

MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
15TH DAY OF JUNE, 1993 AT 5:00 P.M.

On the 15th day of June, 1993 the City Council 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
Don Boyd
Percy Simond
Larry Kegler
Bob Bowman
Jack Gorden, Jr.
Tucker Weems
Darryl Mayfield
Bob Flournoy
Atha Stokes

Mayor
Mayor pro tem
Councilman, Ward No. 1
Councilman, Ward No. 3
Councilman, Ward No. 4
Councilman, Ward No. 5
Councilman, Ward No. 6
Asst. City Manager
City Attorney
City Secretary

being present, and

C. G. Maclin

City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bob Lewis, Minister, Victory Assembly of God Church.

2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh recognized members of the 1993 Service League Provisionals and their Provisional Advisor Sally Cain. The Provisionals in attendance were: Meredith Buchanan, Liz Bylor, Meredith Draper, Leah Duke, Nancy Horn, and Carrie Hutson.

3. **APPROVAL OF MINUTES**

Minutes of the Called Meeting of May 27, 1993 and Regular Meeting of June 1, 1993, were approved on a motion by Councilman Don Boyd and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. **PUBLIC HEARING - FIRE ZONE MAINTENANCE ORDINANCE**

Mayor Bronaugh opened Public Hearing to consider Fire Zone Maintenance Ordinance.

Mayor Bronaugh stated that a revised map of the downtown area included in the Fire Zone had been placed before the Councilmembers.

Asst. City Manager Mayfield stated that the City Attorney, City Planner, Fire Marshall and Code Enforcement Officer had been instrumental in revising the Ordinance. Mr. Mayfield stated that an issue had been raised at the last meeting as to whether or not property owners had been notified. Mr. Mayfield stated that downtown property owners had been notified through a downtown newsletter. Mr. Mayfield stated that the Ordinance is designed to get owners to upgrade their property and also to protect adjacent property owners. Mr. Mayfield stated that Dawn Glover, Main Street Director, had spoken at the last Council meeting about some of the problems with sharing of "party walls", and some of the buildings possibly having dangerous situations inside them. Mr. Mayfield stated that it is not City staff's responsibility to transgress any public or private owners right and this Ordinance does not do that. Mr. Mayfield stated that the Ordinance has been

written to get at some of the problems that are occurring downtown that current Ordinances to not address.

Mayor Bronaugh closed Public Hearing.

5. FIRE ZONE MAINTENANCE ORDINANCE - APPROVED - FIRST READING

Mayor Bronaugh stated that the next item for consideration was First Reading of the Fire Zone Maintenance Ordinance.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. TAX COLLECTION CONTRACT - APPROVED - ANGELINA COUNTY TAX OFFICE

Mayor Bronaugh stated that the next item for consideration was proposed Tax Collection Contract with the Angelina County Tax Office.

Mayor Bronaugh stated that included in the Councilmember's packet is a copy of a Contract considering the tax collection by the Angelina County Tax Collection office. Mayor Bronaugh stated that the City was represented in the County Commissioner's Court last week in which a Resolution, passed unanimously by this Council requesting an independent audit of the County Tax Collectors cost on his collecting the taxes, was presented to them. Mayor Bronaugh stated that the Resolution was voted on and accepted by the County with an affirmative vote of 3 to 2.

City Attorney Flournoy stated the only real issue that was raised at a previous Council meeting was the question of the requirement of a Bond (if the City were to require the County to provide a fiduciary bond, who would pay for it). Mr. Flournoy stated that he found a State statute that requires the requesting unit (governing body) to pay for it. Mr. Flournoy stated that this ruling is found under Section 6.29, Bond for Other Taxes, of the Property Tax Code.

In response to question by Mayor Bronaugh, Asst. City Manager Mayfield stated that the Appraisal District will collect the City's taxes up until November, and after that they are no longer responsible. Mr. Mayfield stated that the City needs to make some decision prior to November, keeping in mind that there are files that need to be transferred over electronically from the Tax Appraisal computers into the County computers.

Councilman Simond stated that he was under the impression that Council voted not to do anything until after we received the audit. Mayor Bronaugh stated that Council had requested that the City Attorney draft a Contract with the County. Councilman Boyd stated that at the last Appraisal Board meeting, Board members stated that they would work with the City until July 15 or until the audit is complete. City Attorney Flournoy stated that he had prepared the Contract to be effective September 1, but it could be changed.

In response to question by Councilman Simond, Mr. Flournoy stated that the County would be appointed to assess the property along with collecting the taxes but would not be doing the appraisal of the property. The appraisal will continue to be done by the Tax Appraisal District.

In response to question by Councilman Simond, Mr. Mayfield stated that every year after the passage of the budget and the assessing of the amount of taxes to be collected, the City places an advertisement in the newspaper, and has always paid for the ad. Councilman Bowman stated that these are legal notices.

Mr. Flournoy stated that if the Council feels that the Contract is basically correct

then it will be sent to the County for review.

In response to question by Councilman Simond, Mr. Flournoy stated that the County is responsible for selecting its own attorney, and at this time they are utilizing the services of the same firm that the Appraisal District utilizes.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler to table this item until the first meeting in August. The following vote was recorded:

Aye: Councilman Simond, Boyd, Kegler, Gorden, Bowman and Mayor Bronaugh
Nay: Councilman Weems

Motion carried by a vote of 6 to 1.

7. **TEXPOOL - APPROVED - STATE MANAGED PUBLIC FUNDS ACCOUNT**

Mayor Bronaugh stated that the next item for consideration was participation in the State-managed Public Funds Account (TEXPOOL).

Asst. City Manager Mayfield stated that at the last City Council meeting staff was authorized to amend the City's investment policy and to invest in pools. Mr. Mayfield stated that after talking to the City's financial advisors at First Southwest Company, and recognizing that this is the first entrance of City money into a pool, staff feels that it is prudent to go with TEXPOOL which is managed by the State. Mr. Mayfield stated that staff is seeking approval by the Council tonight to begin the paperwork process to open an account with TEXPOOL.

Motion was made by Councilman Jack Gorden, Jr. and seconded by Councilman Bob Bowman to approve participation in the State-managed Public Funds Account (TEXPOOL). The following vote was recorded;

Aye: Councilmen Gorden, Bowman, Kegler, Simond, Boyd, Mayor Bronaugh
Nay: Councilman Weems

Councilman Weems stated that he voted "no" because of comments in the newspaper regarding an investigation of the State Treasurers Office.

8. **CONTRACT - APPROVED - GRANT MANAGEMENT SERVICES - GARY R. TRAYLOR & ASSOCIATES**

Mayor Bronaugh stated that the next item for consideration was a contract with Gary R. Traylor & Associates for grant management services for the City's 1992 HOME Program Grant.

Asst. City Manager Mayfield stated that this Contract is for the management of the HOME Program Grant. Mr. Mayfield stated that a Resolution was passed recently by the Council in support of this Program. Mr. Mayfield stated that at that time the Program called for a \$60,000 administration fee for the City to participate in this Program. Mr. Mayfield stated that within this Contract the fee has been reduced to \$55,000 from the City. Mr. Mayfield stated that staff is seeking approval of Council for the Contract and that \$10,000 be taken from the Contingency Fund to pay for Gary Traylor & Associates expenses in this years budget. Mr. Mayfield stated that in next years budget 1993-'94 \$21,600 will be budgeted in the Code Enforcement budget, and in 1994-'95 \$23,400 in the Code Enforcement budget. Mr. Mayfield stated that this will suffice for the \$55,000 payment to Gary Traylor over the life of the HOME Program Grant which covers a 24 month period.

Mary Kay Thomas of Gary R. Traylor & Associates stated that an application had been filed for the City in August and requested approximately \$500,000. Ms. Thomas stated that Lufkin was successful in receiving this money to do owner-

occupied housing rehabilitation. Ms. Thomas stated that the State has requested that the grant consultant begin the work of forming the committee after the end of July. Ms. Thomas stated at the end of July the State will have a program implementation workshop to present the guidelines of the program.

In response to question by Councilman Simond, Ms. Thomas stated that when the consulting firm submits an application for the City there is no fee; there is only a fee if the City is funded. Ms. Thomas stated that the City will be funded for this amount of money. Ms. Thomas stated that she had been asked if the consultant fee could be a part of the grant. Last year was the first year for this program and the State did not set aside any money for grant administration. Ms. Thomas stated that hopefully when the guidelines are set for the 1993 Program, grant administration will be a part of the program. Ms. Thomas stated that the State is allowing the grant consultant to return the "soft cost" to the City, and \$40,000 will be returned to the City for rehabilitation co-ordinating work that is done by the City.

Councilman Simond stated that he was concerned that the contract states that there is an 18% interest fee if the payment is 30 days late. Ms. Thomas stated that she did not feel that this will be enforced for the City of Lufkin.

Mayor Bronaugh stated that the \$60,000 was approved in the Resolution presented to the Council at a previous meeting.

Motion was made by Councilman Percy Simond and seconded by Councilman Don Boyd that contract for management services for the 1992 HOME Program Grant be approved as submitted. A unanimous affirmative vote was recorded.

Motion was made by Councilman Don Boyd and seconded by Councilman Larry Kegler that \$10,000 be taken from the Contingency Fund for payment of the Consultant's expenses to administer the program. A unanimous affirmative vote was recorded.

9. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REHABILITATION PROGRAM BIDS - APPROVED

Mayor Bronaugh stated that the next item is an amendment to the agenda and is to consider Texas Department of Housing and Community Affairs Rehabilitation Program Bids.

Asst. City Manager Mayfield stated that the bids for consideration are under the current \$250,000 grant with the Texas Housing and Community Affairs for rehabilitation of housing in the City of Lufkin for the past two years. Mr. Mayfield stated that most of the bids have been coming in at \$12,500 or below, and the program stipulates that bids above \$12,500 have to be agreed to by the City Council.

Mr. Mayfield stated that Council will be considering two bids: - One in the amount of \$16,315 on Vance Street and the other in the amount of \$17,055 on Locke Street. Mr. Mayfield stated staff will need Council approval to expend those extra dollars from the grant funds on those two projects.

Mr. Mayfield stated that staff entered this program with a projection of doing 18 to 22 homes. As of today, 19 homes have been completed and with the addition of these two homes, 21 homes will have been completed. Mr. Mayfield stated that of the \$250,000 grant the City received, after these last two homes are completed, there will be approximately \$7,000 left to try and spend within the next 16 days on a home or homes to be refurbished.

Mr. Mayfield stated that Kenneth Williams and his staff and the Neighborhood Committee have worked hard on this program and have done a good job.

Motion was made by Councilman Larry Kegler and seconded by Councilman Jack

Gorden, Jr. to approve the overage on the homes located on Vance Street and Locke Street as presented. A unanimous affirmative vote was recorded.

10. **NATIONAL ELECTRICAL CODE - ADOPTED - 1993**

Mayor Bronaugh stated that the next item for consideration was adoption of the 1993 National Electrical Code.

Asst. City Manager Mayfield stated that this is a routine procedure to update to the current National Code version.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that the 1993 National Electrical Code be adopted as presented. A unanimous affirmative vote was recorded.

11. **REVISIONS AND AMENDMENTS - TABLED - ELECTRICAL ORDINANCE NO. 316**

Mayor Bronaugh stated that the next item for consideration was revisions and amendments to the Electrical Ordinance No. 316 to include licensing provisions.

Asst. City Manager Mayfield stated that this is a revision of the Electrical Ordinance No. 316, which the City currently operates under. Mr. Mayfield stated that the Ordinance was being revised and amended for clarification. Mr. Mayfield stated that the Electrical Board felt that there were some issues that were ambiguous and needed clarification. The other reason for revising the Ordinance was to be on standard with other cities that the City of Lufkin has reciprocal agreements with.

Mr. Mayfield stated that included in the packet was a letter from Building Official Jack Bresie to the City Manager outlining those sections with the most significant change.

In response to question by Councilman Boyd, Mr. Bresie stated that under Article 4, Section 4.09, the Journeymen Fee had been raised to be in line with other cities, and that the fees for Maintenance and Registered Helper were being proposed as new fees. Mr. Bresie stated that the annual renewal fee for Journeymen is \$25.

Mayor Bronaugh introduced Gary Alexander, Chairman of the Electrical Board, William Scott, Charles Caver, Eugene McClain, and Joe Trevathan, members of the Board, which had been appointed by the City Council. Mayor Bronaugh expressed his appreciation to the Board members for their work in attempting to revise and amend the Ordinance.

In response to question by Councilman Simond, Mr. Flournoy stated that for some time the City has had reciprocal agreements in the existing Ordinance which would allow electricians, if they qualified in other cities, to work in Lufkin, and for Lufkin electricians to work in other cities, and that part of the Ordinance has not changed. Mayor Bronaugh stated that when an electrician loses his license with the City of Lufkin he automatically loses his right to practice in other reciprocal cities.

In response to question by Councilman Weems, Mr. Bresie stated that the reciprocal agreement is between the two cities, and if an electrician comes to the City of Lufkin to work he is told that the City that holds his license must send a letter stating that he is in good standing before a permit is issued to him. Mr. Bresie stated that he also must purchase a license at that time from the City of Lufkin.

Councilman Simond stated that he had gone over the Ordinance and was in agreement with Section 4.12 Revocation of License.

Mr. Flournoy stated that when Ricky Butler came before the Council, Councilman Simond had questioned whether or not the procedure for renewal of a license,

which now says that there is a 90 day grace period, is adequate. Mr. Flournoy stated that Councilman Simond had suggested that perhaps there should be some sort of penalty beyond the 90 days and since the members of the Electrical Board were present this might be a good time to discuss this. Mr. Flournoy stated that the Electrical Board's position on this is that a 90 day grace period is sufficient time and if the license is not renewed in 90 days, then the electrician should be re-examined.

Councilman Simond stated that he objected to the way the City was handling renewal, and in his opinion, the City could do a better job in sending out more than one letter informing the electrician of his license expiring.

Mr. Mayfield stated that on December 31st when licenses are up for renewal, an electrician will not be able to pull a permit unless he renews his license within that 30 day period. Councilman Simond stated that Mr. Butler did not pass his exam, which places a hardship on him, since he is a father and has family to support. Councilman Simond stated that, in his opinion, City Hall should be the one place where people can go to get help. Mayor Bronaugh stated that the City did not take away Mr. Butler's permit, he took it away from himself.

Mr. Mayfield stated that Mr. Butler had pulled permits within that 90 day grace period, and he was well aware that his license was up for renewal. Mr. Mayfield stated that no permit will be issued after the 90 day period to an electrician who has not renewed his license.

Councilman Simond stated that the City Council, as the elected officials, have the final say on these matters and should not hide behind a Board. Mr. Bresie stated that the electrician does not have to come in personally and renew his license, he can send a representative. Mr. Bresie stated that it is not uncommon for an electrician's wife to renew his license because they know it is their livelihood and they do not want the license to expire.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond to delay consideration of this Ordinance until the next meeting. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that, for the record, the City Council did not revoke Mr. Butler's license; he simply did not renew his license. Councilman Simond stated that, in his opinion, the City Council could have given Mr. Butler an extension of time. Councilman Simond stated that he did not subscribe to the theory that the City Council's only duty was to approve the budget every year.

Councilman Boyd stated that, in his opinion, the license fee should be pro-rated. Mr. Bresie stated that the Electrical Board will take this under consideration.

12a. BID - APPROVED - STAGE - PARKS & RECREATION - CENTURY INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was bids for a 40' mobile open platform (stage) for the Parks & Recreation Department.

Mr. Mayfield stated that funding for this item will come from a TLL Temple Grant. Staff recommendation is to award the low bid of Century Industries in the amount of \$32,566.

Councilman Simond stated that there was only a difference of \$1,009 between the two bids and he objected to awarding the bid to an out of state company. Councilman Gorden stated that he agreed, but that by taking the low bid, that \$1,009 could be extra money to be spent in the parks.

Motion was made by Councilman Percy Simond and seconded by Councilman Don Boyd that bid of Century Industries in the amount of \$32,566 be approved as

submitted. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - EXCAVATION & REMOVAL OF UNDERGROUND STORAGE TANKS - AMY STREET/SEWER TREATMENT PLANT/CENTRAL FIRE STATION - OAK HILL CONSTRUCTION

Mayor Bronaugh stated that the next item for consideration was bids for excavation and removal of five underground storage tanks.

Mr. Mayfield stated that this bid is for the renewal of three tanks at the Amy Street Maintenance yard; one at the Sewer Treatment Plant, and one at the Central Fire Station. Mr. Mayfield stated that staff recommendation is to award the low bid of Oak Hill Construction in the amount of \$16,050. (Mr. Mayfield stated the tank at the Sewer Treatment Plant would actually be left in place and safety measures will be taken to meet TWC requirements.)

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that bid of Oak Hill Construction Company in the amount of \$16,050 be approved as submitted. A unanimous affirmative vote was recorded.

12c. BID - APPROVED - TWO TON DUMP TRUCK - WATER UTILITIES DEPARTMENT - BARRETT WHITE GMC

Mayor Bronaugh stated that the next item for consideration was bids for a two ton dump truck for Water Utilities Department.

Mr. Mayfield stated that staff recommendation is to award the low bid of Barrett White GMC-Tyler in the amount of \$27,190.

Councilman Simond stated that he would like to see the local company get the bid even though their bid is \$482 more. Mr. Mayfield stated that Barrett White GMC-Tyler has met all the specifications and there is no legitimate reason not to award their bid.

In response to question by Councilman Simond, Mr. Mayfield stated that the local dealer will honor the warranty and maintenance agreement.

Motion was made by Councilman Tucker Weems and seconded by Councilman Jack Gorden, Jr. that bid of Barrett White GMC in the amount of \$27,190 be approved as submitted. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 6:15 p.m. to enter into Executive Session. Regular Session reconvened at 7:36 p.m. Mayor Bronaugh stated that the Council had discussed real estate matters and appointments to the DETCOG Board.

14. APPOINTMENTS TO DETCOG BOARD - MAYOR BRONAUGH - TUCKER WEEMS - DON BOYD - LARRY KEGLER

Motion was made by Councilman Percy Simond and seconded by Councilman Bob Bowman that the Mayor, Mayor pro tem Don Boyd and Councilmembers Tucker Weems and Larry Kegler be appointed to the DETCOG Board of Directors. A unanimous affirmative vote was recorded.

15. COMMENTS

In response to statement by Councilman Gorden regarding an article in the National Cities Weekly about cities enforcing Cable TV rates starting this summer, Mr. Mayfield stated that at the last Council meeting he provided updates and briefings on what has been happening with the FCC ruling. Mr. Mayfield stated that

on the last ruling it stated that 60 days after their ruling was adopted they would provide a form for cities to fill out for certification. Mr. Mayfield stated that staff has been in contact with TML and their legal staff who are in contact with the FCC. Once that form is available, this item will be placed on the agenda for consideration by Council.

Councilman Gorden requested that the speed limit on Old Union Road be addressed and some type of enforcement be considered.

Councilman Kegler stated that he was in the process of reading the City Charter and there were certain sections that he did not understand. Councilman Kegler stated that he would suggest a workshop for the purpose of reworking the Charter. City Attorney Flourney stated that the only changes made to the Charter need to be recommended by a Charter Commission and voted on by the public. Councilman Simond stated that he would like to discuss appointing a Charter Committee to work on the Charter. Mayor Bronaugh stated that the appointment of a Charter Committee will be placed on the agenda for the last meeting in July.

Mr. Mayfield called attention to the Taxi Cab audit that had been included in the FYI section of the packet. Mr. Mayfield stated that copies of the audit had been forwarded to members of the Taxi Cab Committee.

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

ATTEST


Atha Stokes - City Secretary



Louis A. Bronaugh - Mayor