

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON THE
7TH DAY OF APRIL, 1992 AT 5:00 P.M.

On the 7th day of April, 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
Danny Roper
Bob Bowman
Paul Mayberry

Mayor
Commissioner, Ward No. 1
Commissioner, Ward No. 2
Commissioner, Ward No. 3
Commissioner, Ward No. 4
Commissioner, Ward No. 6

being present, and

Jack Gorden

Commissioner, Ward No. 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Randy Hageman, Minister, First United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of Regular Meeting of March 17, 1992 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. PRESENTATION OF CERTIFICATES OF COMMENDATION - PUBLIC WORKS EMPLOYEES - EDWARD WHITE - MARK THOMPSON

Mayor Bronaugh presented Certificates of Commendation to Public Works Employees Edward White and Mark Thompson for assisting in a rescue operation on March 4, 1992, during a severe rainstorm.

5. PROCLAMATION - FAIR HOUSING MONTH

Mayor Bronaugh stated that the next item for consideration was a Proclamation designating April as "Fair Housing Month."

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that the month of April be designated as "Fair Housing Month" in the City of Lufkin. A unanimous affirmative vote was recorded.

6. PUBLIC HEARING - TAXI CAB FRANCHISE - DONALD M. ANDROZZO - CHECKERBOARD TAXI CAB COMPANY

Mayor Bronaugh opened Public Hearing to consider request by Donald M. Androzzo for a taxi cab franchise.

Mr. Androzzo stated that he planned to take over operation of the Checkerboard Cab Company from his uncle and aunt, Roger and Jimmie Bazell. Mr. Androzzo stated that he has been in the business for 22 years and is prepared to relocate to Lufkin and begin operating May 1st.

There was no opposition present.

Mayor Bronaugh closed Public Hearing.

7. PUBLIC HEARING - AMBULANCE SERVICE - JOSEPH AND LILA GADDY - GADDY'S AMBULANCE SERVICE

Mayor Bronaugh opened Public Hearing to consider request by Joseph Gaddy for ambulance service.

Lila Gaddy stated that she and her husband, Joseph, are the owners of Gaddy's Ambulance Service. Mrs. Gaddy stated that she had prepared a statement along with an application for the City Commission. (This information was included in the Commissioner's packets.)

Mayor Bronaugh stated that he wished to make Mrs. Gaddy aware of the City's Ordinance No. 2716 regulating ambulances and emergency vehicles. Mayor Bronaugh stated that the Ordinance under Article IV EMERGENCY MEDICAL SERVICES (Emergency Ambulance), Section 4.01 Provider, states that the City of Lufkin Fire Department Emergency Medical Services shall be the sole provider of Emergency Service within the City except as provided by Article V, Section 5.02.

City Manager Maclin stated that Mrs. Gaddy had requested permission in her letter to run emergencies in the City and in the County, and emergencies are already covered by the City Fire Department and by contract with the County. City Manager Maclin stated that the only service Mrs. Gaddy could request, in accordance with the City Ordinance, is transfer service within the City. Mrs. Gaddy stated that she was also requesting that if there is an emergency in the County she would like permission to run emergency traffic through the City to the closest hospital. City Manager Maclin stated that any runs in the County would come under the County Commissioner's Court, and the City of Lufkin would not have jurisdiction other than the contractual arrangement the City already has for emergency provision within Angelina County.

Mr. Gaddy stated that all he is really asking for is if they are called by a local nursing home, or a resident within the City for a transfer, not emergencies. City Manager Maclin stated that is not what he had stated in his letter to the City Commission. Mr. Gaddy stated that he did understand that the City does have an Ordinance, and he would comply with the Ordinance and would not run emergency traffic unless advised to by the Fire Department. Mr. Gaddy stated that he is asking for permission to come into the City if his service is called by a nursing home or a resident for a transfer. Mr. Gaddy stated that he would establish his business in the County.

City Manager Maclin stated that the basic purpose of today's Public Hearing is for Mr. Gaddy to present to the City Commission the justification of a need for an additional transfer service inside the City. Mr. Gaddy stated that the request is more or less for their needs, and it is just a matter of business. City Manager Maclin stated that the Ordinance requires that an applicant show a public need based on current services available as to why the City would need an additional transfer service within the City limits.

Mrs. Gaddy stated that, in her opinion, part of a community's need as far as ambulance service, even with the transfer service, is also upgrading the service. Mrs. Gaddy stated that they provide a high-quality ambulance service and their reputation would speak for itself. Mrs. Gaddy stated that they also provide teaching for CPR classes, EMS personnel, paramedic training and basic EMT classes through the ambulance service. Mrs. Gaddy stated that they have been running transfers, to include Houston transfers, for the local VA Clinic for approximately two years. Mayor Bronaugh stated that transfers from the VA Clinic would come under the same regulations as transferring from a nursing home, and they would have to be licensed with the City in order to make these transfers.

In response to question by Commissioner Mayberry, Mrs. Gaddy stated that they have a verbal agreement with the VA Clinic. Mrs. Gaddy stated that the VA Clinic was

having some problems with the transfer service the City presently has and that is why they were contacted. Mrs. Gaddy stated that there were also problems with the City's Fire Department running cardiac patients to Houston, and that is another reason why their service was contacted.

In response to question by Mayor Bronaugh, Mrs. Gaddy stated that they have not come across a transfer that was unable to pay. Mrs. Gaddy stated that they are presently running ambulance service out of Shelby and Nacogdoches Counties and if a person contacts them and must be transferred out of town, arrangements have been made. Mrs. Gaddy stated that arrangements have been made where patients pay her as little as \$5 per month. Mrs. Gaddy stated that they were not in the business to make a giant profit, but are in it for the quality of health care and because they are a caring company.

Commissioner Bowman questioned how the Gaddy Ambulance Service was able to make transfer runs from the VA Clinic when they did not have permission from the City Commission to do so. Mrs. Gaddy stated that they were not emergency transfers and she was not aware that she needed to come before the City Commission. Mrs. Gaddy stated that their ambulance that comes to Lufkin for transfers come from their Shelby County or Nacogdoches County offices, and that they have not been operating out of Lufkin.

In response to question by Commissioner Bowman as to the Gaddy Ambulance Service having any letters or commendations from the VA Clinic or the hospitals to support their presence in Lufkin, Mrs. Gaddy stated that they have talked with both hospital administrators and they thought it was a good idea to have another ambulance service locally. Mrs. Gaddy stated that she had not requested letters of recommendation from the hospitals, or the VA Clinic, but felt certain that she could get letters from them.

In response to question by Commissioner Bowman, Mrs. Gaddy stated that they had never had a malpractice lawsuit brought against them, but they are presently involved in a traffic accident that is being investigated as to who was at fault. Mrs. Gaddy stated that the accident had taken place in Nacogdoches, and that was the only lawsuit they were involved in.

In response to question by Commissioner Mayberry, Mrs. Gaddy stated that they would like to provide the transfer service with nursing homes and out-of-town transfers from hospitals, also local non-emergency transfers of residents to hospitals. Mrs. Gaddy stated that if the Lufkin Fire Department ambulance personnel needed their assistance, they would be happy to assist them.

Mrs. Gaddy stated that she is aware of the Ordinance, and they are not requesting to run emergencies in the City, but would like to be welcomed into the City as an ambulance service.

Mrs. Gaddy stated that she was not aware of the City Ordinance until she made inquiries about setting up an office for an ambulance service in Lufkin. Mrs. Gaddy stated that there is no Ordinance in Nacogdoches that she must abide by. City Manager Maclin stated that Nacogdoches does not have an Ordinance regulating ambulance service because the City does not provide EMS service.

In response to question by Commissioner Bowman if they were involved in any type litigation at this time, Mrs. Gaddy stated that they had never been involved in any type of litigation.

Mrs. Gaddy stated that they were not requesting to move into Lufkin for emergency service because the City of Lufkin has a fine, well run Fire Department EMS service. Mrs. Gaddy stated that they would like to work in cooperation with the Fire Department for emergencies in the County, and they are qualified to do trauma and cardiac runs.

In response to question by Commissioner Mayberry, Steve Howland, former EMS Coordinator, stated that there have been two occasions since the Ambulance Ordinance was enacted where the EMS service ended up transferring more than one patient at one time outside the County. Mr. Howland stated that the out-of-county transfers have dropped from 35 per month to approximately 7-10 per month.

In response to question by Commissioner Bowman if Lifeline Ambulance Service was meeting the public need, Mr. Howland replied "Yes, they are."

Commissioner Simond stated that he was surprised to hear that the hospital administrators have urged another ambulance service to come to Lufkin.

In response to question by Commissioner Simond as to whether or not Mrs. Gaddy had been given a copy of the City's Ordinance, City Manager Maclin stated that Mrs. Gaddy had received a copy of the Ordinance, but what she was implying was whether or not the City has the legal grounds for strict enforcement of it. City Manager Maclin stated that it is his opinion that the City can enforce the Ordinance, and there are court cases that verify that also. Commissioner Simond stated that he is unalterably opposed to someone coming into the City when there is no need.

Mrs. Gaddy stated that competition is the American way and is a way of upgrading service. Mrs. Gaddy stated that, in her opinion, the people of Lufkin would like to have Gaddy's as a provider in the County and also for transfers in the City.

Commissioner Bowman stated that before the Commission formally considers this request, Mr. and Mrs. Gaddy might want to re-do their letter, providing more documentation for public need with supporting letters from the hospitals and the VA Clinic.

Mayor Bronaugh stated that he wanted to make one statement that he felt was extremely important and that was that there is a need for the transfer of indigents where there is no pay to be received. Mayor Bronaugh stated that in competition people sometimes tend to forget the indigent and the responsibility of taking care of those who cannot take care of themselves.

In response to question by Commissioner Mayberry, Gloria Minatrea, co-owner of Life-Line Ambulance, stated that they had been operating in the City of Lufkin for the past six years. In response to question by Commissioner Mayberry, Mrs. Minatrea stated that they have been successful in their business of transferring non-emergency patients.

Mrs. Minatrea stated that six years ago when they came to the City they verbally agreed with the City Manager (Harvey Westerholm) that they would not do any emergency transfers but would take the burden from the City of doing the routine transfers from nursing homes and residences. Mrs. Minatrea asked Mr. Howland if Life-Line has held to that verbal agreement. Mr. Howland answered "Yes."

Mrs. Minatrea asked Mr. Howland if the City's EMS service and Life-Line were the only two ambulances services operating within the City of Lufkin and Mr. Howland answered "To the best of his knowledge."

Mrs. Minatrea stated that Mr. Howland has agreed with her in that Life-Line through their routine transfers and the City of Lufkin through their emergency service has amply taken care of the ambulance service in the City of Lufkin, with all needs being met. Mrs. Minatrea stated that Life-Line has three ambulances in service and a fourth one being readied for service. Mrs. Minatrea stated that Life-Line has been making routine transfer runs for the VA Clinic but has not entered into emergency runs for the Clinic. Mrs. Minatrea stated that should the City allow them to make emergency runs, they would have to be licensed by the State, and would be willing to do so.

Mr. Milford Minatrea stated that he would be happy to purchase a heart monitor to

make emergency runs, but would wait until the City notified him of that need.

Mayor Bronaugh closed the Public Hearing.

8. ORDINANCE - APPROVED - FIRST READING - REINVESTMENT ZONE/TAX ABATEMENT - PATE BUILDING - FIRST STREET & LUFKIN AVENUE - D. DAVID HEARNE/GREGORY LONGINO

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for designation of "Reinvestment Zone" for the Tax Abatement Program as requested by David Hearne for renovation of the Pate Building located at the southeast corner of First Street and Lufkin Avenue.

City Manager Maclin stated that a copy of the Tax Abatement Agreement for this property had been included in the Commissioner's packets. The Manager stated that this Tax Abatement meets the criteria relating to the Tax Abatement schedule as far as the value of improvements necessary to trigger the abatement. The Manager stated that this is a seven-year abatement, with 100% abatement for the first three years, 75% for the fourth year, 50% for the fifth year, 25% for the sixth year and 10% for the seventh year. The Manager stated that the improvements are the only portion of the property tax that are abated, and the original value prior to the improvements is still on the tax roll and will be continued to be taxed as in the past.

City Manager Maclin stated that he would like for it to be on public record that in the future the City will be very strict in conforming to its Ordinance from the standpoint that Tax Abatement requests need to be made in advance of any construction, and that action should be taken by this body prior to any construction beginning. The Manager stated that in this particular case, the application was not as timely as it should have been according to the Ordinance, however, the City Attorney informed him that there had been previous situations where abatements had been granted in a similar type of timing. The Manager stated that it was his impression that the City Attorney felt that this abatement request should be granted based on those previous situations. The Manager stated that he is making a management recommendation to the City Commission that we use this public forum tonight that any future, subsequent requests for Tax Abatement must be made in accordance with the guidelines whereby the request is made prior to any construction being initiated.

In response to question by Mayor Bronaugh, City Attorney Flournoy stated that the Tax Abatement for Abney-Medford Hardware had been approved after construction.

The Manager stated that this particular Tax Abatement Agreement and Ordinance were drawn up for this specific request.

The Manager stated that the requirement that the application must be in prior to construction is predicated on State Legislation that authorizes implementation of Tax Abatements.

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

In response to concern expressed by Commissioner Bowman that the City Manager's recommendation be abided by in the future, City Planner Stephen Abraham stated that the City Commission will not have to deal with this type situation again because when an application is received after the fact the applicant will be told that they did not comply with the City Ordinance and are ineligible. City Planner Abraham stated that he would keep a copy of the minutes from this meeting in his office to be able to show to applicants should a situation like this arise in the future.

City Planner Abraham stated that his office had sent a letter to Mr. Hearne stating that he was ineligible for the Tax Abatement since the construction had been completed.

9. ORDINANCE - APPROVED - FIRST READING - 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.

City Manager Maclin stated that at the joint workshop of the Planning & Zoning Commission and the City Commission, this Ordinance was reviewed and discussed, and there were some requests made for additional clarification. The Manager stated that the City Planner has provided for that additional clarification, and he would present these three changes to the City Commission at this time.

City Planner Abraham stated that the three changes to the Ordinance are:

- 1) Places a 30 day time limit on the removal of a temporary mobile home if the permit is revoked. The Director of Planning may extend the time limit if conditions warrant.
- 2) Requires applicant to explain all previous security measures on site.
- 3) Increases renewal fee for security purposes from \$10 to \$25.

Commissioner Simond commended City Planner Abraham on his efforts in improving this Ordinance.

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

10. FRANCHISE - APPROVED - DONALD M. ANDROZZO - CHECKERBOARD TAXI CAB COMPANY

Mayor Bronaugh stated that the next item for consideration was authorization of a taxi cab franchise as requested by Donald M. Androzzo for Checkerboard Cab Company.

This item was discussed in the Public Hearing (#6).

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that franchise to operate the Checkerboard Cab Company be granted to Donald M. Androzzo. A unanimous affirmative vote was recorded.

11. RIGHT-OF-WAY PURCHASE AGREEMENT - APPROVED - LOOP 287 AND HIGHWAY 69 - TEXAS DEPARTMENT OF TRANSPORTATION - BUDGET AMENDMENT

Mayor Bronaugh stated that the next item for consideration was approval of Texas Department of Transportation Agreement to contribute funds for purchase of right-of-way at Loop 287 and Highway 69.

City Manager Maclin stated that a copy of the minutes from a City Commission meeting from March, 1991, when this subject was first approached to the City by the Highway Department, a letter from James Blackburn, the Right-of-Way Administrator for the Department of Transportation, and a copy of an Agreement to contribute funds had been included in the Commissioner's packets for consideration.

City Manager Maclin stated that basically this is the overpass project at the intersection of Highway 69 and Loop 287. City Manager Maclin stated that one of the commitments of the Program is that the City provide 10% of the acquisition costs, and currently that has been estimated at \$500,000. City Manager Maclin stated that the City's 10% would be \$50,000. City Manager Maclin stated that the Department of

Transportation reserves the right to come back to the City if the acquisition costs ended up costing more. City Manager Maclin stated that under this Agreement, the State would assume the responsibility for acquisition of all necessary right-of-way.

City Manager Maclin stated that there was no way of knowing the timing on this project and, therefore, it was not included in this year's budget. City Manager Maclin stated that staff is asking the City Commission to consider this Agreement to contribute funds in the amount of \$50,000, which would have to come from the City's Contingency Fund. City Manager Maclin stated that the current Contingency Fund for General Fund is \$171,964, and this \$50,000 contribution would lower it to \$121,964.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond that the Department of Transportation Agreement for the purchase of right-of-way at Loop 287 and Highway 69 be approved as presented, and that funds for the Department of Transportation be authorized as requested (\$50,000), and the Contingency Fund for General Fund be amended accordingly. A unanimous affirmative vote was recorded.

12. BUDGET AMENDMENT - APPROVED - SOLID WASTE FUND BUDGET - TLL TEMPLE GRANT

Mayor Bronaugh stated that the next item for consideration was amendment of the Fiscal Year 1991-92 Solid Waste Fund Budget to include the TLL Temple Grant as authorized at a previous meeting.

City Manager Maclin stated that at the present time the City has received all the payments for the various phases of the project, for a total of \$698,425. City Manager Maclin stated that this is the appropriate time to present the budget amendment form to the City Commission for approval.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Percy Simond that Solid Waste Fund Budget for Fiscal Year 1991-92 be amended to include the TLL Temple Grant as authorized at a previous meeting. A unanimous affirmative vote was recorded.

13. PIPE & MATERIALS - APPROVED - BRENTWOOD DRIVE

Mayor Bronaugh stated that the next item for consideration was purchase of pipe and materials for 12" water line along Brentwood Drive.

City Manager Maclin stated that a copy of a letter from the Asst. City Manager of Public Works, a letter from the Engineer (Wayne Stolz-EGA), relating to the technical aspects for the project and the potential for reimbursement, and the cost estimates at \$45,736.25, had been included in the Commissioner's packet.

The Manager stated that this project includes a utility line relocation, and a utility line enlargement for the time when the elevated storage tank will be installed. The Manager stated that in the event the regional water system does become a reality, there is the potential of reimbursement from those funds as well as the elevated storage tank, as has been discussed at a previous meeting. The Manager stated that staff is seeking City Commission authorization at this point to proceed with this project. The Manager stated that the funds will come from existing budget allocations with the potential of reimbursement to ourselves with Bond funds in the future if the regional plan goes into effect. The Manager stated that there had been a recent article in the newspaper regarding withdrawal of the Hudson Water Supply Corp. The Manager stated that as soon as the Angelina County Regional Water Supply meets and makes a determination as to what they will do and the impact this will have, he would bring a report back to the Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that purchase of pipe and materials for 12" water line along Brentwood

Drive be approved as requested. A unanimous affirmative vote was recorded.

14a. **BID - APPROVED - COMPUTERS - POLICE DEPARTMENT - CHOICE SOLUTIONS - IBM**

Mayor Bronaugh stated that the next item for consideration was bids for computers to be used in the Police Department.

City Manager Maclin stated that there was a minor change in the staff recommendation for this bid. The Manager stated that this was a bid for five terminals on the System 36 in the Police Department and staff is recommending the low bid of Choice Solutions in the amount of \$3,500 (\$700 per terminal), and the bid of IBM for the printer in the amount of \$747. The Manager stated that this is not exactly the printer that was bid, but it met or exceeded the bid specifications and it is compatible with this terminal. The Manager stated that the City would save \$103 by purchasing the \$747 printer.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Choice Solutions for computers in the amount of \$3,500, and bid of IBM for a printer in the amount of \$747 be approved as submitted. A unanimous affirmative vote was recorded.

14b. **BID - APPROVED - SEWER CONSTRUCTION - NAYLOR ENVIROSYSTEMS**

Mayor Bronaugh stated that the next item for consideration was bids for sewer construction.

City Manager Maclin stated that this bid involves the lining of a major sanitary sewer line on the South side of town, and staff is recommending the low bid of Naylor Envirosystems in the amount of \$49,875. The Manager stated that this amount is within the \$50,000 that was budgeted in the Utility Fund Budget.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that bid of Naylor Envirosystems in the amount of \$49,875 be approved as submitted. A unanimous affirmative vote was recorded.

14c. **BID - APPROVED - LITTER & GARBAGE REMOVAL - CITY PARKS - WALTER A. SMITH ENTERPRISES**

Mayor Bronaugh stated that the next item for consideration was bids for litter and garbage removal from City Parks.

City Manager Maclin stated that the staff recommendation is the low bid of Walter A. Smith Enterprises for the park cleaning at \$1,199.99 per month, and the per day cleaning for Morris Frank Park in the amount of \$75 per day

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that bid of Walter A. Smith Enterprises for litter and garbage removal from City Parks (for an estimated total of \$7,800) be accepted as submitted. A unanimous affirmative vote was recorded.

15. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 6:11 p.m. to enter into Executive Session. Regular session was reconvened at 6:34 p.m. and Mayor Bronaugh stated that real estate matters and appointments to various City boards had been discussed.

Mayor Bronaugh recognized Larry Kegler and Lester Adkison, who are seeking the position of Commissioner of Ward 3.

16. COMMENTS

City Manager Maclin stated that the City Employees Awards Banquet will be held on Monday, April 27th at 7 P.M. at the Civic Center. The TML Region 16 meeting will be held on Thursday, April 30th at 6:30 P.M. at Crown Colony Country Club.

City Manager Maclin stated that he is requesting that the City Commission hold a noon workshop meeting on Thursday, April 30th, or Friday, May 1st to discuss plans to re-do the entrance at the Zoo.

17. There being no further business for consideration, meeting adjourned at 6:39 p.m.


Louis A. Bronaugh - Mayor

ATTEST:


Atha Stokes - City Secretary