MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF AUGUST, 1992 AT 5:00 P.M.

On the 18th day of August, 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	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Larry Kegler	Commissioner, Ward No. 3
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present, and

Bob Bowman	Commissioner, Ward No. 4

being absent when the following business was transacted.

1. Meeting was opened with prayer by Chaplain Billy Dunn of the Lufkin State School.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of August 4, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - BUDGET FOR FISCAL YEAR 1992-93**

Mayor Bronaugh officially opened Public Hearing to consider the budget for Fiscal Year 1992-93.

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

Mayor Bronaugh closed public hearing.

5. **ORDINANCE - APPROVED - SECOND READING - ADOPTION OF SINGLE MEMBER DISTRICT WARD LINES - REDISTRICTING PLAN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance adopting City of Lufkin single member district ward lines in accordance with the Redistricting Plan.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Tucker Weems that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - SPECIAL USE PERMIT - LYNN GEORGE - STORAGE WAREHOUSES - LOCAL BUSINESS - 1015 E. DENMAN**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Special Use Permit for Storage Warehouses within a Local Business zoning district located at 1015 E. Denman Avenue, as requested by Lynn George.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **RESOLUTION - APPROVED - POLLING PLACES - REDISTRICTING PLAN**

Mayor Bronaugh stated that the next item for consideration was a Resolution establishing polling places for City Wards revised by the Redistricting Plan.

Mayor Bronaugh stated that Wards 3, 4, and 5 are the Wards effected by the redistricting. New polling places are: Ward 3 - Herty Elementary; Ward 4 - Slack Elementary; and, Ward 5 - Trout Elementary.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Resolution establishing polling places for City Wards revised by the Redistricting Plan be approved as presented. A unanimous affirmative vote was recorded.

8. **ORDINANCE - APPROVED - FIRST READING - STREET CLOSING - LAUREL STREET (IMMEDIATELY EAST OF TIMBERLAND DRIVE) - JIM ARNOLD - BROOKSHIRE BROS.**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to vacate a portion of Laurel Street lying immediately east of Timberland Drive. Mayor Bronaugh stated that this request had been unanimously recommended to the City Commission.

Commissioner Boyd stated that he did not understand the need for closing the street since a service station would be located on the corner of the property. Mr. Arnold stated that by closing the street it would give Brookshire Bros. contiguious property, and some of the property would be used for employee parking.

In response to question by Commissioner Boyd, City Manager Maclin stated that a traffic count was not performed, but notices had been mailed to property owners within 200' notifying them of the street closing. (No responses were received.)

Commissioner Boyd stated that he had received a number of calls from people who used this street and were opposed to the street closing. Mr. Arnold stated that his concern was for the safety of people walking in the parking lot with vehicle traffic going through.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Larry Kegler that Ordinance vacating a portion of Laurel Street lying immediately east of Timberland Drive be approved as presented.

The following vote was recorded:

Aye - Commissioners Gorden, Kegler, Simond, Weems and Mayor Bronaugh
Nay - Commissioner Boyd

Motion carried by a vote of 5 to 1.

Commissioner Boyd stated that, in his opinion, there are enough people using the street to keep it open. A traffic count will be conducted and the results will be presented at the next Commission meeting.

9. **ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - COMMERCIAL, SPECIAL USE (CERAMIC SHOP) TO CENTRAL BUSINESS - 115 E. LUFKIN AVENUE**

Mayor Bronaugh stated that the next item for consideration was First Reading of an

Ordinance for a zoning change from Commercial, Special Use (Ceramic Shop), to Central Business on property described as Lot 17, Block 9, Original Town of Lufkin, and more commonly known as 115 E. Lufkin Avenue.

Mr. Abney stated that on November 6, 1990 he had requested that the zoning of the property be changed from Central Business to Commercial, Special Use (Ceramic Shop). The ceramic shop has now closed and Mr. Abney would like the zoning changed back to the original zoning to accommodate a new tenant. The Planning and Zoning Commission, by unanimous vote, recommended approval of the zoning change as requested.

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

10. <u>AMENDMENT - APPROVED - BRAZOS VALLEY TRANSIT SYSTEM AGREEMENT</u>

Mayor Bronaugh stated that the next item for consideration was an Amendment to the Brazos Valley Transit System contract agreement.

Commissioner Simond stated he was concerned that the transit system had not followed through with some commitments they had made in regard to constructing waiting stations to protect bus riders from the elements.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Amendment to the Brazos Valley Transit System Contract Agreement be approved (for a two year period) contingent upon construction of waiting stations for riders. A unanimous affirmative vote was recorded.

11. <u>DWI STEP GRANT - APPROVED - DEPARTMENT OF TRANSPORTATION</u>

Mayor Bronaugh stated that the next item for consideration was a request of the Department of Transportation regarding a DWI Step Grant.

Tina Walker, Traffic Safety Specialist for the Texas Department of Transportation, stated that the Department is offering a $10,000 grant to fully fund a DWI STEP program in the City of Lufkin. Ms. Walker stated that the grant will fund overtime efforts for the Police Department to address the problem of alcohol related accidents in the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems to accept the DWI Step Grant from the Department of Transportation. A unanimous affirmative vote was recorded.

12. <u>REFINANCING OF CITY BOND PORTFOLIO - APPROVED - FIRST SOUTHWEST (MIKE BYRD)</u>

Mayor Bronaugh stated that the next item for consideration was refinancing of the City's Bond portfolio to take advantage of interest savings.

City Manager Maclin stated that a copy of a letter from Mike Byrd of First Southwest Company had been included in the Commissioners packets indicating that this is the appropriate time for consideration of refinancing some of the City's bonded indebtedness to take advantage of the current market and low interest rates that are now available. City Manager Maclin stated that staff is so optimistic that they have included over $100,000 in interest savings in this coming FY 1992-93 budget.

Mr. Byrd stated that his letter, which had been included in the Commissioners packets, delineates the particular maturities to be refunded. Mr. Byrd stated that he had not felt that there was sufficient benefit to the City, until this year, to consider refinancing of the City's bonds.

Mr. Byrd discussed the expected results of the general obligation refunding as shown in the attachment to his letter (both documents are on file in the City Secretary's office). Mr. Byrd stated that it is his recommendation to the City Commission that they proceed with this refinancing, and that he had provided a suggested, or tenative, sequence of events.

In response to question by Commissioner Weems, Mr. Byrd stated that estimated cost by the City to First Southwest Company includes the underwriters fee at $54,300, which represents $10 per thousand. Mr. Byrd stated that this is a conservative estimate, and it is possible that it could be as low as $8 per thousand. Mr. Byrd stated that he has estimated the unrecoverable issuance cost at $90,000, and $22,000 of that amount is the financial advisors fee. Mr. Byrd stated that his firm is refunding three issues of debt instruments, none of which are presently callable. Mr. Byrd stated that his firm will take the proceeds of the bonds that the City will sell and invest them in an escrow account. (The escrow account is structured in such a way that it will meet the interest expense of the refinanced portion of those three series until such time that they can be called in out of the market place.) Mr. Byrd stated that there would also be fees to the bond attorneys, rating fees and allowance for travel, if any, and Attorney General's expense for review of the refunding issue. Mr. Byrd stated that when the refunding is over and firm settlement comes about, then there is an additional check that comes back to the City for overestimate. In response to question by Commissioner Weems, Mr. Byrd stated that the Attorney General's and Bond Counsel's fee accummatively would run $80,000 (a high estimate). There is a $10,000 allowance for travel.

Mr. Byrd stated he would recommend that the Commission make presentations before both Standard & Poor and Moody's, and would further suggest that a presentation be made to MBIA and AMBAC (municipal bond insurers).

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden to proceed with the refinancing of the City's Bond Portfolio through the administration of the First Southwest Company. A unanimous affirmative vote was recorded.

13. **APPROPRIATIONS ORDINANCE - APPROVED - FIRST READING**

Mayor Bronaugh stated that the next item for consideration was First Reading of the Appropriations Ordinance adopting the budget for Fiscal Year 1992-93.

City Manager Maclin stated that staff had added $1,500 for jury trials for Municipal Court as requested by Commissioner Boyd.

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

14. **TAX LEVYING ORDINANCE- APPROVED - FIRST READING**

Mayor Bronaugh stated that the next item for consideration was First Reading of the Tax Levying Ordinance setting the tax levy at .4352/$100 evaluation for Fiscal Year 1992-93.

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

15a. <u>ORDINANCE - APPROVED - FIRST READING - SANITATION RATE INCREASE</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance increasing sanitation rates.

City Manager Maclin stated that a proposal of an increase of 7. 5% in solid waste rates had been included in the Commissioners packets.

Commissioner Simond stated that he is opposed to the selected increase in utilities, and stated that he is a walking endorsement of anyone who speaks up for the powerless and the poor. Commissioner Simond stated that he has an obligation to speak up for those people who can't keep paying excessive increases every year to placate a certain segment of the community.

City Manager Maclin stated he would respectfully submit that every other city that offers water, sewer and garbage services has likewise seen substantial increases. City Manager Maclin stated that the City of Lufkin rates, as seen in the survey presented at the Called Budget Meeting last week, are still competitive.

Motion was made by Commissioner Tucker Weems and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented.

The following vote was recorded:
Aye: Commissioners Weems, Gorden, Boyd, Kegler and Mayor Bronaugh
Nay: Commissioner Simond

Motion carried by a vote of 5 to 1

<u>15b. ORDINANCE - APPROVED - FIRST READING - WATER RATE INCREASE - RESIDENTIAL - COMMERCIAL</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance increasing residential and commercial water rates.

City Manager Maclin stated that this Ordinance reflects an 8% increase.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Tucker Weems that Ordinance be approved on First Reading as presented.

The following vote was recorded:
Aye: Commissioners Weems, Gorden, Boyd, Kegler and Mayor Bronaugh
Nay: Commissioner Simond

Motion carried by a vote of 5 to 1.

<u>15c. ORDINANCE - APPROVED - FIRST READING - SEWER RATE INCREASE</u>

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance increasing sewer rates.

City Manager Maclin stated that this Ordinance also reflects an 8% increase, and that half of the percentage will pay for improvements on Chestnut Street.

Motion was made by Commissioner Tucker Weems and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as presented.

The following vote was recorded:
Aye: Commissioners Weems, Gorden, Boyd, Kegler and Mayor Bronaugh
Nay: Commissioner Simond

Motion carried by a vote of 5 to 1.

15d. ORDINANCE - APPROVED - FIRST READING - WATER DEPOSIT FEES

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance increasing water deposit fees.

City Manager Maclin stated that the Ordinance proposes a $5 increase in each category of the water deposit fees, and a $2.50 increase in the reconnect fee, for a maximum of $100.

Commissioner Weems requested a report at a future meeting on water charge-offs.

Motion was made by Commissioner Larry Kegler and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented.

The following vote was recorded:
Aye: Commissioners Kegler, Gorden, Weems, Boyd and Mayor Bronaugh
Nay: Commissioner Simond

Motion carried by a vote of 5 to 1.

16a. BID - APPROVED - CAMERAS - POLICE DEPARTMENT - PROFESSIONAL ALARMS, INC.

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

City Manager Maclin stated that staff recommendation is to award the low bid of Professional Alarms, Inc. in the amount of $2,277.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that bid of Professional Alarms, Inc. in the amount of $2,277 be approved as submitted. A unanimous affirmative vote was recorded.

16b. BID - APPROVED - POWER SUPPLY DEVICE - POLICE DEPARTMENT - BEST POWER TECHNOLOGY

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

City Manager Maclin stated that staff recommendation is to award the low bid of Best Power Technology in the amount of $2,035.

Motion was made by Commissioner Tucker Weems and seconded by Commissioner Don Boyd that bid of Best Power Technology in the amount of $2,035 be approved as submitted. A unanimous affirmative vote was recorded.

16c. BID - APPROVED - MAINTENANCE AGREEMENT - ELEVATORS - UNITED ELEVATOR, INC.

Mayor Bronaugh stated that the next item for consideration was bids for a maintenance agreement for elevators in City Hall.

City Manager Maclin stated that staff recommendation is to award the low bid of United Elevator, Inc. at a cost of $210 per month.

Mayor Bronaugh stated that the local representative for United Elevator has been inspecting the elevator in the Parks Department at no charge to the City (this elevator is currently out of service).

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that bid of United Elevator, Inc. in the amount of $210 per month ($2,520) be accepted as submitted. A unanimous affirmative vote was recorded.

16d. BID - APPROVED - SOUND EQUIPMENT - JONES PARK - SOUND TECHS

Mayor Bronaugh stated that the next item for consideration was sound equipment to be used at Jones Park.

City Manager Maclin stated that staff recommendation is to accept the bid of Sound Techs in the amount of $9,038. This equipment is being purchased through the TLL Temple Foundation Grant.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that bid of Sound Techs in the amount of $9,038 be accepted as submitted. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 6:30 p.m. to enter into Executive Session. Regular session was reconvened at 7:43 p.m. Mayor Bronaugh stated that the Commission had discussed legal and personnel matters, and appointments to the Tree Board.

18. **APPOINTMENTS - APPROVED - TREE BOARD - RON BILLINGS - JOHN COURTENAY - COMMISSIONER PERCY SIMOND - COMMISSIONER BOB BOWMAN - COMMISSIONER TUCKER WEEMS**

Mayor Bronaugh stated that the City of Lufkin has been designated as a Tree City USA, and to function as such it must have an active Tree Board. Mayor Bronaugh stated that the Board is made up of two foresters and three City Commissioners.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd to reappoint all the members currently serving on the Tree Board (Ron Billings, John Courtenay, Commissioners Percy Simond and Bob Bowman, and to appoint Commissioner Tucker Weems to replace the position held by Paul Mayberry. A unanimous affirmative vote was recorded.

19. **COMMENTS**

Commissioner Weems complimented Code Enforcement Office Kenneth Williams on an excellent presentation at a recent Neighborhood Association meeting.

20. There being no further business for consideration, meeting adjourned at 7:45 p.m.

Louis A. Bronaugh

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary