MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF JULY, 1993 AT 5:00 P.M.

On the 6th day of July, 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	Mayor
Don Boyd	Mayor pro tem
Percy Simond	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Manager/Finance
Ron Wesch	Asst. City Manager/Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Frank Starr, Minister, First Luth Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of the Called Meeting of June 7, 1993 and Regular Meeting of June 15, 1993, were approved on a motion by Councilman Don Boyd and seconded by Councilman Tucker Weems. A unanimous affirmative vote was recorded.

4. **ORDINANCE - APPROVED - SECOND READING - FIRE ZONE MAINTENANCE ORDINANCE**

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

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

5. **ORDINANCE - APPROVED - SECOND READING - GREASE TRAP AMENDMENT - ORDINANCE NO. 399**

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Amendment to the Grease Trap Ordinance No. 399.

City Manager Maclin stated that the Council had held a Workshop concerning this subject back in May and discussed in detail the mandates placed on the City by state and federal governments and the need for the implementation of a program to help minimize the amount of grease entering into the sanitary sewer system. City Manager Maclin stated that the Council had agreed upon two or three changes that would help improve the Ordinance for the Second Reading, and Mr. Wesch would review those minor changes for Council.

Mr. Wesch stated that under "Day Care Centers - Type A" on page 2, this is a change from the original Ordinance as it was written. Mr. Wesch stated that licensed capacity of 60 children or less will not require a trap; licensed capacity of 61 or more will require a trap. Mr. Wesch stated that the second change is under "D. Larger Traps". Formerly the drawings indicated a larger trap but there was no verbage, consequently this item was added: "Over 300 persons or greater shall have a grease trap with layout and dimensions sized by the Building Official under a formula that for every person over 300 ten gallons in grease trap capacity size will be added." The third item to be added is under "E. Sampling Station". Mr. Wesch stated that it had been brought to staff's attention that there could possibly be a food service establishment within the community who only uses a microwave for preparation of food and under those circumstances there should be some flexibility. Mr. Wesch stated that three tests will be conducted each month during normal business hours and in the event any two tests shall exceed 100 milligrams per liter, then the establishment will have 45 days to install a grease trap.

Mr. Wesch stated that staff has covered every food preparation establishment within the City under this Ordinance, including the school system.

Mr. Wesch stated that a letter from Attorney Wayne Haglund had been placed at the Councilmember's place at the Council table stating that the majority of the daycare centers have found the changes acceptable and will not be opposing the Ordinance on Second Reading.

In response to question by Councilman Bowman, Mr. Wesch stated that the cost of a sampling station is approximately $500-600, as opposed to $3,000 for the installation of a grease trap. Mr. Wesch stated that the cost could vary if the sampling station is installed by a plumber or by the food establishment owner.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. **ORDINANCE - APPROVED - SECOND READING - 1993 NATIONAL ELECTRICAL CODE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance adopting the 1993 National Electrical Code.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. **ORDINANCE - APPROVED - SECOND READING - COMPREHENSIVE ZONING ORDINANCE - CUSTOMARY HOME OCCUPATION - RESIDENTIAL LARGE ZONING DISTRICTS**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance amending the Comprehensive Zoning Ordinance to allow "Customary Home Occupations" within Residential Large Zoning Districts.

City Manager Maclin stated that staff had met with the Neighborhood Alliance on June 17 to discuss the Ordinance and at that time they voted to support the Amendment. (Mark Gipson, President of the Neighborhood Alliance, was in the audience.) City Manager Maclin stated that the consensus of opinion of the Neighborhood Alliance members was that there should be the same allowance for Home Occupations in Residential Large as for Residential Small and Residential Medium.

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

8. **ORDINANCE - APPROVED - FIRST READING - AMENDMENT - ELECTRICAL ORDINANCE NO. 316**

Mayor Bronaugh stated that the next item for consideration was First Reading of an Amendment to the Electrical Code No. 316.

City Manager Maclin stated that this item had been tabled from last meeting. Representatives from the Electrical Board were present to address any questions that Council might have concerning the Amendment to the Ordinance.

Mayor Bronaugh stated that he would like to commend the Electrical Board for all their efforts and hard work on this Ordinance.

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

9. **TAX COLLECTION CONTRACT - APPROVED - ANGELINA COUNTY TAX OFFICE**

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

City Manager Maclin stated that he had visited with Bill Shanklin, County Tax Assessor/Collector, last week in reference to this Contract. City Manager Maclin stated that Mr. Shanklin informed him that four school districts have now contracted with the County Tax Office for collections. Mr. Shanklin will be sending tapes to a software firm in Dallas so they can be converted into the format necessary to run on the County's computer. City Manager Maclin stated that the other concern was needing these tapes once they are turned over so that the County would then pick up the delinquent collections. It would be very difficult for the Appraisal District to continue delinquent collections without the data. City Manager Maclin stated that in order to allow adequate time for this computer information to be converted for installation on the County's computer system and get ready to send out tax notices in October, Mr. Shanklin indicated that he needed a decision from the City this week so that he could move forward.

City Manager Maclin stated that the original proposal from the CAD, on a cost share basis, was approximately $15,000, and the proposal from the County was $3,852. City Manager Maclin stated that in light of the fact now that the original $15,000 bid by the CAD was predicated on four more tax entities (school districts) being a part of that, with those four school districts going to the County, it will increase the cost between $25,000 and $28,000 for the City's share.

Motion was made by Councilman Tucker Weems and seconded by Councilman Bob Bowman that Tax Collection Contract with the Angelina County Tax Assessor/Collector be approved as presented.

In response to question by Councilman Boyd, City Manager Maclin stated that it is his recommendation that the City has a Bond with the County for the collection of taxes.

The following vote was recorded:
Aye: Councilmen Weems, Bowman, Gorden, Kegler, Simond, and Mayor Bronaugh
Nay: Councilman Boyd

Motion carried by a vote of 6 to 1.

In response to question by Councilman Simond, City Manager Maclin stated that he had talked with Mr. Shanklin and he indicated that the audit would be conducted as soon as an auditing firm has been selected. No local firm desired to submit a proposal. Councilman Simond stated that he is not satisfied that the City Council did not have an audit before the Contract was approved. City Manager Maclin stated that the City will have a binding contract for $3,850 with the County for one year, and that the Contract will be signed by the Tax Assessor/Collector and the County Judge.

10. **RESOLUTION - APPROVED - RENAMING OF FM 819 - COLLEGE DRIVE**

Mayor Bronaugh stated that the next item for consideration was a Resolution to rename FM 819 to College Drive.

City Manager Maclin stated that a Resolution from Dr. Larry Phillips, and signed by the Angelina College Board of Directors, requesting that FM 819 be officially named College Drive was included in the Councilmember's packets. City Manager Maclin stated that currently the Post Office is delivering to several addresses behind the College to a portion of the street that is being called College Drive. City Manager Maclin stated that the College is requesting that that portion of the street that is currently in the City limits and any portion of the street that might be annexed in the future be changed to College Drive.

Motion was made by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. that Resolution be approved as submitted. A unanimous affirmative vote was recorded.

11. **ORDINANCE - APPROVED - FIRST READING - SPECIAL USE PERMIT - DAY CARE CENTER - RESIDENTIAL LARGE ZONING DISTRICT - FRED D. HOWELL - 105 NORMANDY STREET**

Mayor Bronaugh stated that the next item for consideration was a request by Fred D. Howell for approval of a Special Use Permit for a "Day Care Center" in a Residential Large Zoning District located at 105 Normandy Street.

City Manager Maclin stated that the Planning & Zoning Commission has unanimously recommended approval of the request with the following stipulations: (1) The number of children shall be limited to a maximum of six; (2) A self-closing, self-latching gate be installed as shown on the site plan; and (3) The chain link fence be augmented by a means sufficient to retard climbing by a child.

City Manager Maclin stated that the reason for concern is that there is a pool located on the property and the P&Z Commission and City Planner were trying to be as cautious as possible. The owner has agreed to conform to these conditions.

There was no opposition present.

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

12. **DAVIS STREET - WITHDRAWN - WILLIAM GEORGE COMPANY, INC.**

Mayor Bronaugh stated that the next item for consideration was the sale of a portion of Davis Street to William George Company, Inc.

City Manager Maclin stated that Sam Griffin, Jr., attorney for Murphy George, has requested that this item be withdrawn from the agenda at this time. City Manager Maclin stated that Mr. George is looking to expand their facility at this location and is also reviewing potential acquisition of property from Southern Pacific Railroad. City Manager Maclin stated that one situation involving this particular portion of City property is that there is an 8" sewer line and a 6" water line that traverse along their current property side of the street and they are trying to review their options sizing the facility in a location that would not adverse the impact of the water and sewer lines. City Manager Maclin stated that the City could allow a parking lot to be built over the lines, but could not allow a permanent structure over the water and sewer lines.

City Manager Maclin stated that Council need not take any action today because the request has been withdrawn.

13. <u>CONTRACT AGREEMENTS - APPROVED - ANIMAL CONTROL SERVICES - CITIES OF DIBOLL, HUNTINGTON, HEMPHILL AND HUDSON</u>

Mayor Bronaugh stated that the next item for consideration was renewal of Contract Agreements with the cities of Diboll, Huntington, Hemphill and Hudson for animal control services.

City Manager Maclin stated that a cover letter from Mr. Wesch, along with a letter from the Animal Control Director, had been included in the Councilmember's packets.

Mr. Wesch stated that these are basically the same contracts that the City has been working under with these entities for the past year. Mr. Wesch stated that the two proposed changes are: (1) Set a fee of $25 for rabies suspect specimens that are sent off to the Houston Health Department Lab for testing; and (2) Set a fee of $25 for call out of a Lufkin Animal Control Officer after regular work hours for emergency cases, such as to quarantine a bite case animal or to euthanize an injured animal.

Mr. Wesch stated that all Cities have agreed to the new Contracts.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that Animal Control Contracts with the Cities of Diboll, Huntington, Hemphill and Hudson be approved as presented. A unanimous affirmative vote was recorded.

14. <u>BID - APPROVED - CARPET - PITSER GARRISON CIVIC CENTER - TAYLOR BROTHERS PAINT</u>

Mayor Bronaugh stated that the next item for consideration was bids to replace the carpet in the Pitser Garrison Civic Center.

City Manager Maclin stated that included in the Councilmember's packet was a bid tabulation for approximately 15,000 square yards of carpet. City Manager Maclin stated that staff recommendation is to award the low bid of Taylor Brothers in the amount of $57,875. Funding for this item is appropriated in the FY '92-'93 budget at $25,000, and the remaining $32,875 wil be paid out of the FY '93-'94 budget.

Mrs. Brandenburg passed around samples of carpet to the Councilmembers.

Motion was made by Councilman Percy Simond and seconded by Councilman Larry Kegler to accept the staff recommendation of Taylor Brothers in the amount of $57,875, and the color carpet sample that was shown. A unanimous affirmative vote was recorded.

15. <u>CITY FLAG - DISCUSSED</u>

Mayor Bronaugh stated that the next item for consideration was preparation of bids for manufacture of a City flag. Mayor Bronaugh stated that there have been requests in the past from citizens wanting the City to have a flag.

City Manager Maclin stated that the provocation at this particular time is the Dixie World Series that the City will be hosting the first week in August. City Manager Maclin stated that since there is not an official City flag this was an excellent opportunity for staff to seek input from Council as far as the design of a City flag or if the Council wanted staff to even pursue this. Councilman Bowman stated that in the interest of graphics, it was his opinion that the City stay with the present logo.

After discussion, it was the consensus of opinion that the Dixie World Series use the City Centienntial Flag on display in Room 202 for this event, and appoint a Committee to design a flag and report back to the Council in the future.

In response to question by Councilman Kegler as to how much input in the Dixie World Series the City of Lufkin has, City Manager Maclin stated that the City owns the park and does year-round maintenance on the facility. Mayor Bronaugh stated that no one from the City is represented on the Dixie World Series Board.

In response to question by Councilman Kegler, City Manager Maclin stated that if the Dixie World Series Board was approached about someone from the City sitting on the Board in an Ex-Officio capacity, it was his opinion that they might be receptive.

Councilman Simond stated that, in his opinion, the City spends a lot of money on the Dixie World Series, and he would like to see a representative from the City on the Board.

16. **FINAL AUTHORITY RESPONSIBILITY - TABLED - CITY BOARDS, COMMISSIONS, COMMITTEES**

Mayor Bronaugh stated that the next item for consideration was final authority responsibility regarding City Boards, Commissions and Committees.

City Manager Maclin stated that in order to address this particular issue, his suggestion to Councilman Simond, was to ask the City Attorney to prepare an audit of the various City Board, Commissions and Committees that are appointed by the City Council and then define which items those Boards have final authority on, which ones are referred to the City Council for final action, and which ones are major items as opposed to minor items.

City Attorney Flournoy stated that he would have this information available for the next meeting.

17. **EXECUTIVE SESSION**

Mayor Bronaugh recessed Regular Session at 6:02 p.m. to enter into Executive Session. Regular Session reconvened at 7:18 p.m. Mayor Bronaugh stated that the Council had discussed real estate matters.

18. **COMMENTS**

Councilman Kegler stated that he would like to see one or two City Council members appointed to serve on the Dixie Major League.

City Manager Maclin stated that in 1988 the City Council approved a Minute Order relating to Chestnut and Paul Streets, and the project in terms of utility relocation has begun and the State will let the Contract this fall. City Manager Maclin stated that the Highway Department sent the City a notice dating back to 1988 that says that the City's portion of the cost relating to that project for the street portion is $191,000. City Manager Maclin stated that staff sent a letter to the Highway Department requesting consideration that that amount be lowered because one year later the State in their programs such as this began to take over the costs for curb and gutter and drainage. The only expense the City would have left, if the State would honor the current policy, would be the sidewalk expense. City Manager Maclin stated that a copy of a letter the Mayor drafted to Mr. Beaird requesting reconsideration of this amount that the City would have to pay, has been included in the FYI section of the packet. City Manager Maclin stated that as soon as a response is received from the

Highway Department, the City Council will be informed. If they do not reduce the expenses any, this amount will have to be included in upcoming budgets. Mayor Bronaugh stated that he did receive an answer to the City's letter today informing him that Mr. Beaird has forwarded the City's request to Frank Holsman who is the Assistant to the State Highway Engineer, and he has designated Bob Walker as the person to respond to the City.

19. There being no further business for consideration, meeting adjourned at 7:28 p.m.

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary