

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF SEPTEMBER, 1991 AT 5:00 P.M.

On the 3rd day of September, 1991, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Mgr./Finance
Ron Wesch	Asst. City Mgr./Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Paul Mayberry	Commissioner, Ward No. 6
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Tim Diebel, Minister, First Christian Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of August 20, 1991 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. OATH OF OFFICE - DEEP EAST TEXAS AREA COMMUNITY DEVELOPMENT REVIEW COMMITTEE - MAYOR BRONAUGH - COMMISSIONER DON BOYD - COUNTY COMMISSIONER I. D. HENDERSON

District Judge Gerald Goodwin administered the oath of office to Mayor Louis Bronaugh, Commissioner Don Boyd and County Commissioner I. D. Henderson who will be serving on the Deep East Texas Area Community Development Review Committee. Mayor Bronaugh stated that the Committee members review grant applications over a 12-county area in East Texas.

5. PRESENTATION - CERTIFICATES OF APPRECIATION - FENNER ROTH ZONING BOARD OF ADJUSTMENT & APPEALS - L. V. CHARLES/TAXI COMMITTEE

Mayor Bronaugh presented a Certificate of Appreciation to Fenner Roth for his 10 years of service on the Zoning Board of Adjustment & Appeals. Mr. L. V. Charles, who served for 10 years on the Taxi Cab Committee, was unable to attend and Mayor Bronaugh stated that someone from the City staff would deliver Mr. Charles' certificate to him at his home.

6. OATHS OF OFFICE - BOB HARBUCK/PAUL WATKINS/RAY JOHNSON - PLUMBING APPEALS & ADVISORY BOARD - BENNY MOYE - TAXI CAB COMMITTEE

Mayor Bronaugh administered the Oath of Office to Bob Harbuck, Paul Watkins and Ray Johnson, newly appointed members of the Plumbing Appeals & Advisory Board, and to Benny Moye on the Taxi Cab Committee.

7. PUBLIC HEARING - BUDGET - FISCAL YEAR 1991-92

Mayor Bronaugh opened Public Hearing to consider budget for the fiscal year 1991-92.

There was no one present to speak for or against the proposed budget.

Mayor Bronaugh closed Public Hearing.

8. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - JACKSONVILLE SAVINGS & LOAN - 2208 NORTH TIMBERLAND - COMMERCIAL TO COMMERCIAL, SPECIAL USE (DAY NURSERY)

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance as requested by Jacksonville Savings and Loan Association for a change of zoning from Commercial to Commercial, Special Use (Day Nursery) on .818 acres of land located at 2208 North Timberland Drive.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance for zone change as requested by Jacksonville Savings & Loan Association on .818 acres of land located at 2208 North Timberland Drive from Commercial to Commercial, Special Use (Day Nursery) be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - SECOND READING - ABANDONED OR JUNKED VEHICLES - PUBLIC OR PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance regulating abandoned or junked vehicles on public or private property, Section 15-28 (g).

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - SECOND READING - BURGLAR ALARMS/ALARM SYSTEMS

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance regulating burglar alarms and alarm systems.

City Manager Maclin stated that staff will be providing information at the next Commission meeting relating to monitoring alarm fees.

In response to question, Chief Collins stated that there is a one time fee of \$10 for the permit. Chief Collins stated that the permit is checked every two years for updating the information on the permit.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance regulating burglar alarms and alarm systems be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - R. A. AND SUSIE WALL - LUFKIN AVENUE (2500 BLOCK) - RESIDENTIAL LARGE AND SPECIAL USE (EDUCATIONAL INSTITUTION) TO RESIDENTIAL LARGE, SPECIAL USE (DAY NURSERY)

Mayor Bronaugh stated that the next item for consideration was request of R. A. and Susie Wall for a change of zoning from Residential Large and Special Use (Educational Institution) to Resi-

dential Large, Special Use (Day Nursery) on .6348 acres of land located on the south side of east Lufkin Avenue in the 2500 block.

City Manager Maclin stated that this request was unanimously recommended by the Planning & Zoning Commission to the City Commission.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that Ordinance for zone change as requested by R. A. and Susie Wall for property located on the south side of east Lufkin Avenue in the 2500 block from Residential Large and Special Use (Educational Institution) to Residential Large, Special Use (Day Nursery) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - ZONE CHANGE - CASTILLO COMPANY (STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY OF BLOOMINGTON, IL) LOOP 287 BETWEEN TULANE DRIVE AND CHESTNUT AVENUE - RESIDENTIAL LARGE TO LOCAL BUSINESS, SPECIAL USE (PROFESSIONAL OFFICE)

Mayor Bronaugh stated that the next item for consideration was a request by Castillo Company (on behalf of State Farm Mutual Automobile Insurance Company of Bloomington, IL) for a zoning change from Residential Large to Local Business on approximately 2.2 acres of land with frontage on the north side of Loop 287 between Tulane Drive and Chestnut Street.

City Manager Maclin stated that the zone change request was unanimously recommended by the Planning & Zoning Commission, with development tied to the submitted site plan.

Attorney Bill Fenley was present to represent the request.

There was no opposition present.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Ordinance as requested by Castillo Company on behalf of State Farm Mutual Automobile Insurance Company of Bloomington, IL for property located on the north side of Loop 287 between Tulane Drive and Chestnut Street from Residential Large to Local Business, Special Use (Professional Office) be approved on First Reading as presented. A unanimous affirmative vote was recorded.

13. PERMANENT MOBILE HOME PERMIT - DENIED - JUAN BERMEA, /JUAN GARCIA - 600 BARCLAY

Mayor Bronaugh stated that the next item for consideration was request of Juan Bermea, Jr. on behalf of Juan Garcia for approval of a Permanent Mobile Home Permit located at 600 Barclay.

City Manager Maclin stated that the request was denied by the Planning & Zoning Commission, and this is an appeals process by the property owner.

Tiki Faris, speaking on behalf of Mr. Garcia, stated that at the Planning & Zoning Commission meeting some neighbors who did not want a mobile home on their street were concerned that a mobile home previously placed on this property had been used as rental property and had not been taken care of. Mr. Faris passed out pictures of Mr. Garcia's present home and stated that he kept his property in impeccable condition. Mr. Faris stated that since there are already mobile homes in the area there doesn't seem to be a sense of fair play where Mr. Garcia is concerned.

Commissioner Boyd stated that he had some concerns as to why the request was denied. Commissioner Boyd stated that 25

notification letters were mailed out to area residents and none had been returned for or against the request and only three people had come to the meeting to protest. Mr. Faris stated that this will not be rental property.

Mr. Stanley stated that Mr. Garcia doesn't own the property. City Planner Abraham stated that Mr. Bermea is selling the property to Mr. Garcia and will issue him a warranty deed when the property is paid for.

Mrs. Stanley stated that the Planning & Zoning Commission had suggested that Mr. Garcia visit with the area residents and give them an idea of what his plans were regarding the property, and he has not done so. Mrs. Stanley stated that the Planning & Zoning Commission also requested that Mr. Garcia visit the mobile home located at Pershing and Trout to see how a mobile home could be set up where it would enhance the property. Mrs. Stanley stated that area residents are concerned that property values will decrease with a mobile home on this property and they would like to see a permanent structure there. Mrs. Stanley stated that the neighbors in this area have spoken against mobile homes every time they have had the opportunity to do so. Mrs. Stanley stated that Mr. Bermea is a very good neighbor, but they would like to have a permanent structure on this property.

In response to question by Commissioner Bowman, Mrs. Standley stated that Mr. Garcia has not submitted a site plan and has not visited with the neighbors regarding his plans for the mobile home.

Commissioner Boyd stated that Mr. Garcia should not be pre-judged regarding the maintenance of the mobile home, but should be given a fair chance. Commissioner Boyd stated that the City has a Code Enforcement Officer to take care of any problems.

Appearing in opposition of the request were:

Murrell and Jeanell Stanley - 601 Barclay
Mae Stanley - 3010 Paul Avenue
Roger Thomas - 3117 Nerren

Mr. Faris stated that one reason Mr. Garcia has not visited with the neighbors is because he doesn't speak English very well. Mr. Faris stated that Mr. Garcia was represented by his 12-year old daughter at the P&Z Commission meeting. Mr. Faris stated that Mr. Garcia is moving to Lufkin because the Louisiana-Pacific Plant in Jasper where he has worked for 17 years is closing and he wants to live and retire in Lufkin. Mr. Faris stated that Mr. Garcia does own the property and the mobile home.

Mr. Faris stated that there are at least four mobile homes on Paul Avenue that do not show up on the overhead.

In response to question by Mayor Bronaugh, Mr. Faris stated that Mr. Garcia was misinformed by an attorney that he could place a permanent mobile home on this property.

Mr. Faris stated that mobile homes do not deteriorate at any faster rate than any other homes--the problem with mobile homes as with any other home is that they will deteriorate when maintenance stops or if it has never been started.

Commissioner Roper stated that he is familiar with the area and would like to say that the homeowners do exhibit a pride of ownership in the property--Barclay is a well-maintained street. Commissioner Roper stated that the people who live on Barclay had made an investment when they purchased their homes over the past ten or fifteen years and that they should have reasonable expectations on the protection of their investment. Commissioner Roper stated that, in his opinion, the integrity of the

neighborhood is at risk by allowing a mobile home to be placed on Barclay. Commissioner Roper stated that the people who have already committed to living in this area deserve as much protection as someone who wants to buy into the neighborhood. Commissioner Roper stated that unless there is an overriding issue that the Planning & Zoning Commission did not address, he finds it very difficult to go against their recommendation to deny the request.

In response to question by Commissioner Simond, Mayor Bronaugh stated that the only way a mobile home could be removed is if it is brought to the staff's attention that the mobile home is not in compliance, or there was a temporary mobile home permit that is no longer valid.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Permanent Mobile Home Permit located at 600 Barclay as requested by Juan Bermea, Jr. on behalf of Juan Garcia be approved as presented.

The following vote was recorded:

Aye: Commissioners Simond and Boyd

Nay: Commissioners Roper, Gorden, Bowman, and Mayor Bronaugh

Motion failed by a vote of 4 to 2.

14. ORDINANCE - APPROVED - FIRST READING - APPROPRIATIONS ORDINANCE

Mayor Bronaugh stated that the next item for consideration was First Reading of the Appropriations Ordinance.

City Manager Maclin stated that at the special called meeting on August 13th and the regular meeting on August 20th, the Commission had an opportunity for review and input into the budget draft. City Manager Maclin stated that at this point staff has not received any direction from the Commission to change anything specifically in the proposal that was made August 13th and reviewed on August 20th.

City Manager Maclin stated that there are some minor changes since the August 20th meeting that he wanted to bring to the Commission's attention. City Manager Maclin stated that the City did lose the \$35,000 from the bank franchise tax due to recent action by the State legislature. City Manager Maclin stated that this revenue has been deleted from the 1991-92 budget draft.

City Manager Maclin stated that one revision in terms of the Data Processing Department has been made that will be a net increase/decrease so that the total general fund does not change as a result of this. City Manager Maclin stated that staff is trying to get the City to the point where they are less dependent on programming consulting fees and more able to handle these situations in-house when changes need to be made on the main frame computer.

City Manager Maclin stated that the Kurth Memorial Library board has made a request for \$147,000 (last year's request was \$133,500). City Manager Maclin stated that at this time it is unclear as to what the final expenses and revenues will be for the Library. City Manager Maclin stated that the Library will have increases this year in salary and insurance costs. City Manager Maclin stated that all the requests from the outside agencies have been held at the same level they were at last year based on Commission input through the prioritization process. City Manager Maclin stated that it would be appropriate through the two readings of the Appropriations Ordinance, that the Commission keep in mind that once the Library Board has the opportunity to finalize their budget for 1991-92 that they have the availability to come back before the Commission and request

some additional funds to make up 51% that the City has traditionally been funding the Library. City Manager Maclin stated that the additional amount would be approximately \$10/15,000 based on preliminary estimates. City Manager Maclin stated that he felt like it was prudent that the Commission keep in mind that the City has maintained a 51% share of the Library's budget expenses in the last several years and will possibly need an adjustment out of the contingency fund.

In response to question by Commissioner Bowman, City Manager Maclin stated that staff had found approximately \$50,000 in one of the general fund budgets that was double-listed under "General Fund/Capital Outlay" and also listed in the Lease Purchase Program. City Manager Maclin stated that at last meeting the Contingency Fund balance was \$160,000, and now the balance is \$168,000, which reflects the \$35,000 reduction in bank franchise tax. City Manager Maclin stated that some of this contingency will probably be needed to go to the Library to maintain the 51% contribution of their expenses.

Mike Taylor, Secretary for the Kurth Memorial Library, stated that the Library has requested \$40,000 from the County this year. Mr. Taylor stated that the County has indicated that their contribution will be \$25,000, the same as last year.

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

15. ORDINANCE - APPROVED - TAX LEVYING ORDINANCE

Mayor Bronaugh stated that the next item for consideration was First Reading of the Tax Levying Ordinance.

City Manager Maclin stated that as presented on August 13th and August 20th, staff is proposing a 4.9 cent increase in the tax rate from 38.62 to 43.52. City Manager Maclin stated that as pointed out at these previous meetings, the bulk of this is going to premium increases in insurance, both in Worker's Comp, health insurance and liability, and funds that are allocated for lease purchase vehicles in the Police Department, a commitment to the Exposition Center, and some capital equipment outlay.

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

16. ORDINANCES - APPROVED - FIRST READING - RATE INCREASES -
SANITATION RATES - WATER RATES (RESIDENTIAL & COMMERCIAL) -
SEWER RATES - WATER & SEWER DEPOSIT FEES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinances increasing:

- a) Sanitation rates
- b) Water rates (Residential and Commercial)
- c) Sewer rates
- d) Water and sewer deposit fees

City Manager Maclin stated that the bulk of the increase in sanitation is a direct result of increases in landfill disposal fees.

City Manager Maclin stated that the Solid Waste Department will now be an Enterprise Fund, and will be independent from the General Fund.

City Manager Maclin stated that last spring staff had a request from the Pineywoods Apartment Association asking that the City consider changing their billing rate status of apartment complexes from a residential status to a commercial status where they will be billed on a per cubic yard basis as opposed to a flat residential fee. City Manager Maclin stated that staff has reflected this request based on the Commission's intent last May to change that status effective October 1 so that apartment complexes will have the ability to be treated as a commercial business as opposed to residential. City Manager Maclin stated that their fees for sanitation charges would be based on volume generated as opposed to a flat rate in residential.

City Manager Maclin stated that there has been an across-the-board increase in residential and commercial, compacted and non-compacted rates in order to achieve the revenues necessary to meet the new demands of the increased landfill disposal fees.

City Manager Maclin stated that staff hopes to have a recycling program offered to the apartment complexes in the near future so that they could encourage their residents to use recycling containers and reduce their costs for solid waste disposal.

City Manager Maclin stated that the proposed residential water rates reflect a conservation incentive format, which is something that the Texas Water Commission and the Texas Water Development Board has encouraged cities throughout the State of Texas to implement. City Manager Maclin stated that staff has provided a proposal for residential rates where the more water that is used, the more expensive per thousand gallons it would be, whereas in the past the more water used, the less per thousand gallons the cost would be. City Manager Maclin stated that staff has also tried to be sensitive in minimizing the increase on the low consumption user, the fixed income person who traditionally has a low consumption, and have made nominal increases in the minimum billing charges.

City Manager Maclin stated that staff has also given consideration to the minimum user regarding the sewer rates. City Manager Maclin stated that sewer rate increases have a lot to do with the City's increased costs in operation of the sewage treatment plant and Federal and State mandates in order to maintain an effluent that meets all the new rules and regulations and a plant that operates according to all the procedures as established by Federal and State law. City Manager Maclin stated that the bulk of the increase is reflected through these mandated requirements.

City Manager Maclin stated that staff is proposing an increase in the water deposit fees that would cover basically a two-month consumption. City Manager Maclin stated that the way the billing timing works is that a customer can have two months worth of service before they are cut off. City Manager Maclin stated that the deposit has been \$25 since 1981, and staff is proposing that the deposit be increased to \$40. City Manager Maclin stated that the City of Lufkin's deposit fees would still be lower than some of the other utilities in town. City Manager Maclin stated that by raising the deposit it would minimize the amount of dollars that are being written off as uncollectible. City Manager Maclin stated that this Ordinance has various categories besides residential based on the typical consumption for those type businesses for the two month period.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance increasing sanitation rates, water rates (residential and commercial), sewer rates, and water and sewer deposit fees be approved on First Reading as presented. A unanimous affirmative vote was recorded.

17. ORDINANCE - APPROVED - AMENDMENT - FIRST READING - TAXI CAB

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Taxi Cab Ordinance.

City Manager Maclin stated that the staff has had numerous questions, complaints and discrepancies brought to their attention over the last several months relating to the taxi cab service in the City. City Manager Maclin stated that the complaints have been made both by employees of the taxi cab companies as well as patrons. City Manager Maclin stated that a review was held by City staff and the Taxi Cab Committee of some of the problems. City Manager Maclin stated that Chief Collins also reviewed the complaints and furnished some input in areas that the Police Department could help. City Manager Maclin stated that the City Secretary's office also gave input into some areas on their responsibility for collection of fees and reporting requirements. City Manager Maclin stated that a letter from the Taxi Cab Committee has been included in the packet that recommends unanimously that these changes be made. City Manager Maclin stated that the recommended changes have also been included along with a copy of Ordinance 342 which is the Taxi Cab Ordinance. City Manager Maclin stated that staff feels that making these recommended changes will significantly improve the ability to enforce the Ordinance and the Taxi Cab Committee feels that this amendment will make the taxi cab service much more accountable than it has been in the past.

In response to question by Commissioner Bowman, City Manager Maclin stated that there are two taxi cab companies currently operating in the City of Lufkin.

In response to question by Commissioner Boyd, Chief Collins stated that the standard maximum hours of service for operating "passengers for hire vehicles" is 70 hours per week--10 hours a day. Chief Collins stated that he did not have a problem with 12 hours of service in any 24 hour period.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Amendment to the Taxi Cab Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

18. INVOICE - APPROVED - FIRST SOUTHWEST COMPANY - BOND ISSUANCE AND COSTS - SEWAGE TREATMENT PLANT REHABILITATION

Mayor Bronaugh stated that the next item for consideration was payment of a transmittal from First Southwest Company for bond issuance and costs relating to Sewage Treatment Plant rehabilitation.

City Manager Maclin stated that this transmittal from First Southwest has technically already been approved in principal by the Commission, and this statement provides the exact figures for legal services.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman authorizing payment of transmittal from First Southwest Company for bond issuance and costs relating to sewage treatment plant rehabilitation. A unanimous affirmative vote was recorded.

19. AUTHORIZATION - APPROVED - PURCHASE OF AIR CONDITIONER UNIT - CHAMBERS PARK COMMUNITY CENTER

Mayor Bronaugh stated that the next item for consideration was authorization to purchase air conditioner unit at Chambers Park Community Center.

City Manager Maclin stated that it would cost \$975 to repair the old unit with a one year warranty. City Manager Maclin stated that in the Park's Department line item category 30-01 \$1,200 is available for the purchase of a new unit. City Manager Maclin stated that staff is recommending the purchase of a new unit with a budget amendment from line 30-01 to 40-12 to cover this emergency repair.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman authorizing staff to purchase air conditioner unit for Chambers Park Community Center and amending the budget accordingly. A unanimous affirmative vote was recorded.

20. BID - APPROVED - RC2 ASPHALT - POLK OIL COMPANY

Mayor Bronaugh stated that the next item for consideration was bid for RC2 asphalt.

City Manager Maclin stated that two bids had been received, and staff is recommending the low bid of Polk Oil Company.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that bid of Polk Oil in the amount of 70 cents per gallon for RC2 asphalt be accepted as submitted. A unanimous affirmative vote was recorded.

21. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session to enter into Executive Session at 6:31 P.M. Regular session reconvened at 6:41 P.M. and Mayor Bronaugh stated that appointments to the Air Conditioning, Mechanical, Refrigeration, and Heating Board, Examining and Supervising Board of Electricians and appointment to the Zoning Board of Adjustment & Appeals had been discussed.

22. APPOINTMENT - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS
LT. GEN. ORREN WHIDDON


Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Lt. Gen. Orren Whiddon, Retired Army, be appointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

23. COMMENTS

City Manager Maclin reminded the Commissioners of the City-wide Panther Pep Rally to be held at Kurth Memorial Library on September 12th at 4:00 p.m.

City Manager Maclin also reminded Commissioners of the DETCOG meeting in Jasper on September 19th.

24. There being no further business for consideration, meeting adjourned at 6:45 p. m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary