in the amount of \$8,877 be accepted as the low bid. A unanimous affirmative vote was recorded.

13e. BID - APPROVED - ONE-HALF TON PICKUP TRUCKS - AL MEYER FORD - PARKS & RECREATION - ZOO - GARAGE - UTILITY COLLECTIONS - RECYCLING

Mayor Bronaugh stated that the next item for consideration was bids for one-half ton pickup trucks to be used in various City departments (Parks & Recreation, Zoo, Garage, Utility Collections and Recycling).

The Manager stated that staff recommendation is the low bid of Al Meyer Ford in the amount of \$9,811.50 per vehicle for a total bid of \$49,057.50.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that the bid of Al Meyer Ford in the amount of \$49,057.50 be accepted as the low bid. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 7:35 p.m. to enter into Executive Session. Regular session was reconvened at 7:55 p.m. and Mayor Bronaugh stated that the Commission had discussed personnel matters.

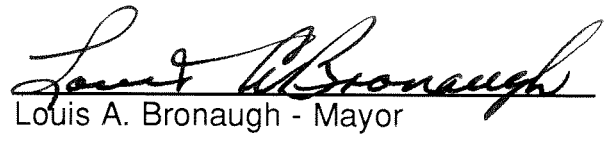
15. COMMENTS

Mayor Bronaugh stated that he had given the Commissioners some information that had been given to him by the Department of Commerce covering some pertinent information about Lufkin and Angelina County which was released in making the selection on which of the Highway Department offices would be closed.

Mayor Bronaugh stated that a report by the Redistricting Committee would be forthcoming and a meeting should be set up for the middle of next week.

Mayor Bronaugh stated that a reception for the Citizens Police Academy had been held at 7:00 P.M. in the Municipal Courtroom tonight.

16. There being no further business for consideration, meeting adjourned at 8:00 p.m.


Louis A. Bronaugh - Mayor

ATTEST:


Atha Stokes - City Secretary