

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
15TH DAY OF DECEMBER, 1992 AT 5:00 P.M.**

On the 15th day of December, 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
Don Boyd
Percy Simond
Larry Kegler
Bob Bowman
Jack Gorden, Jr.
Tucker Weems

Mayor
Mayor pro tem
Commissioner, Ward No. 1
Commissioner, Ward No. 3
Commissioner, Ward No. 4
Commissioner, Ward No. 5
Commissioner, Ward No. 6

being present when the following business was transacted.

1. Meeting was opened with prayer by Reverend Dewey Bowen, Minister, First Presbyterian Church.

2. Mayor Bronaugh welcomed visitors present.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of December 1, 1992, were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. **CERTIFICATE OF APPRECIATION - ROY HINES - FIRE DEPARTMENT**

Mayor Bronaugh presented a Certificate of Appreciation to Roy Hines in recognition of his dedicated service to the citizens of Lufkin as Inspector/Investigator in the Lufkin Fire Department from January 16, 1968 to December 28, 1992.

5. **ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - JAMES E. WALLACE - CITY NATIONAL BANK OF KILGORE - SPECIAL USE PERMIT - LOCAL BUSINESS ZONING DISTRICT - 1201 TIMBERLAND DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change as requested by James E. Wallace, on behalf of City National Bank of Kilgore, for a Special Use Permit for used car sales in a Local Business Zoning District located at 1202 Timberland Drive.

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

6. **ORDINANCE - APPROVED - FIRST READING - RESIDENTIAL SMALL TO SINGLE-FAMILY DWELLING/MIXED USE - SELLERS, BROCK, CALVARY AND COLLINS STREET**

Mayor Bronaugh stated that the next item for consideration was a change of zoning from Residential Small to Single-Family Dwelling/Mixed Use on certain properties fronting on Sellers, Brock, Calvary and Collins Street.

City Manager Maclin stated that several months ago a Single-Family Dwelling/Mixed Use category was added to the Zoning Classification to allow for single-family mobile homes on the same basis as single-family built homes. There has been one other request for consideration in this category, which was not desired

by the neighborhood. City Manager Maclin stated that in this particular case the person requesting the zone change met with the neighborhood and discussed his plans, and as a result, received strong support from the neighborhood. City Manager Maclin stated that the Planning Department conducted an extensive review for the applicability of this zoning classification and felt that it would be a positive for the neighborhood. City Manager Maclin stated that the Planning & Zoning Commission, by unanimous vote, recommends approval of the zone change with the condition that, prior to the second reading of the Ordinance, Tract 390-2 (owned by Freddie Gibson) be subdivided such that the change of zoning does not include that portion of Tract 390-2 that will front upon McMullen Street following the subdivision. City Manager Maclin stated that the property owner has agreed to this stipulation, which would take care of a replatting of the lot prior to the second reading of the Ordinance.

Freddie Gibson (applicant), of 114 McMullen, stated that he had received strong support from the neighborhood. Mr. Gibson stated that he has done extensive work on improving the property.

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

7. CABLE TELEVISION - DISCUSSED - IBN - POST-NEWSWEEK CABLE CO.

Mayor Bronaugh stated that the next item for consideration was a Resolution in support of Channel 5 and Channel 11 being carried on the Cable system operated in Lufkin by Post-Newsweek Cable Company.

Mayor Bronaugh stated that a few moments ago staff received the following information, which was sent by fax. A copy of this information was furnished to Lee Miller, Station Manager for IBN.

Mayor Bronaugh read the following statement: "In the past four years, Post-Newsweek Cable, Inc. d/b/a Cablecom, has spent over 5 million dollars on it's Lufkin, Burke and Diboll cable system. We have since added almost 20 new channels to our programming lineup. We are always concerned of our subscriber's needs and their programming choices. We have not carried Channel 5 or Channel 11 before because of these concerns: Technical problems--There are four Channel 5's and three Channel 11's within 200 miles of Lufkin and could cause interference. We were and still are concerned about the programming needs in the community. If the City thinks the majority of our subscribers wants these two channels we would add them both to the basic cable lineup, moving Channel 7 and Channel 9 to the Tier I level. Channel 5 will be added to Cable Channel 7, Channel 11 will be added to the Cable Channel 9. IBN must agree to: (1) Work with us to provide, at their cost a good quality picture even to the point of a direct feed from the studio by cable return or microwave if necessary. (2) If increased copyright fees are ever imposed, IBN will pay the fees. (3) IBN must agree not to charge Post-Newsweek, Inc. d/b/a Cablecom any fee to re-transmit its channels. If in the event they do we will reserve the right to discontinue the carriage of both services. We will add both channels as quick as possible pending: (1) Finalizing a carriage statement. (2) Obtaining a good quality picture to deliver our subscribers by cable. (3) Obtaining the necessary equipment to add both channels. When we moved the Family Channel, we obviously left a need for family programming on the basic cable and we hope this fulfills that need. We encourage and support any and all local programming and would encourage IBN to continue to increase its efforts to cover local events. We will join our efforts to increase local coverage. Local programming such as Cablecom did to cover the two-day special olympics is very important to us."

In response to question by Mayor Bronaugh, Mr. Miller stated that IBN is a non-profit corporation and he must consult the Board of Directors regarding item #2: If increased copyright fees are ever imposed IBN will pay the fees. Mr. Miller stated

that it is his understanding, with IBN's programming on a non-profit status, that this will not ever be a problem. Mr. Miller stated that IBN will agree not to charge Post-Newsweek d/b/a Cablecom a carriage fee or a retransmission fee. Mr. Miller stated that IBN will agree, as in the past, to cover any costs of getting the signal to their head-in.

Commissioner Bowman stated that at this point the Resolution is a mute question.

City Attorney Flournoy stated that he read the fax as asking something from the Council, and maybe there should be some expression in the form of a motion that the City Commission accepts this Resolution. Wayne Neal, District Manager of Post-Newsweek Cable, stated that he is not asking for any action from the Council, just their support in making these changes.

City Attorney Flournoy stated that he had spent some time talking with lawyers on the FCC on some of these issues, and it looks like the Cable Television Act will not go into effect until April.

Commissioner Simond stated that he would like for the Commission to let Post-Newsweek know, through Mr. Neal, that the City approved the last contract with Cablecom predicated upon the City getting the service that it has received in the past.

8. RESOLUTION - APPROVED - CITY COUNCILMEN

Mayor Bronaugh stated that the next item for consideration was a Resolution changing "City Commissioners" to "City Councilmen".

Mayor Bronaugh stated that this item is on the agenda at Commissioner Simond's request. Commissioner Simond stated that he feels very strongly about making this change, and is happy that the other Commissioner's are all in agreement.

Motion was made by Commissioner Tucker Weems and seconded by Commissioner Larry Kegler that Resolution changing the nomenclature from City Commissioners to City Councilmen and that the City Commission be known as the City Council be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - ELIMINATION OF COMPENSATION - CITY COUNCIL

Mayor Bronaugh stated that the next item for consideration was a Resolution to eliminate compensation for the Mayor and City Councilmen.

Commissioner Simond stated that the reason he suggested eliminating compensation for the Commissioners is because it is embarrassing since people perceive this as a salary.

Commissioner Kegler stated that he did not have a problem with eliminating the compensation paid to the Commissioners, but he did think that in the future this is something that might need to be looked at more closely in keeping up with other cities.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Tucker Weems that Resolution eliminating compensation for the Mayor and Councilmen be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - FORFEITED ASSETS - DISTRICT ATTORNEY'S OFFICE

Mayor Bronaugh stated that the next item for consideration was a Resolution

relating to forfeited assets going to the District Attorney's Office.

City Manager Maclin stated that a memo from the Chief of Police had been included in the packet recommending passage of this particular Resolution based on input from the Angelina County District Attorney Clyde Herrington. City Manager Maclin stated that the change allows the governing body of a local government to pass an Ordinance or Resolution to allow the District Attorney to withhold 10% of the proceeds of all forfeited property and transfer to the City to be used for drug education, drug treatment, and drug prevention.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Resolution be approved as presented. A unanimous affirmative vote was recorded.

11. POLICY - APPROVED - FINAL PLATS

Mayor Bronaugh stated that the next item for consideration was to adopt a policy allowing the City Staff to approve certain final plats.

City Manager Maclin stated that the Planning & Zoning Commission unanimously approved recommendation of this item to the City Commission. City Manager Maclin stated that this change will facilitate the ability to get more expeditious approval of minor plats through the City Planner and City Engineer. City Manager Maclin stated that staff will still have the option, if there is any question, to refer the plat on to the Planning & Zoning Commission for approval. City Manager Maclin stated that this represents a positive step as far as economic development is concerned for Lufkin.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that policy allowing the City Staff to approve certain final plats be adopted as presented. A unanimous affirmative vote was recorded.

12. CONTRACT - APPROVED - CITY/ANGELINA COUNTY - ANIMAL CONTROL SERVICES

Mayor Bronaugh stated that the next item for consideration was a Contract between the City and Angelina County for animal control services.

City Manager Maclin stated that this is an update to a previous contract between the Angelina County Sheriff's Department and the City of Lufkin, and specifies the changes that were made, fees that were increased, and services that are provided. City Manager Maclin stated that this contract has already been approved by the County Commissioner's Court and is being recommended by Cathy Clark, through Public Works Director Ron Wesch.

In response to question by Commissioner Gorden, Mr. Wesch stated the changes to the Contract were: (1) The fee schedule for quarantine was \$3.50 per day for each day and has now been changed to \$50 for the first ten days and \$3.50 for each additional day the animal is held. (2) Previously there was no fee for exotic animals. The quarantine of exotics is \$150 for the first 10 days and \$5 for each additional day the animal is held. (3) The other items deal with strays, cruelty investigations, and dangerous dogs.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that contract between the City of Lufkin and Angelina County for animal control services be approved as presented. A unanimous affirmative vote was recorded.

13. BID - APPROVED - REMOVAL OF ELEVATED STORAGE TANKS - KURTH DRIVE AND FULLER SPRINGS DRIVE - PITTSBURGH TANK & TOWER CO., INC.

Mayor Bronaugh stated that the next item for consideration was bids on removal of elevated storage tanks on Kurth Drive and Fuller Springs Drive.

City Manager Maclin stated that this is an item that is included in the water improvement program. City Manager Maclin stated that these older tanks need to be removed since they are a liability to the City and have no real value at this point.

City Manager Maclin stated that three bids were received, and staff recommendation is to award the low bid of Pittsburgh Tank & Tower Co., Inc. in the amount of \$13,500.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that the low bid of Pittsburgh Tank & Tower Co., Inc. in the amount of \$13,500 be approved as submitted. A unanimous affirmative vote was recorded.

14. BID - APPROVED - PERSONAL COMPUTER - CITY SECRETARY'S OFFICE - APPLE COMPUTER COMPANY

Mayor Bronaugh stated that the next item for consideration was award of a bid for a Personal Computer for the City Secretary's Office.

City Manager Maclin stated that included in the Commissioner's packets is the State and Local Government Contract Bid Price in the amount of \$3,125.20, which includes some laser writer toner cartridges in addition to the computer.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that the bid for an Apple Computer in the amount of \$3,125.20 be approved as submitted. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - TELEPHONE SYSTEM - ACCOUNTING DEPARTMENT - LCTX

Mayor Bronaugh stated that the next item for consideration was bids on a telephone system for the Accounting Department.

City Manager Maclin stated that this is a budgeted item to upgrade the telephone system for the Accounting Department. City Manager Maclin stated that staff recommendation is to award the bid of LCTX in the amount of \$2,737.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler that the bid of LCTX in the amount of \$2,737 be approved as submitted. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - DUMP TRUCKS - STREET DEPARTMENT - SUMMIT WHITE GMC TRUCKS

Mayor Bronaugh stated that the next item for consideration was bids for two dump trucks to be used in the Street Department.

City Manager Maclin stated that in the budget two dump trucks were approved through a lease purchase with the understanding that the first payment would not be due and payable until October 1, 1993. City Manager Maclin stated that when the bids are compared inclusive of the interest rates, the low bid is Summit White GMC Trucks in the amount of \$117,177.84.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Summit White GMC Trucks in the amount of \$117,177.84 be approved as submitted. A unanimous affirmative vote was recorded.

15c. BID - APPROVED - RE-ROOFING - ISOLATION BUILDING - ZOO - CARNEY ROOFING COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for re-roofing of the Isolation Building at the Zoo.

City Manager Maclin stated that this is an emergency type repair and has become more urgent since the budget was prepared. If the Commission approves this item, funds from the Contingency Fund would have to be utilized to cover the repairs.

City Manager Maclin stated that the architect working on the entrance to the Zoo provided staff some specifications which were used with the understanding that, if after getting into the project on a deeper level everything wasn't covered by surface view, there would be the potential of a cost per hour add on, if that is necessary.

Gorden Henley, Zoo Director, stated that the northwest one-quarter of the ceiling and roof of the Zoo's clinic has started to collapse. Mr. Henley stated that apparently this is the result of unseen damage between the interior ceiling and exterior roof caused by a leak around one of the skylights. Mr. Henley stated that upon investigation of the entire roof it was found that the skylights in the east wing of the clinic are also leaking and that portions of both the west wing and east wing ceiling are starting to "squat". Mr. Henley stated that if this situation is left uncorrected the squatting action in the roof could severely damage the walls of the building.

City Manager Maclin stated that the low bid was submitted by Carney Roofing Company, Inc. in the amount of \$7,850 base bid, and \$93 per hour plus materials for unforeseen work that needs to be done.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that the bid of Carney Roofing Company, Inc. in the amount of \$7,850 base bid and \$93 per hour plus materials for unforeseen work that needs to be done be approved as submitted, and that this amount be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session at 6:09 p.m. to enter into Executive Session. Regular session was reconvened at 7:01 p.m. Mayor Bronaugh stated that personnel and appointments to Boards had been discussed.

17. APPOINTMENTS - APPROVED - LUFKIN BOARD OF DEVELOPMENT - MIKE SMITH - TREY HENDERSON - TED LANKFORD

Mayor Bronaugh stated that Kathy Crain had resigned her position on the Lufkin Board of Development and the Hotel/Motel Association has recommended that Mike Smith, Manager of the Expo Inn, fill this vacancy.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Mike Smith be appointed to the Lufkin Board of Development for a two-year term ending on December 31, 1994. A unanimous affirmative vote was recorded.

Mayor Bronaugh stated that staff had received a letter from the Chamber of Commerce requesting that Trey Henderson and Ted Langford be reappointed to the Lufkin Board of Development.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that Ted Lankford be reappointed to the Lufkin Board of Development for a one-year term ending on December 31, 1994, and that Trey Henderson be reappointed for a two-year term ending on December 31, 1995. A unanimous affirmative vote was recorded.

18. COMMENTS

Commissioner Weems stated that the current issue of the Lufkin Letter was favorably received by the public.

Commissioner Kegler stated that he and Commissioner Boyd had attended the National League of Cities Conference in New Orleans recently and had found it to be very informative.

City Manager Maclin issued an invitation to the Mayor and Councilmen to attend the awards luncheon Wednesday for those Department Heads who successfully completed the Supervisors Management Course.

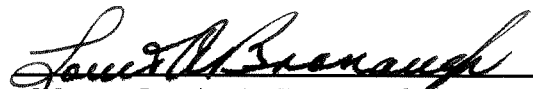
City Manager Maclin stated that the monthly DETCOG meeting would be held on Thursday in Jasper, and that there would be a called meeting of the Commission on Friday to discuss the City's health insurance and an Amendment to the Solid Waste Ordinance.

City Manager Maclin stated that the Lufkin Letter had been placed as an insert in the Lufkin Daily News and had been made available to citizens at City Hall, and the Kurth Memorial Library and the Angelina College Library.

19. There being no further business for consideration, meeting adjourned at 7:05 p.m.

ATTEST


Atha Stokes - City Secretary


Mayor Louis A. Bronaugh