MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF MAY, 1992 AT 5:00 P.M.

On the 19th day of May, 1992 the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Paul Mayberry	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 O. W. Williams, Minister, Eastview Pentecostal Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of May 5, 1992 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - LEGRAND VANHOOK CARNEY - ROSE JACKSON/BONNIE PICKNEY - SPECIAL USE PERMIT - DAY CARE - 511 AND 601 LOCKE STREET - COMMERCIAL & RESIDENTIAL SMALL ZONING DISTRICTS**

Mayor Bronaugh stated that the next item for consideration was Second Reading and Final Reading of an Ordinance as requested by Legrand Vanhook Carney, on behalf of Rose Jackson and Bonnie Pickney, for approval of a Special Use Permit for a Day Care located at 511 and 601 Locke Street, and within Commercial and Residential Small zoning districts.

City Manager Maclin stated that one of the stipulations for the Zone Change from the Planning & Zoning Commission was that the culvert junction box on the front of the property adjacent to the street have a cover placed over it for safety purposes. City Manager Maclin stated that at the last meeting the Commission discussed what would be appropriate as far as payment for the box being constructed. City Manager Maclin stated that the applicant has requested that the City pay the total cost of the box and installation. City Manager Maclin stated that it would be more in line with City policy if the cost is split 50-50 (the total cost is $600; the City's cost would be $300). City Manager Maclin stated that the City has the option of paying for the entire amount of $600 as requested by the applicant.

Mr. Carney stated that he would have been happy to furnish the materials up front if that option had been presented to him. Mr. Carney stated that it doesn't seem fair for him to pay the entire amount when the box is on City property.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that Ordinance as requested by Legrand Vanhook Carney, on behalf of Rose Jackson and Bonnie Pickney, for approval of a Special Use Permit for a Day Care located at 511 and 601 Locke Street, and within Commercial and Residential Small zoning districts, be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry to adhere to the City's policy by the City paying 50% of the cost for the materials and installation of the culvert inlet box at 511 and 601 Locke Street. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - WARREN A. DuBOSE - POLK OIL COMPANY, INC. - COMMERCIAL TO HEAVY MANUFACTURING - SPECIAL USE PERMIT - HIGHWAY 94 - 2509 WEST FRANK AVENUE**

Mayor Bronaugh stated that the next item for consideration was Second and Final Reading of an Ordinance as requested by Warren A. DuBose, on behalf of Polk Oil Company, Inc. for a zoning change from Commercial to Heavy Manufacturing on approximately 10 acres of land on the south side of Highway 94 known as 2509 West Frank Avenue.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Ordinance as requested by Warren A. DuBose, on behalf of Polk Oil Company, Inc. for a zoning change from Commercial to Heavy Manufacturing on approximately 10 acres of land on the south side of Highway 94 known as 2509 West Frank Avenue be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - "REINVESTMENT ZONE"/TAX ABATEMENT - RONNIE ROBINSON - DUNAGAN WAREHOUSE CORPORATION - 1016 N. JOHN REDDITT DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second and Final Reading of an Ordinance to consider designation of "Reinvestment Zone" for Tax Abatement Program as requested by Ronnie Robinson, on behalf of Dunagan Warehouse Corporation, for renovation of the warehouse facility located at 1016 N. John Redditt Drive.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Ordinance for designation of a "Reinvestment Zone" and Tax Abatement Agreement as requested by Ronnie Robinson, on behalf of Dunagan Warehouse Corporation, for renovation of the warehouse facility located at 1016 N. John Redditt Drive, be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ZONE CHANGE REQUEST - RETURNED TO PLANNING & ZONING COMMISSION - JACK GREER DAVIS - RESIDENTIAL LARGE TO RESTRICTIVE PROFESSIONAL OFFICE - JOHN REDDITT DRIVE BETWEEN HANKS STREET AND MOSSFIELD ROAD**

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

City Attorney Bob Flournoy stated that it would not be proper for the City Commission to consider this request without a recommendation from the Planning & Zoning Commission. Mr. Flournoy stated that it is his recommendation that the request be sent back to the Planning & Zoning Commission and have them make a decision on the request.

Gene Tate stated that this zoning request by Mr. Greer is not considered a serious problem by area residents. Mr. Tate stated that there is no opposition to the primary zoning uses, but the residents do strongly object to the secondary uses in the Ordinance. Mr. Tate stated that if there is someway for the City Commission to limit the uses for this property to the primary uses only, then the residents will strongly support the request.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that request for Ordinance as requested by Jack Greer Davis for a zoning change from Residential Large to Restrictive Professional Office on approximately 9.25 acres of land fronting the west side of John Redditt Drive between Hanks Street and Mossfield Road be returned to the Planning & Zoning Commission for a decision. A unanimous affirmative vote was recorded.

8. <u>MEMBERSHIP RENEWAL - APPROVED - DEEP EAST TEXAS REGIONAL NARCOTICS TRAFFICKING TASK FORCE</u>

Mayor Bronaugh stated that the next item for consideration was renewal of membership in the Deep East Texas Regional Narcotics Trafficking Task Force.

City Manager Maclin stated that a memo from Chief Collins had been included in the Commissioner's packets.

Chief Collins stated that originally when the Police Department was given the opportunity to renew membership in the Task Force he had made the recommendation not to renew based upon the organization and structure of the Task Force. Chief Collins stated that the Task Force was geared primarily towards rural enforcement, and the City was not getting that much benefit from their enforcement efforts. Chief Collins stated that in the past two months the Task Force has had a change in personnel, organization and philosophy, which caused a change in their strategies that will direct their efforts more toward moving up the hierarchy in the drug trade and not concentrate strictly on the bottom level street dealers. Chief Collins stated that because of those changes he is now recommending that the City continue their membership in the Task Force.

In response to question by Commissioner Bowman, City Manager Maclin stated that the City's responsibility is $5,000 cash and to pay the salary of the officer who is assigned to the Task Force. Chief Collins stated that the Task Force reimburses the City the salary and benefits of the officer who is assigned to the Task Force.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that membership renewal in the Deep East Texas Regional Narcotics Trafficking Task Force be approved as requested by Chief Sherman Collins. A unanimous affirmative vote was recorded.

9. <u>LEASE REQUEST - TABLED - FIRST STEP GROUP LUFKIN (NARCOTICS ANONYMOUS) - CHAMBERS PARK</u>

Mayor Bronaugh stated that the next item for consideration was a request by First Step Group Lufkin (Narcotics Anonymous) for a two-year lease of the log house in Chambers Park.

City Manager Maclin stated that included in the Commissioner's packet is a letter of proposal from David Russell. City Manager Maclin stated that the group is pledging that they will clean and fix the property as needed, paint it inside and out, and provide all the labor necessary to do those items, maintain the plumbing facilities in the restroom, put the utility bill in their name and pay it, and pay the City $20 a month in rent (which is in keeping with the traditions of Narcotics Anonymous).

City Manager Maclin stated that they would be requesting of the City an exclusive two year lease, plexi-glass for windows, sewer connection to the building, and an unlimited number of meetings (Friday and Saturday).

Commissioner Simond stated that usually when someone makes a request of this nature, and they do not appear for the meeting, the Commission tables the item until the applicant can be present.

Mayor Bronaugh stated that, in his opinion, two years would be too long to make this kind of commitment.

Don Hannabas, Parks & Recreation Director, stated that normally the City tries to set the time for closing at 10 p.m. for parks that are adjacent to a residential area, and 11 p.m. for parks like Ellen Trout Park.

Commissioner Mayberry requested that Mr. Flournoy write up a Lease Agreement with Narcotics Anonymous for consideration at the next City Commission meeting.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry to table this item until Mr. Russell could be present, and that the City Attorney draft an Agreement with Narcotics Anonymous and the City of Lufkin for approval at next meeting. A unanimous affirmative vote was recorded.

10. **PROPERTY DONATION - APPROVED - TSO BUILDING - 111 LUFKIN AVENUE**

Mayor Bronaugh stated that the next item for consideration was acceptance of property donation of the former TSO Building (111 Lufkin Avenue).

Mayor Bronaugh stated that the City Attorney, at the direction of the City Commission, has notified the owner that the building is in a dilapidated condition, and the owner has in turn offered the property to the City.

City Manager Maclin stated that if the City accepts the property, the Main Street Program has suggested two potential uses for it. City Manager Maclin stated that in the original discussions of the property there was talk of retaining and restoring the original facade, but now believe after having contractors and an engineer look at the building, that will probably not be possible. City Manager Maclin stated that Main Street has suggested putting in eight slanted parking spaces, or a "pocket park" with benches, landscaping, etc. City Manager Maclin stated that it is not necessary at tonight's meeting to decide what to do with the property, only to decide whether or not to accept it as a donation. City Manager Maclin stated that if the City does choose to accept the property, staff will work closely with Main Street, utilizing the services of the Main Street architectural staff in Austin at no expense to the City.

City Manager Maclin stated that the City had received some bids for demolition, however, the Public Works Department feels that the work can be done in-house.

Mr. Wesch stated that there are approximately 50 2x12 rafters still in place, and that there are separate walls.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that the City of Lufkin accept the property donation of the former TSO Building located at 111 Lufkin Avenue. A unanimous affirmative vote was recorded.

11a. **BID - APPROVED - THREE QUARTER TON PICKUP - STREET DEPARTMENT - BARRETT WHITE GMC/TYLER**

Mayor Bronaugh stated that the next item for consideration was bids for a three quarter ton pickup for the Street Department.

City Manager Maclin stated that the Staff recommendation for this item is to accept the low bid of Barrett White GMC in the amount of $15,239.

Commissioner Mayberry stated that, in his opinion, the extras on this service truck could not be justified. Purchasing Agent David Cochran stated that the specifications did not call for tinted windows or the AM/FM radio, but that this was part of the manufacturer's package.

Commissioner Mayberry requested that the City Manager carefully review the specifications that go out to bidders.

Mr. Cochran stated that the specifications called for a basic truck with air conditioning and that this three-quarter ton had met the specs. Mr. Cochran stated that the main cost to the list price was the diesel engine.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd to accept the bid of Barrett White GMC/Tyler in the amount of $15,239 as the low bid. The following vote was recorded:

Aye - Commissioners Kegler, Bowman, Boyd, Simond, and Mayor Bronaugh
Nay - Commissioner Mayberry

Motion carried by a vote of 5 to 1.

11b. **BID - APPROVED - COMPUTERIZED HANDHELD METER READERS - UTILITY COLLECTION DEPARTMENT - BADGER METER, INC.**

Mayor Bronaugh stated that the next item for consideration was bids for computerized handheld meter readers for the Utility Collection Department.

City Manager Maclin stated that this item was discussed in the Budget Workshops last year and was included in this year's budget as a method of using technology to help improve efficiency and hopefully reduce the number of incorrect reads on the meters for water meter billing. City Manager Maclin stated that the staff recommendation is to award the bid of Badger Meter, Inc. The base amount for the unit is $13,600. City Manager Maclin stated that the bids were compared with the service agreements and training for both the software and the three handheld units. The total package over the next four years would be $16,843. The first year includes the one-year warranty.

City Manager Maclin stated that the unit is similar to a small handheld calculator computer. The accounts will be loaded into the computers, along with the location of the meter. City Manager Maclin stated that one of the features the Badger had that the other computers did not have is alpha keys in addition to numerical keys.

Commissioner Simond stated that these computers are expensive and he is concerned about one of the units being lost or misplaced. City Manager Maclin stated that the accountability would be the same as any other piece of City equipment. City Manager Maclin stated that personnel rules would address any act of negligence or carelessness.

City Manager Maclin stated that one of the reasons why the meter reader position was not filled in January was in anticipation of the utilization of the handheld computerized reader. In response to question by Commissioner Simond, City Manger Maclin stated that the individual who left the City in January did not lose his job, he retired. City Manager Maclin stated that through attrition is the method he is proposing to reduce costs to the City of Lufkin.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that the low bid of Badger Meter, Inc. in the amount of $16,843 be accepted as submitted. A unanimous affirmative vote was recorded.

12. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 5:45 p.m. to enter into Executive Session. Regular session was reconvened at 6:08 p.m. Mayor Bronaugh stated that Commissioner Paul Mayberry had submitted his resignation to the Commission in Executive Session, effective June 2. Mayor Bronaugh stated that Commissioner Mayberry had been elected to fill a two-year unexpired term and had served on the Commission for four years.

13. **COMMENTS**

Commissioner Mayberry stated that he had thoroughly enjoyed working on the City Commission and had benefited by working with the other Commissioners, City officials, and employees. Commissioner Mayberry stated that he was leaving with a good feeling about the City of Lufkin knowing that the new City Manager is capable, and has the expertise to lead the City in future years.

Commissioner Mayberry stated that he is grateful for the opportunity to have worked at the State School with Larry Kegler, who is an outstanding individual, and expressed his best wishes to Larry as he serves on the City Commission.

Members of the Commission stated that Commissioner Mayberry had made an enormous contribution to the City of Lufkin through his expertise while serving on the City Commission. City Manager Maclin stated that he had great respect for Commissioner Mayberry as a Commissioner and as a gentleman.

City Manager Maclin stated that the City Commission will hold a Budget Retreat at Pine Island on Wednesday, May 20 starting at 12:15 p.m.

14. There being no further business for consideration, meeting adjourned at 6:15 p.m.

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary