

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF NOVEMBER, 1990, AT 5:00 P.M.

On the 6th day of November, 1990, 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, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Ron Wesch	Public Works Director/ Assistant to City Manager
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present when the following business was transacted.

1. Meeting was opened with prayer by Dr. Dewey Bowen, Minister, First Presbyterian Church.
2. Mayor Bronaugh welcomed visitors present.
3. APPROVAL OF MINUTES

Minutes of regular meeting of October 16, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. RESOLUTION - DR. NED BARRETT, JR. - PLANNING AND ZONING COMMISSION

Mayor Bronaugh presented a framed copy of a Resolution from the City Commission to Dr. Ned Barrett, Jr. in appreciation of his nine years of service on the Planning and Zoning Commission.

5. PUBLIC HEARING - ANNEXATION/PERMANENT ZONING - FM 58

Mayor Bronaugh opened Public Hearing to consider Annexation and Permanent Zoning of property located along FM 58 (Chestnut) south of White House Drive and north of Platt Road to include the developed section of Bell Oak Subdivision, and a section of the Fuller Springs community located south of Bartmess, east of FM 58, and west of Westwood Street.

No one in the audience spoke for or against the annexation.

Mayor Bronaugh closed Public Hearing.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - DIXON ABNEY/ABNEY AND MEDFORD HARDWARE, INC. - 115 EAST LUFKIN AVENUE - CENTRAL BUSINESS TO COMMERCIAL, SPECIAL USE, (CERAMIC SHOP)

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for a Zone Change requested by Dixon Abney, President of Abney and Medford Hardware, Inc., covering property located at 115 East Lufkin Avenue from Central Business to Commercial, Special Use (Ceramic Shop), contingent upon a favorable report by the Fire Marshal and final site plan approval.

There was no opposition present.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - DOMINGO CARDENAS - 604 SHADY PINE - RESIDENTIAL LARGE TO RESIDENTIAL SMALL

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for Zone Change requested by Domingo Cardenas covering property located at 604 Shady Pine from Residential Large to Residential Small.

There was no opposition present.

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

8. SURGERY ROOM - APPROVED - HUMANE SOCIETY OF ANGELINA COUNTY - WINNIE BERRY ANIMAL SHELTER

Mayor Bronaugh stated that the next item for consideration was a request from the Humane Society of Angelina County for approval to operate a surgery room at the Winnie Berry Animal Shelter.

Charlotte Kuebler, Executive Director for the Humane Society of Angelina County, stated that she was requesting permission from the City Commission to install a surgery room in the Paula Denman Memorial Building at the Winnie Berry Animal Shelter. Ms. Kuebler stated that all seven area doctors of veterinary medicine will be donating their time in the surgery room for spaying and neutering adopted dogs. Ms. Kuebler stated that Cathy Clark, Animal Control Supervisor, will be furnishing labor from the Animal Shelter to assist the veterinarians.

In response to question by Mayor Bronaugh, Ms. Clark stated that her department has been understaffed since the expansion of the shelter, and she could use a part time person.

In response to question by Mayor Bronaugh, Ms. Clark stated that the \$25 fee for neutering or spaying will now go to the Humane Society. Ms. Clark stated that the Humane Society will furnish all the supplies needed for the surgeries.

In response to question by Commissioner Roper, Ms. Clark stated that originally this was one large room used as the "puppy room" but in 1985 it was partitioned off to make room for an isolation ward to better control disease problems.

In response to question by City Manager Westerholm, Ms. Clark stated that only the dogs and cats that are adopted through the shelter will be spayed or neutered in this surgery room.

In response to question by Mayor Bronaugh, Ms. Clark stated that the Humane Society is paying \$600 a month towards a clerk's salary at the Shelter. Ms. Clark stated that she had budgeted the full salary for a clerk, and the payment by the Humane Society will free up approximately \$7,200 that could be used to hire a part time clerk - (Not to exceed 20 hours a week). Ms. Clark stated that there is only one day a week when she has a full staff of animal care attendants. Commissioner Boyd stated that Ms. Clark might be able to obtain some help through DETCOG's on-the-job training program.

In response to question by Commissioner Mayberry, Ms. Clark stated the City has contracts with the cities of Diboll, Huntington and Hemphill. Ms. Clark stated that personnel from these cities are fully trained, and the service provided to them does not cause any extra work for the Shelter.

Commissioner Mayberry suggested that the City Manager set up an annual review of fees and contracts for the cities that have contracts with the City of Lufkin. Mayor Bronaugh stated that this review should be held at the time the budget is being prepared.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that the Humane Society of Angelina County be granted approval to operate a surgery room at the Winnie Berry Animal Shelter. A unanimous affirmative vote was recorded.

9. TRAFFIC ORDINANCE AMENDMENT - APPROVED - KURTH MEMORIAL LIBRARY - 15-MINUTE PARKING

Mayor Bronaugh stated that the next item for consideration was an amendment to the Traffic Ordinance as requested by Kurth Memorial Library for 15-minute parking in front of the library.

City Manager Westerholm stated that at the present time there is a two-hour parking limit at the library and office workers in the area are using these spaces hindering library patrons who are returning library books.

City Manager Westerholm stated that the library is requesting that the two-hour limit in the front and on the two sides of the building be limited to 15-minute parking and the parking on Angelina Street will not be changed. City Manager Westerholm stated that this will affect approximately 15 spaces.

Mayor Bronaugh stated that some library patrons who are doing research may need to stay longer than 15 minutes. Commissioner Roper stated that he agreed with the Mayor and he would suggest limiting five spaces in front of the library to 15 minutes and leaving the other spaces at two hours.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman to limit the parking spaces directly in front of the library to 15 minutes and leave the original two hour limit on the remaining spaces. A unanimous affirmative vote was recorded.

In response to question by Commissioner Simond, City Manager Westerholm stated that he did not think it was necessary for the Library Board members to be present for this request.

In response to statement by Commissioner Simond, Commissioner Mayberry stated that after 5 o'clock the parking limits no longer apply to these spaces.

10. ORDINANCE - APPROVED - FIRST READING - ANNEXATION/PERMANENT ZONING - FM 58

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for Annexation and Permanent Zoning of property located along FM 58 (Chestnut) south of White House Drive and north of Platt Road to include the developed section of Bell Oak Subdivision, and a section of the Fuller Springs Community located south of Bartmess, east of FM 58, and west of Westwood Street.

There was no opposition present.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance for Annexation be approved on First Reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance for Permanent Zoning as Residential Large for property located along FM 58 (Chestnut) south of White House Drive and north of Platt Road to include the developed section of Bell Oak Subdivision, and a section of the

Fuller Springs Community located south of Bartmess, east of FM 58, and west of Westwood Street be approved on First Reading. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - SPEED ZONE - FM 819

Mayor Bronaugh stated that the next item for consideration was an Ordinance establishing speed zone on FM 819.

City Manager Westerholm stated that the Highway Department is recommending setting the speed zone on FM 819 at 50 mph for a distance of 240 feet south of the City limits and 350 feet north of the City limits. The remaining portion of FM 819 will stay at 55 mph.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance be approved on First Reading. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - TMRS - "BUY-BACK" OF FORFEITED SERVICE

Mayor Bronaugh stated that the next item for consideration was adoption of an Ordinance for "buy-back" of forfeited service with TMRS.

City Manager Westerholm stated that this is a law that allows people who have terminated the City and withdrawn their contribution to the TMRS and have become re-employed by the City to purchase back the time they had previously withdrawn. City Manager Westerholm stated that there will be costs to the City as well as the employees. City Manager Westerholm stated that twenty-seven employees were eligible for the buy-back, but only sixteen have expressed an interest in doing so (their names have been included in the packet). City Manager Westerholm stated that based on the salaries that were existing in the month of September 1990, this would cost the City an additional \$1,175 per month or approximately \$10,580.13 for the year. City Manager Westerholm stated that if these employees are allowed to buy-back this time it will considerably increase their retirement pay.

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.

13. SALE - APPROVED - ABANDONED FULLER SPRINGS WATER WELL SITE

Mayor Bronaugh stated that the next item for consideration was sale of abandoned Fuller Springs water well site.

City Manager Westerholm stated that at last meeting it was requested that the abandoned Fuller Springs Water Well site be appraised for possible sale to Wayne Owens. City Manager Westerholm stated that Mr. Owens was not interested in the improvements and they are being removed from the site. City Manager Westerholm stated that the value of the one-quarter acre site had been appraised at \$1,782.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that the abandoned Fuller Springs Water Well site be sold to Wayne Owens for the appraised value of \$1,782. A unanimous affirmative vote was recorded.

In response to question by Commissioner Gorden, City Manager Westerholm stated that proceeds from the sale of this property would go into the Water & Sewer Fund. Commissioner Mayberry suggested that the funds be placed in the Water & Sewer Contingency Fund.

14. ADMINISTRATION OF FUNDS - APPROVED - PINEYWOODS FOUNDATION - NORTH LUFKIN

Mayor Bronaugh stated that the next item for consideration was authorization the City to administer Pineywoods Foundation funds for housing repair assistance in North Lufkin.

City Manager Westerholm stated that the Pineywoods Foundation has proffered \$30,000 to help make improvements to the North Lufkin neighborhood and have asked that the City administer these funds under recommendations from the North Lufkin Clean-Up Committee. The Committee will make the determination as to who qualifies for these grants to help upgrade their property.

Mayor Bronaugh recognized members of the Clean-Up Committee who were present: Chairman Kenneth Williams, Acting Secretary Johnnie Jones, Royce Garrett, Benny Moye, Rev. Bettye Kennedy, Herman Blake and Linda Pendland.

In response to question by Commissioner Mayberry, Mr. Williams stated that he will submit a report to the Pineywoods Foundation periodically to show how the money is being spent. City Manager Westerholm stated that written authorization to make payments will come through the advisory board to Rita Jenkins who will be keeping the records and funds.

Mayor Bronaugh stated that he appreciated Mr. William's efforts in this project. Mayor Bronaugh stated that he would also like to recognize the contribution of the Pineywoods Foundation and requested that Commissioner Bowman relay this recognition and appreciation of the City Commission to the Pineywoods Foundation Board.

Commissioner Roper stated that hopefully this will be a continuing type program and that East Lufkin and Lufkin Land residents will be eligible for some of these improvements.

Johnnie Jones stated that as a representative of the citizens of North Lufkin he would like to thank the Pineywoods Foundation for this endeavor, and also wants to assure the Foundation that these funds will be used prudently and for the purpose for which they were intended. Mr. Jones stated that each project will be inspected before and after improvements have been made. Mr. Jones stated that his committee plans to enlist volunteer help from carpenters, plumbers and electricians to do this work free and hopefully will be able to use the money to buy the materials. Mr. Jones stated that churches in this area will aid the committee in identifying recipients of the grant.

Commissioner Simond stated he would agree with Commissioner Roper in that the Lufkin Land area is in need of improvements. Commissioner Simond stated that, in his opinion, everyone should be working together to solve these problems all over Lufkin, especially in East Lufkin and North Lufkin. Commissioner Simond stated that these are old areas of the City that have been neglected.

In response to question by Commissioner Gorden regarding a pending grant for the City, Mayor Bronaugh stated that Commissioner Boyd was present at the last DETCOG meeting and this grant application was given a favorable review, but was not graded.

In response to question by Commissioner Gorden, Commissioner Boyd stated that the area being considered for the grant included Chestnut Street and the area considered "old Lufkin". Commissioner Boyd stated that he had a copy of the proposal and would make it available to members of the Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that the City staff administer the Pineywoods Foundation funds for housing repair assistance in North Lufkin. A unanimous affirmative vote was recorded.

Commissioner Bowman recused himself from voting.

15. PURCHASE OF PAVING MACHINE - APPROVED

Mayor Bronaugh stated that the next item for consideration was proposal for purchase of paving machine.

Mr. Wesch stated that this machine has been used as rental equipment for the past three months at a cost of \$15,000.

City Manager Westerholm stated that the basic price for the machine is \$28,000, less \$15,000 for the rental payments, less \$7,500 for the trade-in, which leaves a final payment of \$6,445 for the machine.

It was the consensus of opinion of the Commissioners that an excellent job was being done throughout the City with this machine.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that purchase of used asphalt lay-down paving machine be approved as requested. A unanimous affirmative vote was recorded.

16a. BID - APPROVED - ONE-TON UTILITY TRUCK - WATER DISTRIBUTION ANGELINA AUTOPLEX

Mayor Bronaugh stated that the next item for consideration was a one-ton utility truck to be used in the Water Distribution Department.

City Manager Westerholm stated that the low bid had been received from Angelina Autoplex in the amount of \$16,642.90, which is over the budgeted amount of \$15,000.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that the low bid of Angelina Autoplex in the amount of \$16,642.90 be approved as submitted. A unanimous affirmative vote was recorded.

16b. BID - APPROVED - TWO-TON DUMP TRUCK - WATER DISTRIBUTION - ANGELINA AUTOPLEX

Mayor Bronaugh stated that the next item for consideration was bid for two-ton dump truck to be used in the Water Distribution Department.

City Manager Westerholm stated that the low bid had been received from Angelina Autoplex in the amount of \$25,234.85, which exceeds the budgeted amount of \$20,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Paul Mayberry that low bid of Angelina Autoplex in the amount of \$25,234.85 be accepted as submitted. A unanimous affirmative vote was recorded.

16c. BID - APPROVED - HAND-HELD PORTABLE RADIOS - POLICE DEPARTMENT - JOHNSTON ELECTRONICS

Mayor Bronaugh stated that the next item for consideration was hand-held portable radios to be used in the Police Department.

City Manager Westerholm recommended the bid of Johnston Electronics in the amount of \$7,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Johnston Electronics in the amount of \$7,000 be accepted as submitted. A unanimous affirmative vote was recorded.

16d. BID - APPROVED - AMBULANCE REMOUNT - FIRE DEPARTMENT - COLLINS AMBULANCE SALES

Mayor Bronaugh stated that the next item for consideration was bids for ambulance remount for the Fire Department.

City Manager Westerholm stated that the low bid had been received from Collins Ambulance Sales in the amount of \$28,915, which is within the budgeted amount of \$30,000.

In response to question, Chief Snyder stated that the old vehicle will be converted into a utility truck. Chief Snyder stated that the Fire Department had been offered less than \$1,000 on a trade-in.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that bid of Collins Ambulance Sales in the amount of \$28,915 be accepted as submitted. A unanimous affirmative vote was recorded.

16e. BID - APPROVED - JANITORIAL SERVICES - WALTER SMITH ENTERPRISES

Mayor Bronaugh stated that the next item for consideration was bids for janitorial services in City Hall and the Police Department.

City Manager Westerholm stated that Walter Smith Enterprises was the low bid again this year with a base bid of \$24,000 and \$800 for cleaning the outside windows twice a year.

Mayor Bronaugh stated that there had been some criticism of the service provided by this firm. Mr. Cochran stated that he and Mr. Smith are now making a weekly inspection of the building.

Chief Collins stated that the Police Department has received very poor service from this contractor this past year. Chief Collins stated that since the Police Department is open 24 hours a day, seven days a week it gets more use than the rest of City Hall, but the janitorial service has been inadequate. Chief Collins stated that he has flooded David Cochran's office over the past year with complaints of the janitorial service, and had requested that he bring them to the meeting tonight. Chief Collins stated that he would object to another year of the type of janitorial service they have received in the Police Department.

In response to question by Commissioner Don Boyd, Chief Collins stated that the janitors are just not doing the job - they are not cleaning the floors, not emptying the trash, at 8 o'clock in the morning there are no towels in the towel dispenser, and no soap in the soap dispenser. Chief Collins stated that the best cleaning job the Police Department had was during Open House when the janitors did the kind of job they should be doing all the time. Chief Collins stated that there has not been any soap in the soap dispensers since that day (open house).

Commissioner Bowman stated that he would like to have someone from the staff get together with the contractor and work out these problems before the bid is approved.

Mr. Cochran stated that there had been a meeting of the City Manager, the Police Chief and himself and as a result of this meeting weekly inspections are now being done. Mr. Cochran stated that he keeps a log of all complaints and there had been some legitimate complaints.

Commissioner Simond stated that, in his opinion, Mr. Smith is bidding too low on the job. Mr. Cochran stated that Mr. Smith does have some advantage in that he is working members of his family.

Commissioner Gorden stated that he would like to see better cleaning of the carpet, and that steam cleaning is the best method for thorough cleaning.

Commissioner Mayberry stated that there is an accepted figure for janitorial service, and anytime you deviate from the norm you detract from it.

Mr. Cochran stated that since the trolley system is now officing in the building, there has been more abuse to the building by the trolley riders.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that low bid of Walter Smith Enterprises in the amount of \$24,800 be accepted as submitted. A unanimous affirmative vote was recorded.

Commissioner Roper stated that he would like for Mr. Smith to be put on notice that regardless of him being the low bid, that if the janitorial service is not satisfactory, he will be put on 30 days notice, his contract suspended, and the contract will be rebid.

17. EXCHANGE OF BOOSTER TRUCK FOR COMPUTER - DENIED - FIRE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was exchange of abandoned booster truck for computer system.

Fire Chief Kenneth Snyder stated that when the Fire Department bought the new pumper truck their intention was to dispose of three old units. Two of the booster trucks have sold and one has been kept as a reserve until the new unit was put in service. Chief Snyder stated that the Caldwell Parish, Louisiana volunteer fire department had bid on the other two trucks but were not successful in getting either truck. Chief Snyder stated that the Chief called him asking about putting the other truck up for bid. Chief Snyder stated that the Chief suggested a trade for the truck. Chief Snyder stated that the computer he had recently purchased was for EMS and he had put a computer for the Fire Department in the budget and it had been cut. Chief Snyder stated that the Chief stated that he would be willing to trade a computer for the truck. Chief Snyder stated that he had listed the possible uses for the computer in his letter, which was included in the packet.

In response to question, Chief Snyder stated that the other two trucks were sold at bid for \$2,500 each. Chief Snyder stated that he had received an appraisal of the computer equipment for \$3,500.

In response to question by Commissioner Mayberry, Chief Snyder stated he assumes the Chief will just go out and buy a computer to trade for the truck. Chief Snyder stated the PC computer lists at \$2,800 and the \$3,500 would include the printer and uninterruptible power source.

Chief Snyder stated that he can get a program through the International Association of Firefighters and if the program they need is being widely used, they can get it free.

Commissioner Mayberry stated that he would like to see the Fire Department sell the truck to the volunteer fire department and take the funds and buy the computer. Chief Snyder stated that when you sell a capital item, the money goes into the General Fund and does not come directly back to the Fire Department. Commissioner Mayberry stated that if the money is placed in the Contingency Fund it can be used anywhere and Chief Snyder can come back and justify the computer.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond to authorize the exchange of an abandoned booster truck for a computer system for the Fire Department.

The following vote was recorded:



Aye: Commissioners Simond and Boyd  
Nay: Commissioners Roper, Gorden, Bowman, Mayberry and  
Mayor Bronaugh

Mayor Bronaugh stated that motion failed by a vote of 5 to 2.

In response to question by Commissioner Gorden, City Manager Westerholm stated that the anticipated proceeds from the sale of the booster truck was not included in this year's budget.

18. EXECUTIVE SESSION

Regular meeting adjourned at 6:50 p.m. for Executive Session. Mayor Bronaugh reconvened regular session at 7:15 p.m. and stated that appointment to the Planning & Zoning Commission had been discussed.


Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that Ronnie Robinson be appointed to the Planning & Zoning Commission contingent upon his willingness to serve. A unanimous affirmative vote was recorded.

19. COMMENTS

Commissioner Paul Mayberry stated that he is currently serving on a Task Force with TML and will be attending a meeting in Austin on November 16th.

Commissioner Jack Gorden stated that he would like for Chief Snyder's recommendations regarding ambulance service be scheduled for a future agenda. City Manager Westerholm stated that this item would be scheduled for the December 4th agenda.

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

  
Louis A. Bronaugh, Mayor

ATTEST:

  
Atha Stokes, City Secretary