

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
18TH DAY OF APRIL, 1995 AT 5:00 P. M.**

On the 18th day of April, 1995 the City Council of the City of Lufkin, Texas, convened in a 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
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Janet Peterson, Chaplain, Lufkin State School.
2. Mayor Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Motion was made by Councilman Don Boyd and seconded by Councilman Tucker Weems that the minutes of the Regular Meeting of April 4, 1995 be approved as presented. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE -
RESIDENTIAL MEDIUM TO LOCAL BUSINESS - J M I INVESTMENTS -
DENMAN AVENUE**

Mayor Bronaugh stated that the next item for consideration was a request of Phil Medford, on behalf of J M I Investments, to change the zoning of Tracts 38, 39 and 40 of the J. L. Quinalty Survey and more commonly known as 910 E. Denman Avenue from Residential Medium to Local Business.

Mr. Medford stated that the property to be zoned is adjacent to the Lufkin High School student parking lot. On the other side of the property is McWilliams & Sons Air Conditioning Service. Mr. Medford stated that at this time there is an older wood framed residence on this site, which had been used for many years as a commercial location, Luther Adams Car Lot. This property was in use before the City had a Zoning Ordinance, and it reverted to a residential zone once that use ceased. Mr. Medford stated that Mr. McWilliam's intention as far as the use of this property initially is for a gift shop.

James Poskey, who resides at 113 Norris Street, asked if more concrete will be poured on this site. Mr. Poskey stated that he lives in a "flood zone", and if more concrete is poured it will make his house flood because the water would not run off. Mr. Poskey stated if more concrete is added at this site, he would be against the Zone Change request. Mr. Poskey stated that his house has flooded twice in one month, and the water got to his house faster the second time because the culvert at the Loop and the Fire Station was not cleaned out. Mr. Poskey stated that a sand dune was created at this site by the flooding the first time and because it was not taken care of, he had more water at his property the second time it flooded.

In response to a question by Councilman Bowman, Mr. Poskey stated that the site of the Zone Change request is pretty far from his house, but the creek that crosses Chestnut just before it gets to York Drive empties into the creek behind the Angelina Mall and then into the creek that runs behind his house. Mrs. James Gangstead stated that Norris Street is located behind Tom Temple Drive. Mr. Poskey stated that when the Pine Crest Retirement Home was built in this area, the two acres of concrete poured on the site added to the existing drainage problems.

Jim Gangsted, who resides at 103 Norris, stated that this site is a long way off from their property, but it all drains into Hurricane Creek, which goes under the Loop by Fire Station No. 4, and backs water up on the residents in this area.

City Manager Maclin stated that some of these problems will be addressed by the Azalea Trail; the Azalea Trail crew has been cleaning the creek and doing the preliminary site preparation for the Trail from Kiwanis Park down to the Angelina Mall, taking tires, brush, etc. out of the creek. City Manager Maclin stated that staff is working with the Highway Department to address the needs at the Loop, and they have pledged their cooperation.

In response to a question by Councilman Bowman, Mr. Medford stated that the front portion of this lot is asphalt and has grown up in weeds. Mr. Medford stated that the back portion of the lot is grass. Mr. Medford stated that when the gift shop is operational, the asphalt portion of the lot will be utilized as the parking lot, after cutting the weeds. Mr. Medford stated that perhaps Mr. McWilliams will consider placing some asphalt over the portion that is already paved. Mr. McWilliams stated that the only paving in his initial plan is to put a circle drive around the existing commercial building and that will help the traffic flow.

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

5. REALIGNMENT OF HARPER ROAD - APPROVED - AL MEYER

Mayor Bronaugh stated that the next item for consideration was a request of Philip Goodwin, on behalf of Al Meyer, to realign Harper Road.

City Manager Maclin stated that this request was approved unanimously by the Planning & Zoning Commission with the condition that no documents be executed by the City until approval of the realignment is granted by the Angelina County Commissioners Court for that portion of the roadway that is outside the City limits.

Larry Lasiter of Goodwin-Lasiter stated that he did not have any specific comments but would answer questions.

In response to a question by Councilman Boyd, Mr. Lasiter stated that approximately 300' of the road is in the City limits. Mr. Lasiter stated that the road alignment will be south of the Al Meyer Ford Company. Mr. Lasiter stated that there is a crossover where this new alignment will be which will be a convenience to the property owners who live on Harper Road. If they are coming southbound on the Loop they can cross over go immediately on to Harper Road, where they now have to go down to Lufkin Avenue and make a "U" turn and come back up the feeder road before turning on Harper Road. Mr. Lasiter stated that the Highway Department has been out to look at the proposed realignment and they are recommending it as an improvement over the current condition. Mr. Lasiter stated that as soon as the new portion of Harper Road is completed the old portion will be closed. Mr. Lasiter stated that the old Harper Road is an undedicated right-of-way, it is just a road that has been used for a number of years, whereas the new Harper Road would be a 50' dedicated right-of-way.

Dr. Dallas Pierre, DDS, stated that he had been before the Council previously

concerning the Harper Road property. Dr. Pierre stated that his concern at that time was about the closing of the north section of Harper Road. Dr. Pierre stated that being a property owner along Harper Road, he was of the opinion that news of this realignment should be made known to property owners, but he learned of this from the newspaper. Dr. Pierre stated that he and the other property owners thought it was inconsiderate of Mr. Meyer to close the north end of Harper Road. Dr. Pierre stated that the Council ruled at that time that they did not have the authority on Harper Road, and the property owners filed suit against Mr. Meyer and his company to re-open the section of Harper Road that he had closed. The suit is still in court, it has not been resolved yet. Dr. Pierre stated that his concern tonight is that with the case still being in court, will a move on the part of the Council effect the law suit.

In response to a question by Mayor Bronaugh as to notification of the property owners within 200' of the realignment, City Planner Stephen Abraham stated that this portion of the road is entirely on Mr. Meyer's property and that the road is not being closed but is being aligned with the crossover for safety purposes. Mayor Bronaugh stated that he would like for the drawings of the realignment to be made available to Dr. Pierre.

City Attorney Flournoy stated that he could not speak to the litigation Dr. Pierre is talking about because he does not personally know what all is involved in the litigation. Mr. Flournoy stated that it appears that this is not a closing but a realignment to make it safer and will actually improve some 300' feet of the road.

Dr. Pierre stated that the property owners along Harper Road do want to congratulate Mr. Meyer for all he has done for the City, and for his property that he has built up considerably over a short length of time.

Mr. Abraham stated that Mr. Meyer will be responsible for the improvements to the road within the existing City limits to modified specifications, which will adequately handle the drainage at this location.

Motion was made by Councilman Percy Simond and seconded by Councilman Jack Gorden, Jr. that the realignment of Harper Road as requested by Al Meyer be approved as presented. A unanimous affirmative vote was recorded.

6. REAPPRAISAL METHODS REPORT - CHARLES STONE

Mayor Bronaugh stated that the next item for consideration was a report by Charles Stone, Chief Appraiser for Angelina County, regarding reappraisal methods for the district.

Mr. Stone stated that he appreciated the opportunity to make his presentation before the Council. Mr. Stone stated that the Appraisal District was established via legislation and a constitutional amendment in 1979. One of the key factors of that constitutional amendment was that the appraisal of property be done at 100% of fair market value. Mr. Stone stated that the Appraisal District is also a political subdivision of the State of Texas, and is not affiliated in any way with the County. Mr. Stone stated that when he came on board in June of 1994, and as he began to prepare for the 1995 tax season, one thing he did was to check the in-house ratios. An in-house ratio is an appraisal to sales ratio analysis, where the Appraisal District takes what they consider the property to be worth, and what it actually sold for, then divide the sale into the appraised value giving the sales ratio. Mr. Stone stated that since the District operates under a mass appraisal computer assisted system, they rely heavily on statistics. Mr. Stone stated that when the District began to prepare for the 1995 tax year by looking at properties, that is when they began to process the ratio studies. One of the things found during the study was the fact that their Category "A", which is single family dwellings, was coming in considerably low. Mr. Stone stated that the District is mandated to be at 100% of market value and they were coming in at approximately 89% in the City as well as the County.

Mr. Stone stated that this caused the District to do some further study and they determined that they were depreciating property a little bit too rapidly, and not taking into consideration that most prudent owners of property, whether they be homes or commercial property, do maintain their property. Mr. Stone stated adjustments were made and he went out into the field and evaluated at least a third of the property in the City of Lufkin, and most all of the real property in Angelina County. Mr. Stone stated that he wanted to make sure that everyone understands that when these changes were made they also validated them again with the sales ratios, making sure they were not exceeding the 100%. Mr. Stone stated that the statistical analysis allows some variance from the norm, and he feels like if he falls within a range of 95 to 105 percentile, then they are doing a fairly decent job.

Mr. Stone stated that the sample size is another critical issue in the appraisal to sales analysis. Mr. Stone stated that he wants to make sure that they are not using a very small sample size to make changes to a very large number of properties. Mr. Stone stated that they try to come up with a value as scientifically possible as they are allowed. Mr. Stone stated that an appraisal is just simply an opinion of value. Mr. Stone stated that the Appraisal District wants to make sure that they put a fair market value on all taxable property in this County.

Mr. Stone answered questions by Councilmembers.

Mr. Stone stated that he hoped that those people who experience an increase in their residential property will take a look at it and ask themselves if this is in fact a fair market value of the property, and would they sell it for this price. Mr. Stone stated that if they feel like the appraisal is over the fair market value, then they need to come down and talk to him about it.

Mr. Stone stated that in order to be fair to Angelina County and the taxing entities in Angelina County, he actually does contract out the appraising of industrial and utilities and mineral properties.

Councilman Bowman stated that it is obvious that property taxes are about to go up because of this process, and if that happens, there may be some windfalls by some taxing agencies by accruing some value in some areas. Councilman Bowman asked that Mr. Stone explain the process of the tax roll back. Mr. Stone stated that the City prints an effective and roll back tax rate in the newspaper every year. The effective, as well as the roll back tax rate, takes into consideration any fluctuation of value. If the entity does in fact exceed its roll back tax rate then a party or voters can petition the Council to hold a roll back election, which must be within 90 days from the date the tax rate was adopted to have this petition brought forth. Mr. Stone stated that if the petition is found by Council to be a valid list of registered voters, then the Council has to set an election for the populace of the City of Lufkin to vote as to whether or not to roll back the taxes. Mr. Stone stated that if the roll back passes, then a refund would be made to the taxpayers.

Councilman Bowman asked what will happen to the School Board bond election when the Appraisal District starts raising property values right before the election. Mr. Stone stated that he realizes that the timing is not good. Notices will be sent out in less than 30 days and it will be an impossibility to stop or change what the Appraisal District is doing. Mr. Stone stated that he feels that he has received some criticism for this, but he wanted to assure Council that there had been some communication between his office and Lufkin ISD. Mr. Stone stated that he was informed back in the early part of July that there would no bond issue until 1996, possibly 1997. He was never informed that this had been moved forward until the later part of the fall. Mr. Stone stated that he would be derelict in his duties to postpone the appraisal irregardless of the issue. Mr. Stone stated that as the Chief Appraiser he would not be fair to the commercial or industrial people that he does have their property appraised at 100% allowing residential property to be appraised at somewhat less than that, because that would be shifting a tax burden that is under the constitution. That would be creating an inequity in the system, and that is

something he is more concerned with than having the numbers absolutely correct.

Councilman Bowman stated that the statement Mr. Stone made that most of the appraisals were made "driving by behind the windshield" bothered him, and he wondered if there was a better way to do this. Mr. Stone stated that he would like to have the ability to walk every residential neighborhood, and walk around all the commercial properties, but time restraints do not allow that. Mr. Stone stated that it would take a fairly large force of employees to accomplish what he would consider "field work". Mr. Stone stated that he is forced to cover a very large area in a very short period of time.

Mayor Bronaugh thanked Mr. Stone for his report.

7. FIRE/EMS DELINQUENT WRITE-OFFS - APPROVED - FIRST QUARTER 1995

Mayor Bronaugh stated that the next item for consideration was write-offs of Fire/EMS delinquent accounts and EMS delinquent accounts for the first quarter of 1995.

City Manager Maclin stated that approval of the delinquent write-offs is a routine procedure.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that Fire/EMS and EMS delinquent accounts for the first quarter of 1995 in the amount of \$108,384.27 be approved as presented. A unanimous affirmative vote was recorded.

8. BUDGET AMENDMENT - APPROVED - EMS - PARAMEDIC INCENTIVE PAY

Mayor Bronaugh stated that the next item for consideration was amending the EMS budget to include the addition of one person and Paramedic incentive pay.

City Manager Maclin stated that included in the Council packet is a letter from Chief Prewitt delineating needs for the emergency medical transfer service, and summaries of activities concerning the number of runs along with the revenues for the Fire Department and the EMS Transfer Department.

Chief Prewitt stated that the Department has a surplus of \$105,000 at this time. Chief Prewitt stated that the transfer service has now been in operation for 10 1/2 months and is doing extremely well. Chief Prewitt stated that none of these services are tax supported, everything is paid for by the revenues that are brought in by this new service.

Councilman Gorden stated that he appreciated all the Chief's efforts with the transfer service but did not want anyone to get the wrong impression that the City is actually making money on this service.

City Manager Maclin stated that revenues are coming in at an adequate level to support the request the Chief is making today. City Manager Maclin stated that the transfer runs have steadily increased and as a result of this increase, the Chief is requesting some amendments to his budget to include one additional person, changing a shift person to a management position on a 40-hour week for better supervision in the day time (when the bulk of the runs are actually made), and also to add paramedic incentive pay to the Transfer Service employees that would be the same as the Fire Department employees receive. City Manager Maclin stated the purpose of the incentive pay is to remain competitive in the ability to recruit and retain qualified staff for the Transfer Service. City Manager Maclin stated that the Chief is asking for an amendment to his budget of \$13,724.97, which is basically from May 1 through September 30th.

City Manager Maclin stated that basically the Chief has reached a point where additional personnel are needed in order to meet the demand load on the Transfer

Service. City Manager Maclin stated that if this continues to increase then in next year's budget it might be necessary to look at additional personnel and more units, depending on the market.

Chief Prewitt stated that he would like to remind Council that none of these employees are Civil Service.

Councilman Simond stated that, in his opinion, the ambulance service should not be in business to make a profit.

In response to a question by Councilman Simond, City Manager Maclin stated that the Transfer Service does make runs out of town which is one of the purposes of this service. City Manager Maclin stated that the "hot" service does not go out of the County except for rare exceptions.

In response to a question by Councilman Simond, City Manager Maclin stated that the County relationship and the cooperative participation in the last couple of years has been excellent.

Motion was made by Councilman Don Boyd and seconded by Councilman Percy Simond to amend the EMS budget in the amount of \$13,724.97 to include the addition of one person and Paramedic pay. A unanimous affirmative vote was recorded.

9. INVESTMENT COMMITTEE RECOMMENDATION - APPROVED - CITY INVESTMENT POLICY

Mayor Bronaugh stated that the next item for consideration was a recommendation from the Investment Committee regarding the City Investment Policy.

Councilman Gorden stated that the Committee met at 3:00 P.M. this afternoon with the City's Investment Advisor and the auditors. Councilman Gorden stated that the Committee would like to recommend for Council approval an investment checklist of internal controls for staff to use at City Hall. Councilman Gorden stated that the Committee is recommending that pages 3, 4 and 5 of the First Southwest Asset Management Portfolio Review, dated April 18, 1995, be added to the City's Investment Policy. Councilman Gorden stated that this is a summary on protection of principal for the City and details related to collateralization. Councilman Gorden stated that on page 5, there are four "bullet" items and the Committee has elected to withhold recommendation on the fourth one temporarily. Councilman Gorden stated that on page 4, under Bond Reserve Funds, the Committee is recommending that the last sentence in the paragraph should read "....Bond Resolution and shall not exceed the final maturity of the bond issue **for five years or whichever is less.**"

City Manager Maclin stated that the Committee would like the City Attorney to review the fourth item on page 5 (the Agreement must be part of the Depository's "official record" continuously since its execution.) City Manager Maclin stated that these three recommendations came from Dick Long based on input from other legal counsel regarding what can be done to reduce the risk on the part of the City. City Manager Maclin stated that the fourth item was a little vague as far as its application, so staff is asking for further clarification before considering whether or not to include it in the Investment Policy.

Councilman Simond complimented Debra Vance, Director of Accounting, on the good job she has done with the investments.

Motion was made by Councilman Tucker Weems and seconded by Councilman Percy Simond that the recommendation of the Investment Committee regarding the City Investment Policy be approved as presented. A unanimous affirmative vote was recorded.

10. BID - APPROVED - INSTALLATION OF 12" WATER LINE - LOOP 287 - OSCAR CRAWFORD

Mayor Bronaugh stated that the next item for consideration was the installation of a 12" water line along Loop 287.

City Manager Maclin stated that the staff recommendation is to accept the low bid of Oscar Crawford in the amount of \$227,295.00.

Motion was made by Councilman Tucker Weems and seconded by Councilman Don Boyd that the bid of Oscar Crawford in the amount of \$227,295 be approved as submitted. A unanimous affirmative vote was recorded.

11. BID - APPROVED - ELECTRICAL EQUIPMENT - WATER PRODUCTION PLANT - PINEYWOODS ELECTRIC

Mayor Bronaugh stated that the next item for consideration was bids for various electrical equipment at the Water Production Plant.

City Manager Maclin stated that the staff recommendation is to accept the low bid of Pineywoods Electric in the amount of \$66,175.00.

Motion was made by Councilman Bob Bowman and seconded by Councilman Larry Kegler that the bid of Pineywoods Electric in the amount of \$66,175 be approved as submitted. A unanimous affirmative vote was recorded.

12. COMMENTS

City Manager Maclin stated that the Councilmembers have already received in their weekly newsletter a recommendation for consideration that we set a follow-up drainage Workshop to address flood and drainage problems. The workshop will be held on Tuesday, April 25 at 2:00 p.m. City Manager Maclin stated that staff has invited the County Commissioners, and input will also be received from the Texas Department of Transportation and local engineering firms.

Mr. Wesch stated that a large amount of debris was removed from the creek on Lost Pines, which was restricting the flow. City Manager Maclin stated that other creek cleaning activities are planned and other preliminary engineering is being done to properly size drainage structures in the neighborhood, and that work is ongoing. City Manager Maclin stated that the prisoner crew from Diboll has been working with the City's Park Department in not only clearing the Azalea Trail layout but also cleaning out the trail along the creek to prepare the trail site. City Manager Maclin stated that the purpose of the workshop is to set forth the plan and the methodology of how the City's gets from point "A" to point "Z" of having a Master Drainage Plan for the City. City Manager Maclin stated that after that, staff will use the information that is gathered next Tuesday afternoon and will prepare Requests For Proposals (RFP's) and get them to local engineering firms. The engineering firms will then give staff a phased type of approach with cost estimates for various phases to be included and from that, decision packages will be prepared for Council to consider in the 1995-96 budget.

Mr. Wesch stated that in the creek the Public Works Department cleaned yesterday afternoon below Lost Pines it would appear that a logger had dumped some tree tops into the creek. Mr. Wesch stated that there were car hoods, furniture, hot water heaters, and yesterday they retrieved branches 3" wide.

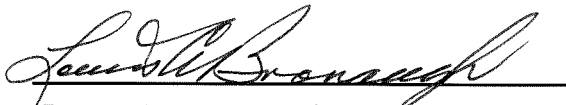
Councilman Bowman stated that perhaps the City Manager could mention in the newsletter that residents should not throw things in the creek. Councilman Bowman stated that the public needs to be educated on the City's efforts in the creeks. Mayor Bronaugh stated that as Subtitle D gets worse and there are more

restrictions on what can go in the landfill, people will start dumping in the creeks.

Councilman Gorden stated that he appreciated the information regarding the creeks, and the staff responding to the drainage problems.

Mayor Bronaugh stated that the TML Region 16 dinner will be held at Crown Colony Country Club on Thursday, April 20. Mayor Bronaugh stated that the next DETCOG meeting will be held in Shelly County. Mayor Bronaugh reminded Councilmembers of the rodeo parade on Wednesday, April 26th.

13. There being no further business for consideration, meeting adjourned at 6:35 p.m.


Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary