

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF MARCH, 1985, AT 5:00 P.M.

On the 19th day of March, 1985, 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:

Pitser H. Garrison	Mayor
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Nicholas Finan	City Planner

being present, and

Percy Simond, Jr.	Commissioner, Ward 1
Jack Gorden	Commissioner, Ward 5

being absent when the following business was transacted.

1. Meeting was opened by Mayor Garrison who stated the Commission would now go into Executive Session to discuss appointments to Zoning Board of Adjustment & Appeals and items with the City Attorney. Mayor Garrison recessed formal open meeting of the City Commission at 4:35 P.M. Mayor Garrison reconvened meeting of the City Commission and made announcements to those present regarding results of the Executive Session at 5:05 P.M. Mayor Garrison stated that the City Commission had discussed appointments to the Zoning Board of Adjustment & Appeals and items pertaining to real estate and a lawsuit with the City Attorney, such items would be discussed at a later time on the agenda.

2. Meeting was opened with prayer by City Manager Harvey Westerholm in the absence of Reverend Bob Lewis.

3. APPROVAL OF MINUTES

Minutes of the regular meeting of March 5, 1985, were approved on a Motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - WILLIAM G. ABNEY -D/B/A ABNEY & MEDFORD HARDWARE

Mayor Garrison stated that a request had been received from William G. Abney, d/b/a Abney & Medford Hardware, that property located at Lots 1 and 2, Block 4, Walker Addition (604 S. Chestnut) be considered for designation as a Reinvestment Zone for the Tax Abatement Program.

Mayor Garrison officially opened Public Hearing and recognized Bill Abney appearing in representation of Reinvestment Zone. Mr. Abney stated that Abney & Medford Hardware was in the process of constructing a new warehouse and retail space at a cost of approximately \$166,000 at their present location at 604 S. Chestnut. Mr. Abney stated that the area is becoming rundown and merchants have begun to move out of the area. Mr. Abney stated that the construction would mean added sales for City taxes and that he was requesting a 10-year Tax Abatement.

In answer to question by Commissioner Lynn Malone, Mayor Garrison stated that the business area and Chestnut Village had not been kept in good repair and the renovations to the Abney & Medford Hardware building would render it more desirable and usable.

In response to question by Commissioner Louis Bromberg, City Manager Westerholm stated that the map proposed by the City of Detroit for 1971 tax rate limits for reinvestment zones indicated that the Abney & Medford property was within the 10-year district but outside of the 15-year district.

Mayor Garrison stated that he was impressed that the Abney had asked for 15-year Abatement which showed that he has concerns about the taxing agencies within the City.

In response to question by Commissioner Lynn Malone, Mayor Garrison stated that the buildings in the Chestnut Village shopping center were fairly modern but the Abney & Medford Hardware building was built approximately 40 years previously. Commissioner Louis Bromberg stated that the Abney & Medford Hardware store is on the tax rolls at the present time paying a large amount of taxes and would continue to pay that amount during the 10-year Tax Abatement period. There was no opposition or dissent. Mayor Garrison officially closed public hearing due to lack of discussion.

**5. ORDINANCE - APPROVED - FIRST READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - WILLIAM G. ABNEY D/B/A ABNEY & MEDFORD HARDWARE**

Mayor Garrison stated that the Commission now had for consideration the Ordinance designating a Reinvestment Zone and the Tax Abatement Program as requested by William G. Abney, covering property located on Lot 1 and 2, Block 4, Alder Addition (0450 Trust).

Motion was made by Commissioner Louis Bromberg and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading for a 10-year Tax Abatement period. A unanimous affirmative vote was recorded.

**6. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS**

Mayor Garrison stated that there were two (2) vacancies on the Zoning Board of Adjustment & Appeals and due to staff recommendations the appointments would be considered as alternate positions for an initial one (1) year period.

Motion was made by Commissioner Louis Bromberg and seconded by Commissioner Don Boyd that Jack Irish be reappointed to the Zoning Board of Adjustment and Appeals as an alternate for a one year term. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Lynn Malone and seconded by Commissioner Don Boyd that Dr. Willis Pierre be appointed to the Zoning Board of Adjustment and Appeals as an alternate for a one year term. A unanimous affirmative vote was recorded.

**7. ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - ROBERT CHERRY**

Mayor Garrison stated that Ordinance providing reinvestment zone for Robert Cherry covering property located at the intersection of Highway 13 and North Riquet Street has been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Louis Bromberg and seconded by Commissioner Don Boyd that Ordinance be approved on second reading for a 10-

17) Ordinance for Tax Valuation. A unanimous affirmative vote was recorded.

**8. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - E. A. SIMPSON - COMMERCIAL, SPECIAL USE TO COMMERCIAL**

Mayor Garrison stated that Zone Change request by E. A. Simpson covering property located at 2303 S. Fajut Street between Benerson and McAllen Street from Commercial, Special Use to Commercial had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Floyd and seconded by Commissioner Pat Foley that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

**9. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - FIRST READING - GEORGE R. TAYLOR - RL TO RM**

Mayor Garrison stated that Zone Change request by George R. Taylor covering property located at 1711 Courtray between South Le Fort and Card Drive from Residential Large to Residential Medium had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Floyd and seconded by Commissioner Pat Foley that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

**10. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JAMES W. STEVENSON - RS TO RS, SU (BEAUTY SHOP)**

Mayor Garrison stated that Zone Change request by James W. Stevenson covering property located on Howard Street between Collins and York in Springwood from Residential Small to Residential Medium (Beauty Shop) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Floyd and seconded by Commissioner Pat Foley that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

**11. ORDINANCE - APPROVED - SECOND READING - CERTIFICATES OF OBLIGATION - SERIES 1985**

Mayor Garrison stated that City Commission had approved on first reading an Ordinance authorizing the issuance of Certificates of Obligation for financing the proposed City Hall expansion at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Brannough that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

**12. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - SABINE INVESTMENTS - RS TO PUD**

Mayor Garrison stated that Zone Change request by Sabine Investments covering property located at sections 1, 2, 3 thru 17 in Crown Colony from Residential Small to Planned Unit Development had been recommended to City Commission for approval.

Mayor Garrison stated that minutes of the Planning Commission meeting indicated that Crown Colony had agreed to the restriction of a 20 foot setback from the golf course for a portion of all construction. There was no opposition present.

Motion was made by Commissioner at 7:11 p.m. when the Commission-  
sioner Louis Cronauh that finance be approved by first dividing  
with the 12 foot setback. A unanimous affirmative vote was recorded.

**13. AUDITORS - DESIGNATED - 1985-86 FISCAL YEARS - ALEXANDER & ROGERS**

Mayor Garrison stated that historically the City of Lufkin has al-  
ternated between the two (?) larger accounting firms, Alexander & Rogers  
and Alexander & Rogers for conducting the city audit. Mayor  
Garrison stated that the next two (2) fiscal years would rotate to  
Alexander & Rogers' firm and requested that City Manager Westerbolt  
provide staff recommendations.

City Manager Westerbolt stated that the cost of the audit is based on  
the number of hours required to complete same and that the smaller  
accounting firms in the City of Lufkin do not have a staff large  
enough to timely complete the City audit. Mayor Garrison stated that  
he was concerned about the amount of the audit for last fiscal year  
and would like to see a history of the charges for the audit for  
general information. City Manager Westerbolt stated that the audit  
firms have been trying to bring the City of Lufkin up to the generally  
accepted accounting principals and had reached that point with the  
financial reports of the City of Lufkin at the present time. Mayor  
Garrison stated that he did not have any idea how the charges would  
be, but he would like to see an approximate figure of what the audit  
would cost.

Commissioner Louis Cronauh stated that because the City does not  
take competitive bids for completion of the audit it might be wise  
to review the charges of the two (?) accounting firms.

In response to question by Commissioner Louis Cronauh, Finance  
Director Rita Jenkins stated that the auditors that have not done  
the audit for the previous two (?) years have not worked com-  
plete during those years but this would be the first year  
on the accrual basis and first year for the financial records to go  
on the computer. Commissioner Louis Cronauh stated that because all  
the financial records are on the computer at this time the audit  
should be simpler to prepare.

Motion was made by Commissioner Louis Cronauh at 7:20 p.m. when  
Commissioner Don Boyd that Alexander & Rogers be designated to conduct the  
audit for the two fiscal years 1985-86 and 1986-87 subject to final  
approval or contract by the City Commission. A unanimous affirmative  
vote was recorded.

**14. BID - APPROVED - BLEACHERS - PARKS & RECREATION DEPARTMENT -  
ED CUMMINGS & ASSOCIATES**

Mayor Garrison stated that bids had been received for the purchase of  
bleachers for use by the Parks & Recreation Department and requested  
that City Manager Westerbolt provide staff recommendations.

City Manager Westerbolt stated that the low bid of Ed Cummings  
Associate was in the amount of \$5,850 and the staff would like to  
recommend approval of the low bid. City Manager Westerbolt stated  
that the funds for the purchase would be derived from the annual  
gas lease money.

Motion was made by Commissioner Pat Foley and seconded by Commis-  
sioner Louis Cronauh that low bid of Ed Cummings Associate in  
the amount of \$5,850 be approved as presented. A unanimous affir-  
mative vote was recorded.

**15. HEARING - PAGE PERRY - PRIVATE CLUB PERMIT - DENIED**

Mayor Garrison stated that he would like to see Mr. Perry for a hearing before the City Commission to consider the decision of the administrative staff that he could not receive a private Club permit to operate because his operation did not constitute a general restaurant as required in the Private Club Ordinance.

Mayor Garrison recognized Roger Voss, local attorney appearing on behalf of Mr. Perry. Mr. Voss stated that Mr. Perry had operated a private club and received a permit under the Private Club Ordinance No. 311 but because he did not meet the requirements of that Ordinance, Mr. Perry voluntarily closed his club. Mr. Voss stated that the total sales for the six (6) month period indicated that the total sales were \$13,152.44 which was the total of alcoholic beverages sold. No food sales were included in that figure. Mr. Voss stated that Mr. Perry had contacted him to see if he would be allowed to re-operate his club in accordance with the Private Club Ordinance. Mr. Voss stated that Ordinance No. 311 has been amended by Ordinance No. 37 but both require food sales. Mr. Voss stated that a hearing had been held with the City Administration and he was informed that if the operation of a private club had ceased for a certain period of time, it was void and a new application must be submitted.

In response to question by Mayor Garrison, Mr. Voss stated that the club was closed considerably longer than the six (6) month period. Mr. Voss stated that at this time Mr. Perry submitted a new application in accordance with the new Ordinance No. 37 which was levied and Mr. Perry had requested that a hearing be established. Mr. Voss stated that he had been held in attorney's office and after that hearing a letter was received indicating that the permit would be denied because the club would not be a part of a general restaurant and the administrative staff would believe that Mr. Perry could comply with the food sales law. Mr. Voss stated that a request was then made for a hearing before the City Commission because the Ordinance did not indicate who would be allowed to operate a private club and could not be amended unless operation of the business had continued for a certain period of time. Mr. Voss stated that he felt the permit had been denied because of the opinion and conjecture that the food sales could not be separated from any other food that was stated in the Ordinance. Mr. Voss stated that the denial should be made after 12 months of operation at which time it could be determined if he could file an application and if Mr. Perry should be allowed to start a new business without consideration of his previous private club venture.

Mayor Garrison stated that the Ordinance provided that if one seeks to establish a private club it must be in connection with a general restaurant and Mr. Perry does not intend to start a general restaurant. Mayor Garrison further stated that the Ordinance as approved by the City Commission it was a concern of the Commission that the City Commission did not want to create saloons over the City and that permits should not be issued unless it was a part of a hotel, club complex or a general restaurant.

Mr. Voss stated that at the meeting in the City Attorney's office Mr. Perry indicated that he would be a stove-top only refrigerator operator and that was of cooking and selling food and that his definition of a general restaurant in the Ordinance. Mayor Garrison stated that most of the time in the Private Club Ordinance, he believed that the private club is incidental to the restaurant business of a restaurant and the private club is not the main attraction of the business. Mayor Garrison further stated that most of the time in the business of selling food of general description and that the officials have the administrative authority to deny a private club permit under the Ordinance. Mr. Voss stated that there were no other issues.

the City of Lubbock to not serve food at the club. Mr. Perry  
further stated that Mr. Perry's private club would be a club  
that serves food and beverages would be prohibited. Mayor Harrison  
stated that a club that serves food would not be the same as a res-  
taurant that has a bar.

In response to question by Commissioner Pat Foley, Mr. Perry stated  
that Mr. Perry intends to sell food and that if he did not comply  
with this section of the ordinance sales of alcohol would have to be  
discontinued until the food sales were able to meet the requirements.  
Mayor Harrison stated that the report filed by Mr. Perry on the operation  
of his private club was falsified and that he violated the feature of  
his title sales in half and indicated that half of the money was from  
the sale of food, when in reality it was not.

City Attorney Floury stated that the ordinance was intended  
in an effort to avoid having open saloons in the city. Because  
of the large number of private clubs at that time, City At-  
torney Floury stated clubs in existence at the time of the ordinance  
approval are not controlled by the ordinance. But Mr. Perry intends  
to only have a saloon. City Attorney Floury stated that Mr. Perry  
has indicated that he has a license to sell food and beverages at the  
club. City Attorney Floury stated that Mr. Perry admitted that he  
had falsified the report on his private club and if his new operation  
was approved, he intended to sell beer for 5 cents and  
Fritos for a 10 cent bag which was intended to have food sales  
of 50% of the total sales. City Attorney Floury stated that Mr. Perry  
was attempting to make a mockery of the ordinance and hoped to operate  
for a 12 month period before the ordinance could be cancelled. He  
stated that the ordinance would not be cancelled because he did not meet the  
just issuance of another permit to try to operate for a 12 month period  
which is not the intent of the ordinance. City Attorney Floury  
stated that the Administrative Staff under the ordinance has the  
authority to deny the private club permit.

Mayor Harrison stated that the ordinance should define precisely  
what the term "general restaurant" implies, but he generally thought  
to be a facility where people are hoping to make money out of the food  
business and if approved, a private club could be operated in con-  
nection with the food service. Mayor Harrison further stated that  
a 12 month period should not lapse before the City is able to deter-  
mine if the sale of food is being made. Mayor Harrison further  
stated that the City staff was resolute with an application by Mr.  
Perry who indicated that he would be serving drinks and food and  
is food and they are justified in denying the permit.

City Attorney Floury stated that common sense should be used in  
deciding whether an applicant can or intends to meet the requirements  
of the ordinance. Commissioner Pat Foley stated that Mr. Perry was indicating  
that he would attempt to sell food and beverages at the club. He  
stated that the ordinance is not intended to be a license to make  
unfounded assumptions and reading something into the ordinance that is  
not included. Commissioner Foley stated that he is not sure that the  
permit could be refused at this point in time.

Mayor Harrison stated that in light of the history of Mr. Perry's  
operation and the likelihood of his operation, a restaurant on the  
premises of his proposed club, it does not seem feasible that the  
operation would be successful. Mayor Harrison further stated that there  
is not much likelihood that the food sales would equal the sale of  
alcoholic beverages. Mayor Harrison stated that Mr. Perry would  
provide a plan of what he will be serving and when it will be  
cooked or how it will be prepared as a restaurant. Mr. Perry stated  
that the ordinance does not provide for denial of a permit.

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occur in the future. City Attorney J. L. Flournoy stated that the Ordinance does not provide for appeal to the City Commission. City Attorney Flournoy further stated that if permits were issued as Mr. Cross suggests, the City would never be able to deny a permit because applicants would just file a new application and operate for another 12 months before records would be kept for the next 30 days of issue. Mayor Garrison stated that the City Commission has no authority to override the authority of the Administrative Staff and tell them what their decision would be in far as issuing the Private Club Permit. Mayor Garrison stated that the City Commission could hear the complaint of Mr. Perry and take it into consideration to see if he was entitled to the permit under the ordinance, but when the ordinance indicates that a private club must be part of a general restaurant Mr. Perry's Club would not qualify. Mayor Garrison stated that Mr. Perry has not indicated to the City Commission what he would do to establish a general restaurant, and the City Commission has the authority to deny the Private Club Permit. Mayor Garrison further stated that the City Commission could change the ordinance but has no authority to grant a Private Club Permit. Commissioner Brown stated that the term "general restaurant" would be defined in the ordinance. Mayor Garrison stated that the operation of Mr. Perry's Club should not be left in place for a year and that it would become a saloon, and provisions for monitoring the operation should be established.

In response to a question by Commissioner Brown, City Attorney Flournoy stated that the City Commission grants to a Board of Agency or a City Official the right to make decisions on ordinances unless provisions are made for the City Commission to act as the appellant body. City Attorney Flournoy stated that a generally accepted definition of terms is used if terms are not specifically spelled out in an ordinance, and Mr. Perry has the right to appeal the denial of the permit to the courts. Mayor Garrison stated that terms are used in the law everyday without specific definition, and there is no appeal from the Administrative decision of the City Commission. Mayor Garrison stated that the ordinance could be revised to make it clearer in regard to what circumstances are needed for the issuance of the permit and the ordinance should be made clear to allow the Administrative Staff information that is required. Mr. Cross stated that the ordinance does not prohibit a person to refuse the permit, but it does say that if a permit is granted and it is not followed it could be done again.

Action was made by Commissioner Brown alone in second reading. Commissioner Brown stated that City Attorney Flournoy is instructed to issue Private Club Permit to Mr. Perry and the City Attorney should revise the Private Club Ordinance to eliminate confusion. Following vote was recorded: Aye: Commissioners Brown, Mayor, Flournoy. Nay: Mayor Garrison, Commissioner Brown. Mayor Garrison's motion failed by a vote of 3 to 2 because a minimum of 4 votes is required for approval. Mayor Garrison stated that he voted against the motion because the City Commission has no right to interfere in the Administrative decision to deny the permit. The ordinance indicates that a private club must be operated in conjunction with a general restaurant.

Action was made by Commissioner Louis for both amendments. Commissioner Brown stated that City Attorney Flournoy prepare revisions to the Private Club Ordinance to eliminate confusion. Following affirmative vote was recorded.

**16a. INVOICE - APPROVED - STIVER ENGINEERING**

Mayor Garrison stated that an invoice had been received from Stiver Engineering in the amount of \$21,000.00 for requested staff recommendations from City Engineer Vesterholm. City Manager Estroff stated

that this was the last invoice to be received from either company unless the firm was required to do more work. It was a Pollution Control Invoice.

Action was made by Commissioner Pat Foley and recorded by Commissioner Don Boyd that invoice be approved for payment as presented. A unanimous affirmative vote was recorded.

**16b. INVOICE - APPROVED - HANNAH & GUTHRIE - BUDGET AMENDED**

Mayor Garrison stated that an invoice had been received from Hannah & Guthrie in the amount of \$235 for cremation in the case of one (Michael Darby) and an invoice in the amount of \$77.91 in the case of another case.

Action was made by Commissioner Pat Foley and recorded by Commissioner Don Boyd that invoices be approved for payment as presented. Action was made by Council and seconded by Commissioner Louis Bronaugh that budget be amended to transfer funds from the contingency fund for payment of these invoices. A unanimous affirmative vote was recorded.

**16c. INVOICE - APPROVED - AXLEY & RODE - BUDGET AMENDED - AUDIT REPORT**

Mayor Garrison stated that an invoice had been received from Axley & Rode in the amount of \$12,500 for the audit report for the 1984-85 fiscal year. City Manager Westernholm stated that the audit should be included in the amount of \$2,300. City Manager Westernholm stated that the audit of the library was required because revenues which in funds were used for improvement of the library.

Action was made by Commissioner Pat Foley and recorded by Commissioner Don Boyd that invoice be approved for payment as presented. A unanimous affirmative vote was recorded. Action was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that budget be amended to provide \$2,300 for payment of the invoice. A unanimous affirmative vote was recorded.

**17. CONSTRUCTION - APPROVED - ANIMAL SHELTER - HUMANE SOCIETY OF ANGELINA COUNTY**

Mayor Garrison stated that a request had been received from Donna Daniels of the Humane Society of Angelina County to ask for permission to construct a building at the Animal Shelter. Mayor Garrison requested Staff recommendations from City Manager Westernholm. City Manager Westernholm stated that the new building would provide additional space for work at the Animal Shelter and would be constructed north of the existing line of buildings.

Action was made by Commissioner Louis Bronaugh and seconded by Commissioner Lynn Malone that construction of the building be authorized. A unanimous affirmative vote was recorded.

**18. AERATOR BIDS - AUTHORIZED - WATER PLANT - PREVIOUS BID APPROVAL - RECEDED**

Mayor Garrison stated a bid was approved at last meeting for the purchase of a new aerator at the City Water Plant and that City Staff had recommendations for a new type of aerator.

City Manager Westernholm stated that the Infilco aerator approved for purchase at last meeting was constructed of cast aluminum and that City Staff had received information that a fiberglass aerator could be purchased at a much lower price. City Manager Westernholm stated that two (2) aerators could be purchased for less than the



price of \$1 (1) of the cast aluminum aerators. If the city staff would like to re-advertise for bids on the fiber glass aerators.

Action was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronough that bid accepted at last meeting on City Commission from Infilco be declared void and that advertisement for new bid under specifications for the fiber glass aerator be withdrawn. A unanimous affirmative vote was recorded.

**19. CITY HOUSE - DESTROYED BY FIRE - MOBILE HOME APPROVED FOR PLACEMENT - INSURANCE MONEY ACCEPTED**

Mayor Garrison stated that a city house located at the site of the old Sewer Plant had been destroyed by fire and city staff had submitted recommendations for disposition of the property.

City Manager Westholm stated that the Staff would like to recommend that the house not be rebuilt but that the fire insurance money be accepted and applied to the relocation of the 12" water main for the new Loop development.

Action was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronough that insurance money be accepted and house not be rebuilt. A unanimous affirmative vote was recorded.

City Manager Westholm stated that the City employee who lives in the house that was destroyed by fire paid rent to the city and had requested permission to place a mobile home on the property for a 12-month period in exchange for his removing the house that had been burned. City Attorney Flourroy stated that the mobile home could be placed on the property on a month-to-month basis for a maximum of 12 months.

Action was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that insurance funds from burned City house in the amount of \$15,000 be allocated to the relocation of the 12" water main that is necessary by the overpass to be constructed at Loop 287 and Highway 59 and that budget be amended to allow \$1,000 to be applied to the relocation project. A unanimous affirmative vote was recorded.

Action was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronough that Gayland Kennedy be authorized to move a mobile home onto the property at the old Sewer Plant site for a 12-month period in exchange for removal of the burned building. A unanimous affirmative vote was recorded.

**20. RELOCATION OF 12" WATER MAIN - AUTHORIZED - LOOP 287/HIGHWAY 59 SOUTH - HIGHWAY DEPARTMENT IMPROVEMENTS - INSURANCE MONEY USED & BUDGET AMENDED**

Mayor Garrison stated that City staff had begun preparations to be ready for the improvements at Loop 287 and Highway 59 south and that recommendations had been presented by the City staff.

City Manager Westholm stated that the relocation of the 12" water main was not included in the budget but that the water and sewer funds were over budget and \$10,000 could be taken from this source, added to the \$5,000 received for the house that was destroyed by fire to pay for the relocation of the 12" water main.

**21. BUDGET AMENDMENTS - APPROVED**

Mayor Garrison stated that at the January 19th meeting, budget amendments were presented to the City Commission for approval and that time the City Commission requested that budget amendments be presented each month when the bills are except the budget provisions.



ATTN: ST: 1

~~John Griffin, City Secretary~~

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BUDGET AMENDMENTS FOR FEBRUARY 1985

FOLLOWING ARE ITEMS OVER BUDGET OR ITEMS THAT WERE NOT BUDGETED

<u>ITEMS OVER BUDGET OR NOT BUDGETED</u>	<u>PRESENT CLASSIF.</u>	<u>PROPOSED TRANSFER CLASSIFIC.</u>	<u>AMENDED AMT. FOR TRANSFER</u>	<u>AMOUNT FOR BUDGET AMENDMENT</u>
<u>ADMINISTRATIVE</u>				
Notary Bond (4 yrs) (Was not budgeted)	50-03	20-07	54.40	
<u>TAX DEPT.</u>				
Dues (Over Budget)	50-13	40.08	20.00	
<u>MUNICIPAL BUILDING</u>				
Repairs to Air Conditioner & Heating System (Over Budget)	40-12			1,493.25
<u>DATA PROCESSING</u>				
Freight on new computer (Over budget)	50-12	90-02	90.00	
<u>AMBULANCE DEPT.</u>				
Gas (Heating garage) (Was not budgeted)	20-02	30-01	402.91	
Mini Blinds (Was not budgeted)	40-01	30-01	88.91	
Repairs to Monitor (System Life Pak) (Over Budget)	40-02			375.40
Damage to Mail Box (Was not Budgeted)	60-04	20-07	5.10	
<u>POLICE DEPT.:</u>				
City Directory & Books (Over budget)	40-08	20-01	91.89	
Rental Identi-Kit (Was not budgeted)	50-07	20-01	300.00	
File Cabinet (Was not Budgeted)	90-01			172.00
<u>FIRE DEPT.</u>				
Repairs to Air Condition & Heating System (Over Budget)	40-12	30-01	74.84	
<u>INSPECTION DEPT.</u>				
Car Allowance (James Fears) (Was not budgeted)	50-02			1,790.60
<u>ANIMAL CONTROL DEPT.</u>				
Rental Night Deposit (Was not budgeted)	50-07	20-07	20.00	
<u>SANITATION DEPT.</u>				
Containers (Over budget)				2,918.00
Additional Revenue was received for this expense	90-03			

<u>ITEMS OVER BUDGET OR NOT BUDGETED</u>	<u>PRESENT CLASSIF.</u>	<u>PROPOSED TRANSFER CLASSIFIC.</u>	<u>AMENDED AMT. FOR TRANSFER</u>	<u>AMOUNT FOR BUDGET AMENDMENT</u>
<u>STREET DEPT.</u> Street signs (Over budget) (1,701.40 of overage was for signs downtown when parking meters were removed)	40-15			4,943.94
Replace Tommy Graham's glasses (Was not budgeted)	60-04	30-08	85.50	
Paint Mixing Machine (Was not budgeted)	90-02	30-08	236.92	
Sick leave pay for Troy Honeycutt that retired (Was not budgeted)	10-07			2,402.40
<u>PARK DEPT.</u> Fencing & lights (Over budget)	30-10			452.04
Playground equipment (Over budget)	40-03			72.74
Park Pavillion (Over budget)	80-01			21.29
Coke Machine (Was not budgeted)	90-01			90.00
<u>GARAGE DEPT.</u> Repair gate (Over budget)	30-10			755.98
<u>PLANNING COMMISSION</u> Gasoline for Van (Was not Budgeted)	20-06	50-06	5.00	65.20
Telephone Calls (Over budget)	50-01			
<u>ZOO DEPT.</u> Plumbing repairs (Over budget)	30-10	30-01	91.30	
<u>MAIN STREET DEPT.</u> Films & developing films (Over budget)	20-07			21.68
<u>WATER COLLECTION DEPT.</u> Overtime (Over budget)	10-08			353.38
<u>WATER POLLUTION CONTROL PLANT</u> Hauling Sludge (Over budget)	50-04			22,008.29
<u>SEWER DISTRIBUTION DEPT.:</u> Sick leave pay for Henry Jackson that retired (Was not budgeted)	10-07			2,024.04
<u>CIVIC CENTER FUND</u> Telephone (Over budget)	50-01			13.86
Advertising notice to bidders (Was not budgeted)	50-05			42.24
Leadership work shop (Texas A & M Ext.Ser.) (Was not budgeted)	50-06			72.50

(3)

<u>ITEMS OVER BUDGET OR NOT BUDGETED</u>	<u>PRESENT CLASSIF.</u>	<u>PROPOSED TRANSFER CLASSIFIC.</u>	<u>AMENDED AMT. FOR TRANSFER</u>	<u>AMOUNT FOR BUDGET AMENDMENT</u>
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<u>TOURIST &amp; CONVENTION CENTER FUND</u>				
Electricity for signs (Over budget)	50-11	40-15	1,000.00	
Dues (Over budget)	50-13	50-06	286.00	

TOTAL AMENDED AMOUNT FOR TRANSFER	2,852.77
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TOTAL AMOUNT FOR BUDGET AMENDMENTS	40,088.83 *
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\* 22,008.29 of total is for expenses on modification of sewer plant,  
 This expense included in Revenue transferred from  
 W & S Interest & Sinking Reserve Fund.