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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, January 19, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall. Joint meeting with Planning and Zoning Commission.

Members Present:

C. H. Shepherd, Jr.,	Mayor, Arrived at 5:40 P. M.
Dr. R. W. Ingram,	Mayor Pro-Tem
James P. Simms,	
Samuel Coleman,	
Darwin "Bo" Smith,	Councilmen
Fred Weeks, Sr.	
Jeff Holberg,	City Manager
Geneva Ard,	City Secretary
Richard Warner,	City Attorney

Members Absent:

None

Also Present:

Kenneth Nelson,	
Gary Hurley,	Planning and Zoning Commission
Henry Holubec,	

The meeting was called to order by Mayor Pro-Tem Ingram who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Smith.

Voting Yes: Simms, Coleman, Smith and Weeks

Voting No: None

City Manager explained that this was a joint meeting of the Council and the Planning and Zoning Commission so that a hearing may be conducted since several people had questions concerning the proposed Zoning Ordinance. Mr. J. T. Dunkin, consultant for the City, explained the process of the joint meeting. Following the hearing, Planning and Zoning Commission will make recommendations to the Council, then Council will make final decision. At this time, the Public Hearing was opened.

The following property owners were opposed to the changes in the Zoning Ordinance:

W. E. Steed	400 Rutland
Dan Fenley	402 Rutland
Guinn Wilkins	608 Hall
G. P. Burrous	508 Burke
Emma Lou Ivy	Behind Brisket House on 59
Fred Weeks, Sr.	Lakeview, Copes Addition
Carnulto Rios	203 Devereaux
Mrs. T. A. McCall	Burke Street

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Mayor closed the Public Hearing at 6:45 P.M.

After considerable discussion of questions and answers, City Manager explained the ordinance is intended to serve and protect the community. Mr. Kenneth Nelson, Chairman of the Planning and Zoning Commission, stated that the Commission will meet and review the input of this meeting and entertained a motion to that effect. Holubec moved to meet and then bring the recommendations back to the Council at a later time. Second by Hurley.

Voting Yes: Holubec, Hurley and Nelson

Voting No: None

Adoption of the proposed Zoning Ordinance was tabled at this time.

City Manager explained that the proposed Subdivision Ordinance had been previously provided. The new ordinance clearly establishes regulations and closes certain loopholes that make it fit more properly with the Zoning Ordinance. After explanation and discussion, Ingram moved the City adopt the Subdivision Ordinance. Second by Simms.

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

Mr. Lynn Montes, representing Axley and Rode, Certified Public Accountants, appeared before the Council to present the 1980 annual audit. Mr. Montes explained this is the first year for this type of audit and urged the Council to ask questions if anything was not understood. City Manager asked for a brief report and if Council found any item for discussion after review, bring it to the February meeting. Mr. Montes then presented the highlights of the audit.

City Manager asked for authorization to set a bid date for the repainting of the ground storage tank. Smith moved that 10:00 A. M., February 11 be set as the date to receive bids. Second by Simms.

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

City Attorney introduced an ordinance establishing a Tree Committee for the City. It will protect the 200 Bicentennial live oak trees planted in 1976. Members of this committee would consist of the Mayor, City Manager, Park Manager and Presidents of the Garden Clubs. After brief discussion, Simms moved the ordinance be adopted. Second by Ingram.

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

City Manager reported that the pecan trees in Old Orchard are suffering several problems and asked for authorization to begin a program lasting one year and costing about $8,000. Funds for this will have to come from unappropriated surplus. After discussion, Simms moved to authorize a program

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to save the pecan trees in Old Orchard Park. Second by Coleman.

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

There being no further business, Council adjourned at 7:35 P. M.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, February 16, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
Dr. R. W. Ingram James P. Simms Sam Coleman Darwin "Bo" Smith Fred Weeks, Sr.	Councilmen
Moye D. Scarborough	Acting City Manager
Geneva S. Ard	City Secretary

Members Absent:

None

Also Present:

Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Ingram moved to dispense with the reading of the minutes of the previous meeting and they be approved at previously submitted to each Alderman in writing. Second by Coleman.

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

Mayor Shepherd declared a public hearing was open to consider proposed rezoning and zone change that have been approved by the Planning and Zoning Commission. The proposed rezoning included Lots 9-15, Block 1 and all of Block 3, Park Addition from B-1 to SF-2. The commission feels this property will not be used for commercial purposes and recommended it be rezoned to SF-2 which is residential. There was no opposition. Mayor Shepherd closed the public hearing.

The Planning and Zoning Commission met on February 5, 1981 in a public hearing concerning a request for a zone change for Lot 12, Block 2 Park Addition. The request was made by Sandra Pouland. No opposition appeared at the hearing, therefore, the commission approved the zone change.

Coleman moved the recommendations from the Planning and Zoning Commission be accepted and the proposed rezoning and zone change be approved. Second by Ingram

Voting Yes: Ingram, Simms, Coleman, Smith and Weeks

Voting No: None

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Mayor Shepherd then reported that recommendations made by the Planning and Zoning Commission as a result of the public hearing concerning the proposed Zoning Ordinance held on January 19, 1981 have been furnished to each Council member. At this time, Alderman Weeks voiced his disappoval of the Zoning ordinance. He stated that he had requested Copes Addition and Lakeview Additions be rezoned but that no changes were made. There was considerable discussion but the Planning and Zoning Commission Chairman, Kenneth Nelson assured Mr. Weeks that the Commission had diligently worked toward an ordinance that would serve the entire City, rather than certain individual cases. There was discussion regarding the T. A. McCall property on Burke Street. Mr. Scarborough stated that Mrs. McCall has agreed to the zone change, however Mr. Weeks reported that the property has been sold to G. P. Burrous. If he wants the property rezoned, he will need to apply for a zone change later. After all the recommendations were discussed, Simms moved the proposed changes be incorporated into the ordinance as presented and the zoning ordinance adopted. Second by Coleman.

Voting Yes: Ingram, Simms, and Coleman

Voting No: Smith, Weeks

The recommendations are attached to and made a part of these minutes.

Alderman Weeks left the meeting at this time.

Billy Simms representing Temple Associates, appeared before the Council to answer any questions the Council may have concerning the agreement between the City of Diboll and the City of Lufkin for a water study. He stated the agreement sets out the responsibilities of the engineers and the City. Alderman James Simms stated that he is not convinced of the feasibility to purchase water from Lufkin and questioned several points in the agreement. After Council review, Ingram moved the agteement not be entered into until City Attorney could study it and present his recommendation to the Council at the next regular meeting. Second by Simms.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

Mayor Shepherd stated that Mr. Terry Roberts had talked with him conerning details of the City Manager position which was offered to Mr. Roberts and salary and benefits are agreeable. Simms moved that Mr. Terry Roberts be employed by the City of Diboll as City Manager. Second by Smith.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

Acting City Manager Scarborough reported that expenditures for consulting fees for Cable Television Information Center have amounted to $2,541. and that it will cost approximately $9,520 to complete the project.

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Mr. Scarborough stated that the City now charges $10.00 for sewer taps, with the plumber doing the work. He recommended the City charge $50.00 and that the plumber uncover the sewer line, and the City make the tap to the main line. This will prevent damage to the City's lines. Simms moved to accept Mr. Scarborough's recommendation. Second by Ingram.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

Mr. Scarborough reported that the City now charges $65.00 for all 3/4" water taps. This tap is now costing the City about $150. He recommended that water taps a subdivider installs while building a subdivision, laid in place, remain $65.00, and that the City charge $150. on water taps that City crews make on the same side of the road as the water line, a charge of $200. for water taps City crews make across the road. Simms moved to accept the recommendations and taps fees be charged as presented. Second by Coleman.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

Mr. Samuel Naumann with Everitt Griffith and Associates was present to answer any questions regarding a resolution designating a signatory agent for the City EPA projects. Mr. Scarborough stated that since Jeff Holberg was the signatory agent and is no longer with the City, a new agent should be appointed. Smith moved that incoming City Manager Terry Roberts be designated as signatory agent for the City and the resolution be passed and adopted. Second by Simms.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

Acting City Manager Scarborough reported that bids were received on February 11 for the repainting of the City's 750,000 gallon ground storage tank. Based on the bids received, he recommended award of the bid to "D" Brothers painting Corporation in the amount of $22,000. Acceptance is subject to verification of qualifications. Mr. Scarborough further reported that he would like to employ an inspector, Ronnie Smith, at the cost of $75.00 per trip to inspect. A late bid was received and Council needs to decide whether to open it or to send it back. After brief discussion, Ingram moved to award the bid to "D" Brothers in the amount of $22,000., employ an inspector at $75. per inspection, and to send the late bid back unopened. Second by Smith.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

A list of the bidders and their bids are attached to and made a part of these minutes.

Mr. Scarborough reported that bids were received on February 11, 1981 for installation of six in water lines in the Old Town of Diboll. Based on the

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bids received, he recommended award to the low bidder, Crawford Construction Company in the amount of $42,012. Ingram moved to accept the recommendation and award the bid to Crawford Construction Company. Second by Simms.

Voting Yes: Ingram, Simms, Coleman and Smith

Voting No: None

The bidders and their bids are attached to the made a part of these minutes.

Materials bids for six inch water line improvements in the Old Town of Diboll were received on February 11, 1981. Based on bids received, Mr. Scarborough recommended the bid be awarded to Utility Supply Company in the amount of $35,502.42. John LaRue with Big State Utility was present and spoke before the Council on behalf of his bid. He asked Council members to keep the money in the county and also stated that he believed the City would be receiving more materials for the money if the bid was awarded to his Company. Harry Lockhart representing Utility Supply was present to answer questions concerning his bid. After discussion, Ingram moved the bid be awarded to the low bidder, Utility Supply in the amount of $35,502.42. Second by Coleman.

Voting Yes: Simms, Ingram, Coleman and Smith

Voting No: None

Council agreed a late bid from Nelson Utility Supply be returned, unopened.

A list of the bidders and their bids are attached to and made a part of these minutes.

Mayor Shepherd asked for official action setting April 4, 1981 as Election Day and recommended appointment of Fred Barkley as Election Judge. Smith moved that Election Day be called for April 4, 1981 and Fred Barkley be appointed as Judge. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Smith

Voting NO: None

Annexation of Farm Road 2497 from Gandy Street to City Limits was discussed. The City Attorney explained annexation procedures such as public hearing, notices, and changing the City's maps. The procedure must be completed in 90 days. The annexation will be for the Farm Road 2497 and does not include any residence. Smith moved this section of road be annexed by the City. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Smith

Voting No: None

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Acting City Manager recommended that James Simms be appointed to sign City checks in the absence of the Mayor, City Manager or Mayor Pro-Tem. Ingram moved to accept this recommendation. Second by Coleman.

Voting Yes: Simms, Ingram, Coleman and Smith

Voting No: None

Alderman Smith requested that the City consider a coordinator for scheduling baseball games in Old Orchard Park. He stated that there will be 46 youth baseball teams this year and that volunteer help could not adequately keep the baseball program running smoothly. He stated that he felt the money the Booster Club donates toward a summer recreation program would be better used by employing a coordinator for the baseball program. There was considerable discussion, but no action was taken.

There being no further business, Council adjourned at 7:00 P.M.

C H Shepherd Jr
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas March 16, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Dr. R. W. Ingram, Sam Coleman, Fred Weeks, Sr., James Simms,	Councilmen
Geneva Ard,	City Secretary
Terry Roberts	City Manager

Members Absent:

Darwin "Bo" Smith	Councilman

Also Present:

Jimmy Cassels,	City Attorney

Meeting was called to order by Mayor Shepherd who gave the invocation.

Ingram moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Coleman.

Mr. Jerry Biggs with the State Highway Department was present to discuss the installation of a full traffic actuated signal at the intersection of Temple Drive and Loop 210 and Judd Street. An agreement and proposed ordinance was presented for Council review. Mr. Biggs explained that the agreement is standard and the ordinance adopts the agreement between the City and the State. After brief explanation of the proposed work, Ingram moved the agreement and ordinance be approved and adopted. Second by Simms.

Voting Yes: Ingram, Coleman, Weeks and Simms

Voting No: None

Executed copies of the agreement and ordinance are on file in the office of the City Secretary.

An ordinance was introduced which provides for a $10,000. tax exemption for disabled persons. The exemption is currently being provided by the School District but is optional with cities. Based on the 1980 tax roll, the exemption would affect less than a dozen taxpayers and mean a loss of tax revenue in the amount of $210. Simms moved the ordinance be approved and adopted. Second by Coleman.

Voting Yes: Ingram, Coleman, Weeks, and Simms

Voting No: None

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Mr. James Kerbo and Mr. Jerry Morgan representing Texas Power and Light Company were present to explain the request for a rate increase from their company. Mr. Kerbo stated that overall the increase will average around 20% for residential customers. Mr. Kerbo stated that since Council has not had sufficient time to study the request for an increase he would not go into any detail at this time.

After brief discussion, Ingram moved the City intervene with the Public Utility Commission on the case and adopt an ordinance suspending the proposed rate increase for 120 days. Second by Simms.

Voting Yes: Ingram, Coleman, Weeks and Simms

Voting No: None

As approved at the last meeting, the proposed water study agreement between the City of Diboll and City of Lufkin has been slightly modified. A copy of the study with the changes was provided for each Councilman to review. Billy Simms with Temple Associates and City Attorney Cassels were present to answer any questions concerning the changes. After review, Simms moved the agreement between the City of Diboll and the engineers, Temple Associates regarding the water study be approved as presented. Second by Ingram.

Voting Yes: Ingram, Coleman, Weeks, and Simms

Voting No: None

There being no further business, Council adjourned at 5:35 P.M. and went into executive session to discuss personnel matters.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, March 24, 1981 at 12:00 noon in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Sam Coleman, Darwin "Bo" Smith, Fred Weeks, Sr., Dr. R. W. Ingram,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

The meeting was called to order by Mayor Shepherd. Mr. Shepherd then asked City Manager Roberts to give the invocation.

City Manager reported that the meeting was to consider the appointment of a Chief of Police for the City. Mr. Roberts explained that he had fifteen applications for Chief and had interviewed ten of those. After careful consideration and investigation, he had selected Danny Ray of Lufkin and asked for Council confirmation of his appointment. Mr. Roberts stated that all references he had talked with about Mr. Ray had given very favorable comments.

Alderman Weeks stated that he would like to make sure the new Chief will be willing to move to Diboll. Manager Roberts stated that Mr. Ray has indicated he will move just as soon as possible from Hudson, where his residence is located. However, after brief discussion, Mr. Ray was asked to come into the meeting and tell the Council his intentions regarding moving to Diboll. Mr. Ray stated that he will definitely move as soon as possible.

Simms moved the City Manager's appointment of Danny Ray be confirmed. Second by Coleman.

Voting Yes: Simms, Coleman, Smith and Ingram

Voting No: None

Abstain: Weeks

Mr. Ray will be meeting with Sgt. Holcomb who is in charge of the Police Department at this time, and the City Manager before coming to work on April 13, 1981.

There being no further business, Council adjourned at 12:10 P. M.

C. H. Shepherd Jr.
Mayor

ATTEST:
Geneva S. Ard
City Secretary

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, April 6, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members PRESENT:

C. H. Shepherd, Jr.	Mayor
James P. Simms, Sam Coleman, Darwin "Bo" Smith Fred Weeks, Sr.	Aldermen
Terry Roberts,	City Manager
Geneva Ard	City Secretary

Members Absent:

Dr. R. W. Ingram	Councilman

Also Present:

Richard Warner,	City Attorney

The meeting was opened in prayer by Mayor Shepherd.

Mayor Shepherd stated the first order of business was to canvass the returns of April 4, 1981, City Officials Election. The canvass showed the following:

FOR MAYOR:

C. H. Shepherd, Jr.,	187

FOR ALDERMEN: (2)

Charles Schmidt	183
Sam Coleman	170
Jesse Lewis	50

Simms moved that C. H. Shepherd, Jr., Charles Schmidt, and Sam Coleman be duly elected for two year terms. Second by Coleman.

Voting Yes: Simms, Coleman, Smith and Weeks

Voting No: None

City Manager reported that Mrs. James L. Hicks had applied for a specific use permit for a mobile home on Lawrence Street. The Planning and Zoning Commission has recommended denial of the permit because the zoning ordinance states that mobile homes should be placed in a mobile home park. City Manager then explained this portion of the ordinance.

Mayor Shepherd opened a public hearing to hear pros and cons. Mrs. Hicks' father-in-law spoke in favor on behalf of Mrs. James Hicks. No one was present to oppose. Mayor Shepherd then closed the public hearing.

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Voting Yes: Smith,,Weeks, And Coleman

Voting No: Simms

It was pointed out that the zoning ordinance states 3/4 of the City Council must vote affirmative to override the Planning and Zoning Commission recommendation. This would mean a 4-1 vote or 4 affirmative votes if only 4 members are present, therefore the motion failed.

City Manager was then directed to consider an amendment requiring a majority vote of the Council rather than a 3/4 vote to override the Planning and Zoning Commission. Mr. Roberts stated he would have this item by the next regular meeting.

There being no further business, Council adjourned at 5:55 P.M.

C. H. Shepherd Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, April 20, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Fred Weeks, Sr. James Simms, Charles Schmidt, Sam Coleman	Councilmen
Terry Roberts	City Manager
Geneva Ard	City Secretary

Members Absent:

Dr. R. W. Ingram	Councilman

Also Present:

Richard Warner	City Attorney

Prior to the meeting beginning, City Attorney Warner administrated the oath of office to the officials elected at the April 4, 1981 City Election: Mayor C. H. Shepherd, Jr., Charles Schmidt.

The meeting was opened by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meetings and they be approved as previously submitted to each Alderman in writing.
Second by Weeks.

Voting Yes: Weeks, Simms, Schmidt

Voting No: None

Mr. Dewey Ballenger, Jr. appeared before the Council to formally request that School Street be renamed to Ballenger in honor of his father. He stated that he realizes there is already a Ballenger Street but that it is nowhere in relation to where his father lived. He further stated all the residents on School Street have signed a petition in favor of the name change. After discussion, Simms moved the City Manager be authorized to take necessary steps for changing the name of School Street to Ballenger Street. Second by Schmidt.

Voting Yes: Weeks, Simms, Schmidt

Voting No: None

Mr. Sam Naumann, representing Everitt Griffith and Associates, appeared before the Council to give an up-to-date report on the City's EPA Grant. He explained what portions of the work have been completed at this time. Mr. Naumann reported that the first part of the grant, a study on the infiltration and inflow

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analysis of our sewer collection system, reflected a high degree of infiltration or inflow into the system. With these results, further study is required. Griffith and Associates were authorized in September 1980 to submit a request for additional EPA funds to pay for the new study (SSES). Mr. Naumann stated that in order to expedite the work, he would recommend that the City accept the offer ahead of time or authorize the City Manager to accept the grant amendment funds when it arrives. The City's cost of 25% will be $30,260. Simms moved to authorize the City Manager to accept the grant when it arrives. Second by Schmidt.

Voting Yes: Weeks, Simms, Schmidt

Voting No: None

Abstain: Coleman

Sam Coleman who arrived at 5:35 P.M. was then sworn in by City Attorney Warner.

Mr. John Campbell appeared on behalf of Ben Campbell to discuss CATV, Inc. He stated that his son, Ben Campbell, was not able to attend the meeting because he had been involved in an automobile accident. Mr. Campbell did not have sufficient facts and figures to make a report to the Council concerning franchise renegotiations. He did report on the improvements that have been made to the system since the franchise was revoked several months ago. Alderman Simms reminded Mr. Campbell that the City has employed a consultant to work on the City's behalf but that information needed by the consultant from CATV Systems, Inc. has not been received. Therefore, no decision regarding a franchise could be made at this time. After discussion, Simms moved that the City's consultant Mr. Harold Horn be contacted to determine what information has not been received from CATV Systems, Inc. and that CATV Systems make an effort to have the information to the consultant within two weeks. Second by Coleman.

Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

City Manager reported that he and Park Superintendent Sam Glass have made a review of our current fee schedules at both swimming pools and recommend the following:

1. Increase the private pool party rental from $15. to $25.

2. Reduce the children's ticket at Walter Allen Pool from $.35 to $.25

3. Reduce the price of admission for the Kiddie Pool from $.35 to $.25

4. Revise the family season ticket price from $25. for the entire family to $20. for a family of two and $5. for each additional person to a maximum of $35.

No change is recommended on 13 year olds and older at both pools, 12 years and younger at Old Orchard and individual season tickets.

Simms moved these recommendations on pool fees be accepted. Second by Coleman.

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Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No; None

City Manager Roberts reported that the water main from ground storage to Shannan Forest Addition is almost complete. However, the map originally used to determine the amount of pipe for the project was scaled improperly An additional 640 feet of pipe will be needed to complete the project. Mr. Roberts stated that prices have dropped since the original contract and could be purchased for $5.05 per foot. He recommended extending the contract with Big State Utility for the 640 feet of pipe. This would cost approximately $3,200. After discussion, Simms moved to accept the Manager's recommendation. Second by Schmidt.

Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

Fire Chief Gary Jones appeared before the Council to request additional funds to complete the sub station located on the west side of the City. He outlined what is necessary in order for the Department to be able to use the building. The total cost would be $7,900. which is not included in the budget. Simms moved funds be allocated to allow the fire sub station to be completed enough so that it can be used, a total of $7,900. Second by Schmidt.

Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

An ordinance adopting a method of treatment of abandoned or junked vehicles on private property and an ordinance regarding treatment of abandoned property in public places and the disposition of impounded property. City Attorney Warner explained the contents of the ordinances and stated the provisions for a fine if the ordinance is violated. Simms moved these ordinances be approved and adopted. Second by Schmidt.

Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

No action was taken on the discussion of hazardous vehicles in residential zoned areas since this is covered in Section 6-2001, Item 7 of the ordinances adopted above.

City Manager stated that at the last meeting of the Council, it was discovered that the new zoning ordinance carries a special voting requirement on overturning the recommendation of the Planning and Zoning Commission. The current voting requirement calls for a 3/4 vote of all Council members to override a decision. As stated at the last meeting this requirment is to strict, especially if one or two Council members are absent. After discussion Simms moved the voting requirement be changed to a simple majority. Second by Weeks.

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Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

City Manager presented a resolution supporting a bill creating a "City Street Improvement Fund" for consideration. He explained that if the bill is passed, the City of Diboll would receive $55,800. After brief discussion, Coleman moved the resolution be adopted. Second by Simms.

Voting Yes: Weeks, Simms, Schmidt and Coleman

Voting No: None

City Manager presented a resolution that would join the City with other cities to conduct a study of the proposed rate increase by Texas Power and Light Company. There would be no expense involved and the investigations will be handled through the City of Waco. This will insure the City receiving status reports as the rate request proceeds through the Public Utility Commission. Simms moved the City join and the resolution be adopted. Second by Coleman.

There being no further business, Council adjourned and went into executive session to discuss personnel matters.

C. H. Shepherd Jr.
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, May 18, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
James Simms Fred Weeks Samuel Coleman Charles Schmidt	Councilmen
Terry Roberts	City Manager
Geneva Ard	City Secretary

Members Absent:

Dr. R. W. Ingram	Councilman

Also Present:

Richard Warner	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Schmidt.

Voting Yes: Simms, Weeks, Coleman, Schmidt

Voting No: None

City Manager reported that the Tax Board of Equalization should be appointed and presented the names of A. F. Vaughn, Felton Burt and Dennis Maynard who served last year. He stated that all had agreed to serve again. Simms moved these three be reappointed to the Board of Equalization. Second by Schmidt.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

Mayor Shepherd stated that the terms of Gary Hurley, Ted Miller and Henry Holubec on the Planning and Zoning Commission expire this month. He recommended that all three be reappointed. Simms moved to accept the Mayor's recommendation. Second by Schmidt.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

City Manager reported that Mr. H. G. Stubblefield, Chairman of the Parks and Recreation Board has resigned due to the fact that he has moved from the City. The Park Board is a seven member board serving a two year staggered term. Three appointees come up for appointment one year and four the next. The appointments

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are made by the City Council during August each year. However, no record can be found where the reappointments of the existing Board members have been made. The terms expiring this August will be Nan Miller, Bill Fulmer, and Milford Ruby. The members whose terms expire in August of 1982 are Ken Holt, Albert Delco, Harold Maxwell and H. G. Stubblefield. Therefore the replacement for Chairman Stubblefield will serve until August 1982. After brief discussion, Mayor Shepherd recommended David Kellum be appointed to serve the unexpired term of H. G. Stubblefield. Simms moved to accept this recommendation. Second by Coleman.

Voting Yes: Simms, Weeks, Schmidt & Coleman

Voting No: None

Mayor Shepherd further recommended that Harold Maxwell be appointed Chairman of the Parks and Recreation Board. Schmidt moved to accept this recommendation. Second by Coleman.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

Mayor Shepherd stated that H. G. Stubblefield also serves on the Housing Authority Board but that State law provides he may serve until an appointment has been made. The Mayor stated that the term of Willie Massey is expired also at this time. He stated that he has not been able to contact Mr. Massey to see if he is willing to serve another term. Therefore, this item will require no action at this time.

City Manager stated that the Texas Department of Highways and Public Transportation has begun the process of realigning Loop 210 and Judd Street and U.S. Highway 59. The City needs to provide the State with a right-of-way easement to properly perform the work. Mr. Roberts further explained that the City will need to perform some curb work as well as overlay in the area near Village Drive. A map and plans were reviewed by the Council on several items this work will involve including landscaping in the islands, redesign of the signals at 1818 and 59, and recommending a storage right turn lane on 1818 to allow for a better flow of traffic at the intersection. The approximate cost to the City will be $1,700. After discussion, Coleman moved the City give the Highway Department a right-of-way easement. Second by Schmidt.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

Mr. Roberts stated that the official agreement with the Highway Department will be presented at the next regular meeting for approval.

Mr. Billy Simms representing Temple Associates appeared before the Council to report on the joint water study between the City of Lufkin and the City of Diboll. Mr. Simms explained all the preliminary work that has been done and gave the conclusion of the report which states that the City of Lufkin cannot provide the City of Diboll with water from their existing facilities. Council then discussed whether the City will approve the second phase of the joint water study with Lufkin.

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This Change Order #1 amounts to $20,600. With the City of Diboll paying 40% of the cost, this will amount to $8,240. There was discussion concerning securing water from Lufkin through ground sources or Rayburn Lake as opposed to the City installing lines to Eason Lake. After considerable discussion, Schmidt moved the City continue with the study and the second phase be approved subject to Lufkin approving it. Second by Simms.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

Mayor Shepherd stated that since School Street has been renamed to Ballenger, the old Ballenger Street needs to be renamed. Alderman Simms moved the street be named Pop Rich Street in honor of one of the first City Council members. Second by Schmidt. Alderman Weeks then suggested the name of Tom Williams Street and stated the citizens who lived in this area did not want the name of Pop Rich Street. After considerable discussion, Simms withdrew his motion and Schmidt withdrew his second. Schmidt then moved the naming of Old Ballenger Street be tabled until the next meeting. Second by Weeks.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

City Manager Roberts stated that CATV Systems, Inc. has still not provided the City's consultant, Mr. Harold Horn the proper information so that negotiations between the City and CATV regarding a new cable television franchise could proceed. He explained that much correspondence and telephone conversations have taken place but that he had informed Mr. Ben Campbell with CATV Systems that Council could proceed no further until he had compiled with our consultant't requests. No official action was taken.

Mrs. Jeanna Kimbrough representing Axley and Rode, Certified Public Accountants, appeared before the Council to present a mid-year budget report of revenues and expenditures in the City's General and Utility Funds. After the report, there was brief questions and answers. The report was accepted.

City Manager requested that the regular meeting in June be rescheduled from June 15 until June 22 so that he may be able to attend the City Manager's Association annual meeting in McAllen. Schmidt moved the regular meeting be moved to June 22, 1981. Second by Simms.

Voting Yes: Simms, Weeks, Coleman and Schmidt

Voting No: None

Meeting was adjourned upon motion by Simms and second by Coleman at 6:50 P.M.

C. H. Shepherd Jr
MAYOR

ATTEST: Geneva Ard
CITY SECRETARY

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Minutes of a Special Meeting of the City Council of the City of Diboll, Texas, May 28, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Charles Schmidt, Fred Weeks, Sr., Samuel Coleman,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

Dr. R. W. Ingram,	Councilmen

Also Present:

Paul Clarke,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

City Manager Roberts reported that the City has been storing wiring taken from the old tennis courts and Little League fields. He stated that two requests have been made for its use. The City has received a request from the Little League Association for part of the wiring and the 4H Riding Club has asked the City to donate the old four foot wiring to them for use in their riding program. Darwin "Bo" Smith spoke on behalf of the Little League and M. D. Scarborough spoke on behalf of the 4H Riding Club. After discussion, Charles Schmidt moved part of the wire be donated to the Little League Association to exchange for new six foot wiring for the dugouts on the fourth field and the four foot wiring be donated to the Diboll 4H Riding Club. Second by Simms.

Voting Yes: Simms, Schmidt, Weeks and Coleman

Voting No: None

Council once again discussed renaming the Old Ballenger Street. It was suggested that all charter members of the Council have streets named for them first and then perhaps use names of some of the early residents of Diboll. After considerable discussion, Simms moved the street be named Shaw Street in honor of Eddie Shaw who was a member of the first City Council. Second by Coleman.

Voting Yes: Simms, Schmidt, and Coleman

Voting No: None

Abstain: Weeks

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Mr. Billy Simms with Temple Associates appeared before the Council to give a status report on the Lufkin/Diboll water study. He explained why the City of Lufkin is interested in surface water, also the advantages and disadvantages of it. He stated that Lufkin had decided to accept only a portion of the Phase II work that was discussed at the last regular meeting. There was considerable discussion concerning whether the City of Diboll should also eliminate certain items in the study. After discussion, Simms moved to accept Item 2 a, b, and c at this time. Second by Coleman.

Voting Yes: Simms, Schmidt, Weeks and Coleman

Voting No: None

City Manager introduced an ordinance appointing the Board of Equalization that was selected at the previous meeting. Simms moved the ordinance be adopted. Second by Schmidt.

Voting Yes: Simms, Schmidt, Weeks and Coleman

Voting No: None

There being no further business, Council adjourned at 6:10 P.M. upon motion by Simms.

C. H. Shepherd Jr.
MAYOR

ATTEST:
Geneva Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas June 22, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
Charles Schmidt, Samuel Coleman, Fred Weeks, James P. Simms, Dr. R. W. Ingram,	Councilmen
Terry Roberts	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

Also Present:

Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Schmidt.

Voting Yes: Schmidt, Coleman, Weeks, Simms, Ingram

Voting No: None

City Manager presented a contract with the State Department of Highways and Public Transportation for improvements on the Judd Street/Loop 210 realignment project, for Council consideration. This would formally accept the agreement that was discussed at the last regular meeting. Coleman moved the contract be approved as presented. Second by Simms.

Voting Yes: Schmidt, Coleman, Weeks, Simms, Ingram

Voting No: None

City Manager reproted that bids were received on June 17, 1981 for resurfacing the cart paths as the Golf Course. The bidders and their bids are as follows:

Kenneth Koon Konstruction	$17,318.00
Kenneth Foster Paving	15,600.00
Moore Brothers Construction	16,150.00

Mr. Roberts explained that all the bids are over the amount that had been set aside from the Temple Foundation Grant for this project. He recommended that the

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width of the cart paths be reduced from eight feet to six feet which is a sufficient path. This would bring the low bid to $11,700. Simms moved the bid be awarded the Kenneth Foster Paving in the amount of $11,700. Second by Schmidt.

Voting Yes: Schmidt, Coleman, Simms, and Ingram

Voting No: None

City Manager reported that a representative from the National Multiple Sclerosis Society has requested the use of the swimming pool at Old Orchard Park to conduct a fund raising swimming event. After considerable discussion the request was tabled until Mr. Roberts investigates the matter further with the MS representative.

City Manager stated that the Police Department is in need of two vehicles. He recommended that one new police car be bought and a new City Manager car be purchased and that the present Manager's car be transferred to the Police Department for the chief's car. The oldest police car would then be traded in on a City Manager vehicle. Money is provided in the budget for the police car and money has been set aside for the Manager's car in the equipment fund. There was discussion concerning the recommendation. Alderman Weeks stated the present City Manager car should be left in the Administration Department for use by the office staff. After discussion, Simms moved to accept the Manager's recommendation to purchase one police vehicle and one City Manager vehicle. Second by Coleman.

Voting Yes: Schmidt, Simms and Coleman

Voting No: Weeks

Abstain: Ingram

City Manager reported that the Police Department has requested that the money in this year's budget for a breathalyzer unit be reprogramed so that two new radar units could be purchased. The present units are not working at this time. Chief Ray explained the justification for not purchasing the breathalyzer unit as well as the reason for the radar units. The amount in the budget is $3500. The two new radar units would run $1,995. each for a total cost of $3,990. The additional $490. will be covered through salary savings since the Department has not been full strength throughout the year. AFter discussion, Schmidt moved this request be granted that two new radar units be purchased. Second by Simms.

Voting Yes: Schmidt, Simms, Weeks, Coleman and Ingram

Voting No: None

City Manager gave a report on the status of the cable television negotiations. He outlined, in brief, what the City's consultant, Mr. Harold Horne feels are items that have not been complied with by CATV Systems, Inc. After much discussion, Ingram moved that CATV Systems, Inc. be given July 15, 1981 as

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the deadline to provide the necessary information to the City's consultant. Second by Weeks.

Voting Yes: Schmidt, Simms, Weeks, Coleman and Ingram

Voting No: None

Council will then set up a workshop with Mr. Horne and Mr. Campbell so that possible options available to the City may be discussed.

Mr. Sam Nauman representing Everett Griffith and Associates, appeared before the Council to give a report on the sewer system evaluation study. Mr. Naumann explained what has occurred since the grant amendment was approved by EPA in September of 1980. He showed a map of the work that is being conducted at this time. No official action was taken.

City Manager gave a report on the water losses for the City each month as requested by the Council last meeting. He stated the average loss for the water system is an average of 15% which appears to be in the acceptable range as established by the American Water Works Association. It is below the loss for the neighboring cities that were surveyed. He gave the reasons that contribute to this loss such as municipal facilities being unmetered, swimming pools and fire hydrants being used.

Mr. Roberts gave a brief report on the Texas Power and Light Company rate case. A meeting will be held in Austin on June 25, 1981 for questions concerning the rate case.

There being no further business, Council adjourned at 6:40 P.M.

C. H. Shepherd Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, July 20, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Samuel Coleman, Charles Schmidt, Dr. R. W. Ingram,	City Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Fred Weeks, Sr.,	Councilman

Also Present:

Richard Warner,	City Attorney

The meeting was opened by Mayor Shepherd who gave the invocation.

Coleman moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Ingram.

Voting Yes: Simms, Coleman, Schmidt and Ingram

Voting No: None

Mayor Shepherd asked Mr. H. G. Stubblefield, Jr. to come forward to receive a proclamation being presented for his outstanding dedication and service given the City in his many years as Chairman of the Park and Recreation Board and Chairman of the Housing Authority Board among many other contributions to the community while living in Diboll. Mayor Shepherd read the proclamation and commended Mr. Stubblefield for all he had accomplished while being a citizen of the City.

Mayor Shepherd declared a public hearing was open to consider a request for a specific use permit on a 0.5 acre tract in the 38 J. A. Prado Survey. The applicant was Mr. Herman Henderson, Jr. No one was present to speak against the permit. Mayor Shepherd closed the public hearing. Ingram moved to approve the recommendation of the Planning and Zoning Commission and grant the special use permit which would allow a residence to be constructed on the same property that now has a mobile home, which will be moved away. Second by Coleman.

Voting Yes: Simms, Coleman, Schmidt and Ingram

Voting No: None

City Manager reported that bids were received on July 15, 1981 for the purchase

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of one vehicle for the Administration Department and one vehicle for the Police Department. The bidders and their bids are as follows:

Police Vehicle	-	Greater Lufkin Ford	8,058.66
		Gibbs Motor Company	7,930.00
Administration	-	Greater Lufkin Ford	7,582.91
		Gibbs Motor Company	7,330.00

City Manager explained that Gibbs Motor Company did not meet specifications on either vehicle and recommended that both bids be awarded to Greater Lufkin Ford. After Council discussion, Coleman moved to accept the Manager's recommendation. Second by Ingram.

Voting Yes: Simms, Coleman, Schmidt and Ingram

Voting No: None

Mr. Billy Simms representing Temple Associates appeared before the Council to give a report on Phase II of the Lufkin-Diboll water study. He presented a slide for Council review which shows the progress at this time. The discussion concerned whether Lufkin will establish a water plan that includes surface water from Rayburn Lake before they consider selling Diboll water. After the presentation, Council agreed that cost estimates for surface water and ground water should be obtained as soon as possible. Proposal for Phase III of the study will be ready by the special meeting to be held on July 28, 1981. No official action was taken.

City Manager reported that the material requested from CATV, Inc. has been received but that he would defer any evaluation of it to our consultant, Mr. Harold Horne who will be present on July 28, 1981 for a workshop concerning the cable television negotiations. Mr. Ben Campbell has also been invited to attend.

Mr. Roberts stated that it is time to set dates for budget workshops to consider the City's needs for the 1981-82 fiscal year. Alderman Simms suggested that Monday's and Thursday's be set aside for workshops beginning with August 6. Dates and times could be changed if necessary as work progressed. After discussion, Simms moved the first workshop be held on August 6, 1981. Second by Ingram.

Voting Yes: Simms, Coleman, Schmidt and Ingram

Voting No: None

There being no further business, Council adjouned at 6:15 P. M. upon motion by Coleman.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, August 17, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
James P. Simms, Charles Schmidt Samuel Coleman Fred Weeks	Councilmen

Members Absent:

None

Also Present:

Richard Warner,	City Attorney

The meeting was opened by Mayor Shepherd who gave the invocation.

Coleman moved to dispense with the reading of the minutes and they be approved as previously submitted to each Alderman in writing. Second by Weeks.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

Mayor Shepherd reported that three terms on the Park and Recreation Board are expiring this month. They are Milford Ruby, Nan Miller and Bill Fulmer. Mayor Shepherd recommended that these three be reappointed to the Parks Board for two year terms. Coleman moved to accept the Mayor's recommendation. Second by Simms.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

The City Manager introduced amendment to the Zoning Ordinance which provides for the placing of two alternates on the Planning and Zoning Commission. This action was directed at last month's Council meeting. Schmidt moved the amendment be adopted. Second by Simms.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

Mayor Shepherd then reported that he would like to appoint Jim'e Johnson and Travis Groom as alternates to the Planning and Zoning Commission. Coleman moved these be appointed. Second by Simms.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

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City Manager stated that he has received a letter from Axley and Rode, Certified Public Accountants which sets forth the understandings between the City of Diboll and the CPA firm concerning the annual audit. Manager Roberts recommended that Axley and Rode be approved for the audit for the year ending September 30, 1981 at a cost of $8,000 to $10,000. Ingram moved to accept the Manager's recommendation. Second by Schmidt.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

Mayor Shepherd reported that two appointments need to be made to the Board of Adjustments. He stated that he would recommend Jim Ligon who is now an alternate, be appointed to replace Charles Phipps who is unable to attend meetings. He further recommended that Nick Ashworth be appointed to fill the alternate position now held by Mr. Ligon. Coleman moved to accept the Mayor's recommendation.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

City Manager introduced an ordinance adopting a rate increase by Texas Power and Light Company. He explained the ordinance adopted the rate as ordered by the Public Utility Commission of 57 million dollars per year, system wide. Mr. Jerry Morgan representing Texas Power and Light was present to answer any questions. Mr. Morgan had also furnished an ordinance that would adopt the rates, but also would have the City of Diboll give up original jurisdiction over electric utility rates, operations and services within the City limits of Diboll. After discussion, Coleman moved the adopt the ordinance to approve the Texas Power and Light Company rate increase but that the City not give up its original jurisdiction. Second by Schmidt.

Voting Yes: Simms, Schmidt, Coleman, Ingram and Weeks

Voting No: None

Mr. Ben Campbell, CATV appeared before the Council to discuss the proposed franchise ordinance between the City of Diboll and his company. Mr. Campbell highlighted the sections of the ordinance that he would like to be changed or modified. After discussion, no official action was taken, but Council agreed that a workshop regarding the franchise should be held within the next three to four weeks.

There being no further business, meeting adjourned at 6:25 P.M.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a Special meeting of the City Council of the City of Diboll, Texas, August 25, 1981 at 6:30 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Fred Weeks, Dr. R. W. Ingram, James P. Simms, Samuel Coleman, Charles Schmidt,	Councilmen
Terry Roberts,	City Manager

Members Absent:

None

The meeting was called to order by Mayor Shepherd who gave the invocation.

City Manager Roberts stated that at the last City Council work session on the budget, possible street overlay projects were discussed. A list of streets was presented for consideration as well as a proposal to complete a change-out of old street names in the City. Mr. Roberts explained the money to cover these projects, an amount of $76,004., has been budgeted in the Revenue Sharing Fund. He asked for authorization to advertise for bids on the streets that Council feel should be priority on the improvement list. After discussion, Simms moved that the Manager be authorized to receive bids. Second by Schmidt.

Voting Yes: Weeks, Ingram, Simms, Coleman and Schmidt

Voting No: None

The streets selected for Type "D" hot mix with a 1½" overlay will be as follows:

Pine from Mill to Ash
Ash from Pine to Neil Pickett
Lynn from Neil Pickett to Robert Nash with culverts
Mulberry to Hackberry
Hackberry from Mulberry to Dennis
Box Factory from Walnut to Pine Valley (2" overlay)
Church Street from Booker to Hines

The remainder of the meeting was a workshop session on the 1981-82 budget.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, September 14, 1981 at 6:30 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Charles Schmidt, Sam Coleman, Fred Weeks, Dr. R. W. Ingram,	Councilmen
Terry Roberts,	City Manager

Members Absent:

None

The meeting was called to order by Mayor Shepherd who gave the invocation.

City Manager Roberts reported that bids were received, as directed by Council, on street overlay improvements. The bidders and their bids are as follows:

Moore Brothers Construction	$57,466.13
Kenneth Koon Konstruction	63,355.67
Foster Paving Company	59,110.88

Manager recommended that the low bid from Moore Brothers be accepted. Schmidt moved to accept the Manager's recommendation. Second by Simms.

Voting Yes: Simms, Schmidt, Coleman, Weeks and Ingram

Voting No: None

The Manager introduced an ordinance adopting the tax rate for 1981 at $0.30 per $100 assessed value. This will not be an increase in taxes for this budget year. Ingram moved the ordinance be passed and adopted. Second by Coleman.

Voting Yes: Simms, Schmidt, Coleman, Weeks and Ingram

Voitng No: None

Council then adjourned into a workshop session to discuss Revenue Sharing Entitlement 13.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas September 21, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Fred Weeks, Charles Schmidt, Dr. R. W. Ingram, James P. Simms, Samuel Coleman	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

Also Present:

Richard Warner,	City Attorney

The meeting was opened with prayer by Mayor Shepherd.

Simms moved to dispense with the reading of the minutes of the previous meetings and they be approved as previously submitted to each alderman in writing. Second by Coleman.

Voting Yes: Weeks, Schmidt, Ingram, Simms, and Coleman

Voting No: None

City Manager reported that Council is requested to consider an application for a Specific Use Permit for a mobile home on Locust Street. The applicant is A.R. McGuire. Planning and Zoning Commission has met and approved the permit in accordance with the zoning ordinance which allows for a six month temporary permit. Mayor Shepherd then opened the Public Hearing for input concerning this application.

Mrs A. R. McGuire was present and asked that the permit not be granted on a temporary basis because of the expense involved in locating the mobile home on Locust Street. Richard Warner, City Attorney explained that unless a temporary permit is issued, the Zoning Ordinance is being violated. Alderman Weeks then suggested that the ordinance be changed back as it was before revisions, with adjoining property owners giving permission, and the mobile home could be placed permanently. There was considerable discussion concerning this section of the Zoning Ordinance.

After discussion, Ingram moved the temporary permit be issued until such time when the Attorney could review the Zoning Ordinance and an amendment be introduced. Second by Coleman.

Voting Yes: Weeks, Schmidt, Ingram, Simms and Coleman

Voting No: None

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Mayor Shepherd opened a Public Hearing regarding the proposed use of Revenue Sharing funds for Entitlement No. 13. The allocation is $138,081. and the items budgeted were discussed in budget workshop. These are included in the regular budget format. No one was present either for or against the use of these funds.

City Manager reported that as discussed in budget workshops, he felt there is a need for an across the board increase of 15% on the rate schedules for water and sewer. He stated that one Council member has suggested that no increases be made this year. Mr. Roberts explained item by item why the increases are needed. He further stated that money could be granted from the General Fund to the Water and Sewer Fund, but that he would not recommend this. Alderman Weeks then stated that he would like to see expenses cut at the Golf Course rather than the City assuming the deficit and could not vote affirmatively on any increases until an investigation is made of the Golf Course revenues and expenditures. Much discussion followed. Simms then moved to increase water and sewer rates by 15% and the ordinance be adopted to amend the rates. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Schmidt

Voting No: Weeks

City Manager then introduced an ordinance amending the garbage fees by 15% across the board. Simms moved the ordinance be adopted. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Schmidt

Voting No: Weeks

City Manager presented a fee schedule as approved by the Park and Recreation Board for the Golf Course. Ingram moved this item be tabled until the Golf Course is discussed spearately at a later meeting. Second by Simms.

Voting Yes: Simms, Ingram, Coleman, Schmidt and Weeks

Voting No: None

Mayor Shepherd introduced a resolution supporting the current make up of the Central Appraisal District Board of Directors. The existing membership of the Board is made up of nine members. The City of Diboll shares one member with the Diboll Independent School District. After brief discussion, Simms moved to adopt the resolution. Second by Schmidt.

Voting Yes: Simms, Ingram, Coleman, Schmidt and Weeks

Voting No: None

City Manager reported that Council is requested to consider the appointment of their representative to the Central Appraisal District Board prior to October 1. No action was taken pending meeting with the School Board regarding this matter.

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There being no further business, Council adjourned at 6:25 P.M.

C H. Shepherd Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll Texas, September 28, 1981 at 5:15 P.M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
Fred Weeks, Charles Schmidt, Dr. R. W. Ingram, James P. Simms, Samuel Coleman	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

Also Present:

Richard Warner
Harold Maxwell
Dewey Wolf

Meeting was opened with prayer by Mayor Shepherd.

Mayor Shepherd declared a Public Hearing was open to consider adoption of the 1981-82 Fiscal Year Budget. Several citizens were present to address the Council regarding the operation of the Golf Course in relation to the proposed fee schedule. Those present were J.B. McConnico, Sherod Powell, Robert Ramsey, and Buck Zeagler. None were in favor of the fees proposed for the use of private carts on the course. Harold Maxwell, Chairman of the Park and Recreation Board the proposed changes as adopted by the Board. After much discussion, no formal action was taken. The Park Board will meet on October 14, 1981 to take another look at the fees being proposed for the Golf Course.

Council then went into executive session to discuss personnel matters.

Mayor Shepherd opened the meeting to the public by calling for a motion on the 1981-82 budget. Simms moved the budget be approved and adopted. Second by Schmidt.

Voting Yes: Simms, Schmidt, Ingram and Coleman

Voting No: Weeks

A resolution was introduced to approve the 1981 tax roll. Simms moved the resolution be adopted. Second by Schmidt.

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Voting Yes: Simms, Schmidt, Ingram, Coleman and Weeks

Voting No: None

There being no further business, the meeting was adjourned at 6:40 P.M.

C H. Shepherd Jr.
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas October 19, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Charles Schmidt, Dr. R. W. Ingram, Fred Weeks, Sr., James Simms, Sam Coleman,	Councilmen
Geneva S. Ard,	City Secretary
Terry K. Roberts,	City Manager

Members Absent:

None

Also Present;

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Ingram moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Simms.

Voting Yes: Schmidt, Ingram, Weeks, Simms and Coleman

Voting No: None

City Manager Roberts reported that the City of Diboll passed and adopted and ordinance which requires that all commercial and industrial structures including public facilities, place electrical wiring in conduit. He stated that members of the Diboll Church of Christ have requested that the City grant a variance so their new church building will not have to be wired in conduit. This would save the church around $4,000. City Attorney explained that a variance could not be granted, the ordinance would need to be amended or rescinded. Mr. John Harmon spoke on behalf of the church stating that the National Electric Code does not specify that churches have to be wired in conduit. After considerable discussion, Schmidt moved that ordinance be amended and the Church of Christ be allowed to wire the church without placing the wire in conduit. Second by Weeks.

Voting Yes: Schmidt, Ingram, Weeks, Simms and Coleman

Voting No: None

City Attorney Warner reported on the placement of mobile homes in existing zones which are not zoned for mobile homes. The Council previously had allowed a mobile home to be placed in a residential zone for preferably a six month period, however the owner wishes to leave the mobile home there permanently. Under the City's present zoning ordinance the mobile home cannot stay. He explained several

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ways the ordinance could be amended so that the City will not violate it by "spot" zoning. After much discussion, City Attorney Warner was instructed to prepare a draft to amend the present zoning ordinance regarding mobile homes.

Mr. Sam Nauuman, representing Everitt Griffith and Associates, appeared before the Council to present an evaluation of the recent study of the City's sanitary sewer system. He showed for Council review, a video tape of the actual condition of the sewer lines. He pointed out areas and explained what the problems in the lines were. Council expressed its satisfaction with this phase of the EPA Grant study.

Mr. Larry Lassiter with Everitt Griffith and Associates showed and explained the building plan of the City's proposed Public Works Service Center. Mr. Roberts explained that this was actually budgeted in the Revenue Sharing Budget for the 1980-81 year, but has not been done. Due to the increase in materials and labor the original amount of $55,000. will not be sufficient to complete the project. However, Mr. Roberts stated that some other projects have been under budget, therefore, money will be available. After discussion, Schmidt moved to receive bids on the Public Works Service Center. Second by Ingram.

Voting Yes: Schmidt, Ingram, Simms, and Coleman

Voting No: Weeks

City Manager reported that bids were received on October 14, 1981 for the replacement of the City's street signs. The bidders and their bids are as follows:

Vulcan Signs & Stampings	$3,329.50
Rainbow	No Bid
Evangeline Specialties	No Bid

Coleman moved the bid be awarded to Vulcan Signs in the amount of $3,329.50. Second by Ingram.

Voting Yes: Schmidt, Ingram, Simms, Weeks and Coleman

Voting No; None

A fee schedule as approved by the Park and Recreation Board for the Golf Course was presented for Council's information. The schedule is on file in the City offices. Overall increase in rates amounted to 21%.

Simms moved City Manager be authorized to receive bids on the next year's supply of garbage bags. Second by Ingram.

Voting Yes: Schmidt, Ingram, Simms, Weeks and Coleman

Voting No; None

Schmidt moved bids be received on a backhoe for the Street Department to replace the ten year old piece of equipment now being used. Second by Simms.

Voting Yes: Schmidt, Ingram, Simms, Weeks and Coleman

Voting No: None

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Money for the backhoe is appropriated in the Equipment Fund.

Council again heard a report on the progress TV Cable of Diboll is making toward a franchise agreement. Several citizens were in the audience to voice their dissatisfaction with CATV Systems, not only in its service, but in its public relations. Mr. Ben Campbell explained questions that were asked and stated that some changes in personnel have been made. Alderman Weeks stated that he feels hiring the consultant, Harold Horne, was of no benefit to the City. Mr. Weeks stated that if the City and Mr. Campbell had tried to work on a suitable solution, perhaps things would have moved faster. Alderman Ingram then stated that he is tired of all the complaints, the poor reception, the personnel rudeness and he felt definite action should be taken now. After much discussion, Simms moved the City advertise for bids for a television cable system. Second by Coleman.

Voting Yes: Schmidt, Ingram, Simms, and Coleman

Voting No: None

Abstain: Weeks

There being no further business, Council adjourned at 7:45 P. M.

_____
MAYOR

ATTEST:

_____
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas November 9, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
Charles Schmidt, James Simms, Samuel Coleman, Fred Weeks,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent;

C. H. Shepherd, Jr.,	Mayor

Also Present:

M. Richard Warner,	City Attorney

The meeting was opened with prayer by Alderman Coleman.

Schmidt moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Simms.

Voting Yes: Schmidt, Simms, Coleman and Weeks

Voting No: None

City Manager explained that the City's existing National Electrical Code requires electrical wiring to be placed in conduit in all commercial and industrial structures. There has been much discussion regarding this requirement since the Council voted to allow the Diboll Church of Christ to wire in Romax rather than conduit. He explained that City Attorney Warner has prepared a draft of an ordinance which requires all commercial and industrial structures be wired in conduit, but exempts public buildings such as churches, lodges, fraternal benefit buildings or such buildings as may be from time to time excepted by the City. Weeks moved the ordinance to amend the National Electric Code be approved as presented. Second by Coleman.

Voting Yes: Simms, Weeks and Coleman

Voting No: Schmidt

City Manager then stated that a letter has been received from Jim Ligon requesting that he not be required to run wiring in conduit in a restaurant he is now building. There was much discussion regarding this matter. Weeks moved Mr. Ligon be granted the requested and not be required to place the electrical wiring in conduit. Second by Coleman.

Voting Yes: Weeks and Coleman

Voting No: Simms and Ingram

Abstain: Schmidt

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City Attorney presented a draft of an ordinance regarding the placement of mobile homes. He then explained points within the ordinance, reporting that if it met Council approval it should then be forwarded to the Planning and Zoning Commission. After review, Simms moved the proposed ordinance be sent to the Planning and Zoning Commission. Second by Coleman.

Voting Yes: Simms, Coleman, Weeks and Schmidt

Voting No: None

City Manager explained that funds were set aside in the 1981-82 budget for an upgrade to the retirement program for City employees. He asked Mr. Gary Anderson with the Texas Municipal Retirement System to explain the proposed changes in the retirement program. Mr. Anderson stated that there are three main areas of change: the City's match contributions will be increased from 1 to 1 to 1½ to 1, retirement benefits would be vested after 10 years of service and the City would have updated service credits. After presentation and discussion, Simms moved to adopt the ordinance updating retirement benefits. Second by Schmidt.

Voting Yes: Simms, Coleman, Weeks and Schmidt

Voting No: None

Council reviewed a new personnel policy for the City noting the major changes in the policy. No action was taken since Alderman Weeks was not in attendance and Council felt all should be present before voting to adopt the policy.

Bids were received on garbage bags on November 4, 1981. The bidders and their bids are as follows:

Name	2 Mil	1.5 Mil
Sunbelt Plastics	81.69 per M	64.15 per M
Bemis Company	57.41 per M	50.00 per M
Adams Industries	67.44 per M	51.66 per M

Council considered staff's recommendation to purchase a 1.5 Mil bag since it is considerably lower in price. After discussion, Simms moved the City award the bid to Bemis, the low bidder, for 2 Mil garbage bags at a cost of $57.41 per thousand. Second by Coleman.

Voting Yes: Simms, Coleman, Weeks and Schmidt

Voting No: None

Bids were received on a new backhoe for the Street Department on November 4, 1981. The bidders and their bids are as follows:

Name	Amount
W. A. DuBose & Son	$23,160. with trade-in
Allen Machinery	26,735. with trade-in
Pineywoods Tractor	20,725. with trade-in
Farmers Supply	19,714. with trade-in

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City Manager Roberts asked Street Superintendent Jim Hodges to explain his recommendation to the Council. Mr. Hodges stated that his Department needs a backhoe for heavy work and that the low bid on a Case was not, in his opinion, the best bid. He stated he has used a John Deere 410 for many years and found it to be best suited for his Department. He recommended that the bid from Allen Machinery be accepted. There was much discussion regarding the need to purchase the best machine for the best price. After discussion, Coleman moved the bid be awarded to Allen Machinery in the amount of $26,735. Second by Weeks.

Voting Yes: Coleman and Weeks

Voting No: Simms

Abstain: Schmidt

Bids on the Public Service Center were considered but tabled until M. D. Scarborough could be present at the meeting.

Schmidt then moved that Earl Chance be awarded bid on the dirt work at the service center since he was the only bidder, so work could begin on this phase. Second Simms.

Voting Yes: Simms, Coleman, Schmidt and Weeks

Voting No: None

Simms moved Mayor C. H. Shepherd, Jr. be appointed as the City's representative to the DETCOG Board of Directors. Second by Weeks.

Voting Yes: Simms, Coleman, Schmidt and Weeks

Voting No: None

Congratulations were extended to City Manager Roberts on the birth of his son.

Council then went into executive session to discussion personnel matters.

Meeting was adjourned at 7:10 P. M. upon motion by Simms and second by Coleman.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a Special meeting of the City Council of the City of Diboll, Texas, November 30, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms,	
Charles Schmidt,	
Dr. R. W. Ingram,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Fred Weeks,	Councilman
Sam Coleman,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was opened by Mayor Shepherd who gave the invocation.

City Manager Roberts explained the major changes in the proposed personnel policy including sick leave, vacation accrual and other pertinent changes. No official action was taken since all Council members were not present.

City Manager Roberts explained that change orders have been made to bring the cost of the proposed service center within the budgeted amount. The changes are as follows:

1. Eliminate the bid item on the gas tanks. The City will purchase the tanks and set them.

2. Change from a 5 inch to 4 inch slab in the work bay area
   Change the reinforcement from 6 gauge to 10 gauge steel
   Change the rebar from #5 to #4
   Change the end of the building to make a standard 20 ft. bay rather than a 21 ft. bay
   City forces to work with contractor to place fill dirt for the slab installation

In making these change orders, Bennie Capps, General Contractor has agreed to decrease his price from $83,458.00 to $61,547.00. Mr. Capps was the only contractor who could lower his original bid enough to come within the budgeted amount. After discussion, Simms moved the service center bid be awarded to Bennie Capps General Contractors. Second by Ingram.

Voting Yes: Simms, Schmidt and Ingram

Voting No: None

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Council then went into executive session to discuss personnel matters.

When session was opened the following business was transacted. By common consent, Council approved a 4% Christmas bonus as budgeted by 1981-82 and decided not to employ an accountant at this time.

Meeting was adjourned at 6:35 P. M. upon motion by Simms and second by Ingram.

C. H. Shepherd Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, December 10, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
Charles Schmidt, James P. Simms, Fred Weeks, Sam Coleman	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

C. H. Shepherd,	Mayor

Also Present:

Jimmy Cassels, M. Richard Warner,	City Attorneys

Meeting was opened with prayer by Terry Roberts.

City Manager explained that the city's consultant, Mr. Harold Horn, Cable Information Center, was present to explain a proposed cable franchise ordinance and clarify bid document materials.

Mr. Horn explained pertinent parts of the proposed ordinance stating that he wanted the Council to be in agreement on the draft and if changes need to be made, authorize them now. Mr. Horn explained the proposed rates, gross receipts payments and number of channels that can be offered. After the discussion, no changes were authorized in the franchise ordinance.

Mr. Horn stated that a complete set of bid documents will be ready by the middle of January.

There being no further business, Council adjourned at 6:05 P. M.

C. H. Shepherd Jr
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, December 14, 1981 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Charles Schmidt, Sam Coleman, Dr. R. W. Ingram,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

Fred Weeks,	Councilman

The meeting was opened by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Coleman.

Voting Yes: Simms, Schmidt, Coleman and Ingram

Voting No: None

Mr. Jerry Morgan representing Texas Power and Light Company was present to explain an application that has been made to the City concerning their procedures for recovering costs in conjunction with the fuel adjustment factor. The application, as explained by Mr. Morgan, does not propose an increase or a decrease in the rates charged for the fuel adjustment. It is a procedural change that must be approved by the City and also the Public Utility Commission. After discussion, Schmidt moved the proposed rate application be suspended for 120 days while the Public Utility Commission reviews their application. Second by Simms.

Voting Yes: Simms, Schmidt, Coleman and Ingram

Voting No: None

City Manager Roberts explained that this year's Revenue Sharing Budget had included the purchase of a computer and programming software. He stated that he has investigated the possibility of purchasing the equipment on a time payment plan with the down payment and software costs to be paid in the first year from Revenue Sharing. He asked for authorization to advertise for bids. Simms moved that bids be received but Council discuss the equipment again after the bid opening. Second by Ingram.

Voting Yes: Simms, Schmidt, Coleman and Ingram

Voting No: None

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City Manager again presented the proposed personnel policy for consideration. Mr. Roberts pointed out major changes to the policy such as sick leave not being paid on termination, vacation accrual by the month and the pay period being changed so that time sheets will be turned in on Wednesday rather than Friday, every other week. Each change was thoroughly explained. After Council questions and staff's explanations, Ingram moved the proposed personnel policy be approved and adopted, amending it be effective January 1, 1982. Second by Coleman.

Voting Yes: Simms, Schmidt, Coleman and Ingram

Voting No: None

There being no further business, Council adjourned at 5:55 P. M. upon motion by Simms.

C. H. Shepherd Jr.
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, January 18, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Dr. R. W. Ingram, Fred Weeks, Sr., Sam Coleman, James P. Simms, Charles J. Schmidt,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Ingram.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

Mr. John Risher, President of CATV Systems, appeared before the Council to report that two new channels have been added to the cable television system in Diboll and requested a $.50 per month increase, per customer, be granted. City Attorney Richard Warner explained that a temporary increase could be granted since the company is operating without a franchise at this time. He stated that more information could be required, the request approved or denied at this time. Council agreed that more information is needed and the public should be able to attend a hearing concerning any rate increase. After discussion, Ingram moved a public hearing be held at the next regular Council meeting in February. Second by Weeks.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

Council will then vote concerning the rate increase after the public hearing is held.

City Manager reported that he had received two requests for water outside the City Limits and since he was not sure of the Council's policy concerning this, had placed it on the regular agenda.

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Mr. Roberts stated the first request is from Thomas Wells who is building a house on Holubec Street. The house is actually located two feet within the City Limits. City Attorney Warner explained that if any part of the property lies within the City Limits, then the house would be considered in the City and the City would be obligated for City services. However, the builder will then have to comply with City building codes. M. D. Scarborough, Building Official spoke concerning the City requirements for residences built inside the corporate limits. After discussion, Ingram moved the request be tabled until more research could be done concerning the exact location of the house. Second by Simms.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

The second request for water service was from Ronnie Stringer. Mr. William Thompson spoke on behalf of Mr. Stringer stating the property is located at the end of Frosty Lane off South First Street. All other residences on this street have City water and sewer. He explained that the City had received permission to run a main sewer line through several acres of property owned by Mrs. P. W. Scarborough and had agreed that in the future other customers could be added. There was considerable discussion concerning this agreement. After discussion, Simms moved Mr. Stringer be granted permission to connect to City services, as he considered this an extreme hardship since no other water is available, but that in the future unless there are extenuating circumstances, request for service outside the City Limits be denied. Second by Ingram.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

Council agreed that in the future the City Manager will decide if an application for service outside the City Limits should be considered a hardship and if so, would place it on the agenda.

City Manager reported that bids were received on computer hardware and programming on January 15, 1982. The bidders and their bids are as follows:

COMPUTER HARDWARE

Computer Managers, Inc.	$ 8,000. (Used IBM 32)
Spinet Music	18,158. (Datapoint 1800)
International Business Machines	10,684. (IBM Datamaster 23)

COMPUTER PROGRAMMING

Computer Managers	9,600. ($30/hr.)
ERG Software, Inc.	7,500. ($35/hr.)
Spinet Music	8,400. ($35/hr.)

Representatives from each company were present to explain their bids including service and warranties. After investigation of the bids, Schmidt moved that the City purchase the IBM Datamaster 23 since it is a new machine. Second by

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Coleman.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

Council instructed the City Manager not to purchase a service contract at this time on the computer but after the 90 day warranty has expired, to bring the item back to the Council for consideration.

Simms moved the low bid on the software from ERG Software, Inc. be accepted in the amount of $7,500. Second by Ingram.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

Mr. Billy Simms with Temple Associates, the City's engineering firm, appeared before the Council to discuss the Phase III report on the Lufkin/Diboll Water Study. Mr. Simms briefly reviewed the other two reports which show the need and demand for additional water supply, pointed out that there is not enough ground water resources to pursue that approach and the expense from possibly purchasing water from Sam Rayburn Lake by way of Lufkin. Mr. Simms then explained the third phase of the study. He stated that the City of Lufkin did not seem to be interested in furnishing the City of Diboll with water; therefore he would recommend that all options for water be considered, including the Eason Lake project. City Manager stated that he would have additional information and figures at the February meeting since he is meeting with a representative from the Texas Department of Water Resources in Austin in the next few days.

Mayor Shepherd stated that a member needs to be appointed to the Housing Authority Board to replace H. G. Stubblefield, Jr., who has resigned. He recommended Jim Dunlap be appointed. Ingram moved to accept the Mayor's recommendation. Second by Coleman.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

City Manager reported that since Diboll has reached over 5,000 in population, it is eligible by state law to become a home rule City should the residents vote favorably for it. City Attorney explained the differences between home rule and general law cities and the advantages and/or disadvantages of both. After thorough explanation, no official action was taken.

City Manager presented bid documents for a new cable television franchise as prepared by the City's consultant, Mr. Harold Horn. After review of the bid material, Simms moved that the bid documents be accepted and Mr. Horn be authorized to proceed. Second by Coleman.

Voting Yes: Ingram, Weeks, Coleman, Simms, and Schmidt

Voting No: None

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Council then adjourned at 7:20 P. M. and entered into Executive Session to discuss legal matters.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ord
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, February 15, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Fred Weeks, Sr. Sam Coleman, Dr. R. W. Ingram, James P. Simms, Charles Schmidt,	Councilmen
Terry Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

None

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who offered the invocation.

Coleman moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Simms.

Voting Yes: Weeks, Coleman, Ingram, Simms, and Schmidt

Voting No: None

An ordinance was introduced regarding the permanent placement of mobile homes by Specific Use Permit. The ordinance would allow for a permanent permit for mobile homes in a SF-2 (residential) zone. The Planning and Zoning Commission has met and reviewed the ordinance and recommended that it not be passed. After discussion, Simms moved the ordinance not be adopted at this time and that members of the Planning and Zoning Commission meet with the Council at the next regular meeting to explain their decision. Second by Ingram.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

Mayor Shepherd declared that a public hearing was in session to hear pros and cons concerning a request for a Specific Use Permit for permanent location of a mobile home on Lot 11, Block 2, Jackson Addition. The applicant, Jose Luis Hernandez was present. City Manager stated that Planning and Zoning Commission has met and approved a temporary permit. There was no opposition. Mayor Shepherd closed the public hearing. Simms moved the recommendation of the Planning and Zoning be accepted and a temporary permit be granted. Second by Ingram.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

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Mayor Shepherd then opened a public hearing to consider an application for a zone change on 1.428 acres in the J. A. Prado Survey (Burke Street) from B-1 to B-2. The applicant, Mr. G. P. Bourrous, was present. No comments either for or against were voiced, however, two letters objecting to the zone change had been received. Planning and Zoning Commission have met and approved the request. After discussion, Simms moved to accept the recommendation of the Planning and Zoning Commission and approve the zone change. Second by Coleman.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

City Manager Roberts reported that at the last Council meeting a rate request had been received from CATV Systems, Inc. for a 50¢ per month increase. No action was taken until a public hearing could be called to receive citizen comments. Mayor Shepherd declared a public hearing open so that anyone present could voice either approval or disapproval of a rate increase. Jess Lewis stated that he is opposed, M. D. Scarborough opposed and James Simms stated he must oppose it since several citizens had voiced their disapproval to him. A letter from Mr. and Mrs. Neal Pickett approved the increase as did Mrs. Alan Miller and Dr. R. W. Ingram. Public hearing was closed.

Mr. John Risher, President of CATV Systems, spoke to the Council as the need of the 50¢ per month increase. He stated this is just basically to help defray the cost of adding the new channels in November of 1981. One is an all news channel and the other is an all sports channel.

After considerable discussion, Schmidt moved that CATV Systems, Inc. be granted a rate increase of 50¢ per month, bringing the basic monthly rate to $6.50. Second by Ingram.

Voting Yes: Schmidt and Ingram

Voting No: Weeks and Coleman

Abstain: Simms

Mayor Shepherd broke the tie with a yes vote.

Gregg Owens, attorney for CATV Systems, Inc. appeared before the Council to request that before the City actually sent out bids for a new cable system that a workshop be held between CATV Systems, Inc. and the Council in an effort to resolve problems and perhaps eliminate the bidding procedure. He asked that an early date be set if the Council is interested.

Mr. Gary Roberts, Manager for Borden Chemical Plant, appeared before the Council to request permission to use the City's sanitary sewer system for plant effluent. Director of Utilities explained that samples of the effluent have been analyzed and found to be compatible with the treatment plant. He further stated that the plant is designed for about twice the capacity that it is now carrying and saw no problems with Borden using the system. Ingram moved that Borden Chemical be granted permission to use the City's sanitary sewer system. Second by Schmidt.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

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Mr. Jerry Morgan with Texas Power and Light Company appeared before the Council to request a 15.2% rate increase for his company. He stated that this is needed in order to meet construction needs and rising costs of operations. After brief discussion, Simms moved that the rate request be suspended for 120 days in which time it can be studied and also give time for the Public Utility Commission to review it. Second by Schmidt.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

City Manager stated that the City has received a petition from several property owners along "B" Street requesting the City of Diboll to change the platted right-of-way from the existing 75 feet to approximately 30 feet. Mr. Roberts explained that when one of the owners, Mr. Juan Moreno had decided to sell his property, it was discovered that almost all of one of his houses sits on street right-of-way. Mrs. Sandra Pouland spoke on behalf of Mr. Moreno. City Attorney Warner explained the legal aspects and what will be involved in making this change. After discussion, Schmidt moved that the request be granted and that a quitclaim deed be given on behalf of each property owner named on the petition. Second by Weeks.

Voting Yes: Weeks, Coleman, Ingram, Schmidt

Voting No: None

Abstain: Simms

Mayor Shepherd stated that in accordance with State law he ordered the City Officials Election be held April 3, 1982.

Mayor Shepherd then appointed Fred Barkley as Election Judge, Betty Barkley as Alternate Judge and authorized two clerks.

City Attorney Warner introduced a Flood Plain Ordinance for Council consideration. He explained the provisions of the ordinance and standards set forth as well as why it is necessary the City adopt it. Simms moved the ordinance be approved and adopted. Second by Ingram.

Voting Yes: Weeks, Coleman, Ingram, Simms and Schmidt

Voting No: None

City Manager Roberts presented an ordinance to increase the late charge and reconnect charge on utility bills. He stated the present penalty for a past due bill is 50¢ which has resulted in two to three hundred late notices being sent out each month. Mr. Roberts stated that since the increase in postage and considering the time it takes to mail the notices, he feels that increasing the late charge will decrease the number of past due bills each month.

Mr. Roberts further stated that the reconnect fee for resuming service after being disconnected for nonpayment is $10. This is the same fee charged for any regular service call such as cutting the water off because of a broken line. Mr. Roberts stated staff feels these calls should not be treated the same since cut-off for non payment is really a penalty rather than a service call. Staff feels the fee

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for non payment should be higher. A reasonable charge would be $15.00.

There was considerable discussion on both these items. Council then stated that water meter deposits possibly should be increased. The deposit is now $15. with a $10. connect charge. After discussion, Simms moved that no action be taken regarding the increased past due penalty, that the non payment service charge be increased to $15. with regular service calls left at $10. and that the meter deposit be increased to $20. with a $10. connect charge. Second by Schmidt.

Voting Yes: Coleman, Ingram, Simms and Schmidt

Voting No: Weeks

Council then adjourned and went into executive session to discuss personnel matters at 7:15 P. M.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas March 15, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Fred Weeks, Sr.,	
Dr. R. W. Ingram,	
Sam Coleman,	Councilmen
James P. Simms,	
Charles Schmidt,	
Terry Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

None

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Coleman.

Voting Yes: Weeks, Ingram, Coleman, Simms and Schmidt

Voting No: None

Mayor Shepherd reported that at the last regular Council meeting, a joint session had been set at this time with the Planning and Zoning Commission so that the Council could receive direct input regarding the reasons the Commission recommended that an amendment to the Zoning Ordinance not be passed. The amendment would allow mobile homes to be placed in areas other than mobile home parks or districts. All members of the Commission were present. Mr. Henry Holubec explained that much work had gone into the Zoning Ordinance with each part being considered carefully since it is a long-range plan for the entire City. He stated the Commission felt that if the hardship and temporary placement of mobile homes section was deleted from the ordinance, then there would be no control over mobile homes. If this happens a mobile home could be placed in sections of town that the Commission felt would not be suitable. After much discussion, the amendment was not adopted for lack of motion and second.

No action was taken regarding a request for a specific use permit for Glenn Shivers.

Fire Chief Gary Jones appeared before the Council to make a report regarding the status of completion of the Fire Sub-Station on the west side of town.

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Chief Jones reported that the sub-station is 80 to 90% complete and that $5,700. has been spent from the $7,900. allotted by the Council from contingency funds. He stated there was prior expenses made that had to also be paid from this, that he he had not been aware of. Council asked Chief Jones to keep them informed as to the completion of the fire sub-station.

City Manager Roberts asked authorization to receive bids on three pick-up trucks and one heavy duty mower. He stated two trucks will be for the Water and Sewer Department and one for the Park Department and that all are on the replacement schedule with money available in the Equipment Fund. However, instead of trading both trucks in the Water and Sewer Department, the best one will be transferred to the Golf Course and the 1975 GMC used at the Golf Course will be traded in.

Manager Roberts stated the heavy duty mower will be used by the Parks Department. It will be used in mowing the ballfields and general mowing.

Councilman Weeks stated that he feels one new truck is sufficient at this time to be used in the Park Department. Other members of the Council felt that the school should be contacted before buying the mower since it is used on the City ballfield that is primarily used by high school baseball team. City Manager agreed this would be investigated. After discussion, Schmidt moved bids be received on three pick-ups, but that before accepting bids, see if all are really justified this year. Second by Ingram.

Voting Yes: Ingram, Coleman, Simms and Schmidt

Voting No: Weeks

Mr. Lynn Montes representing Axley and Rode, Certified Public Accountants, appeared before the Council to explain the 1981 Fiscal Year Audit. He stated that with expenses continuing to rise, the fund balance now maintained will soon dwindle unless revenues increase. He pointed out several items he felt the Council should be aware of and stated that the City had maintained records in a manner which had enabled them to present a fair financial statement. After presentation, Council accepted the audit as presented.

As required by State Election Law, City Secretary Geneva Ard requested that the Council certify the ballots to be used in the April 4, City Election. Coleman moved the ballots be certifed so that 50 will set aside for absentee voting and 950 be used in the regular election, a total of 1,000. Second by Simms.

Voting Yes: Ingram, Coleman, Simms, Weeks and Schmidt

Voting No: None

City Manager reported that new laws from the State Legislature makes our present City Ordinance regarding junked and abandoned vehicles outdated. City Attorney Warner explained how the new laws could be combined with our two existing ordinances and be brought up-to-date. Chief of Police Danny Ray went through each step that his Department will take to enforce the ordinance. He reviewed the procedures that will need to be taken each time a resident is asked to remove a junked or abandoned vehicle. The process will be long and detailed

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involving considerable paper work, however it will make for a cleaner environment for the whole community. Council was also given the option of acting as the governing board to hear complaints should the owner ask for a public hearing. Another Board, Commission or Official of the City could hear the complaints. After discussion, Simms moved to adopt the amendment to the ordinance and that the Council hear the complaints, if any. Second by Ingram.

Voting Yes: Weeks, Ingram, Coleman, Simms and Schmidt

Voting No: None

City Manager Roberts reported that the City's present animal control ordinance does not address animals being a nuisance, such as dogs barking, getting into garbage, etc. He stated that numerous complaints have been made concerning this. After discussion, Ingram moved that City Attorney Warner meet with members of the staff to discuss the particulars and then draft an ordinance for consideration. Second by Simms.

Voting Yes: Weeks, Ingram, Coleman, Simms and Schmidt

Voting No: None

Council agreed that it did not wish to consider a home rule charter for Diboll in the forseeable future.

All Texas Municipal League cities participating in the Texas Power and Light rate cases will be represented by Mr. Earl Bracken, City Attorney for the City of Waco. He is also representing cities in the law suit filed against Texas Power and Light regarding its treatment of affiliates. Mr. Roberts stated that Council will need to take action if the City of Diboll is to participate at these hearings. Simms moved the City participate in the rate case hearings regarding Texas Power and Light. Second by Ingram.

Voting Yes: Weeks, Ingram, Coleman, Simms and Schmidt

Voting No: None

City Manager reported that a new mobile home manufacturing plant is now operating in Diboll and has requested fifteen sanitation dumpsters at the plant. Mr. Roberts stated six dumpsters are there now and no money is available in the budget for any others. After considering several possibilities, Ingram moved that a few additional dumpsters be placed at Sunrizon Homes and work with them, perhaps on extra pickup, to solve the problem. Second by Schmidt.

Voting Yes: Weeks, Ingram, Coleman, Simms and Schmidt

Voting No: None

There being no further business, Council adjourned at 7:15 P. M. upon motion by Simms.

L. N. Guinn Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, April 5, 1982 in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Dr. R. W. Ingram, James P. Simms, Samuel Coleman,	Councilmen
Terry K. Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Fred Weeks, Sr. Charles Schmidt,	Councilmen

Mayor Shepherd opened the meeting by offering the invocation.

Mayor Shepherd stated the purpose of the meeting was to canvass the results of the April 3, 1982 City Officials Election. The canvass revealed the following:

Aldermen (3) To Be Elected

Dr. R. W. Ingram	233 votes
James P. Simms,	214 votes
M. E. "Skip" Richardson	182 votes
Fred Weeks, Sr.,	120 votes

Alderman moved that Ingram, Simms and Richardson be declared elected. Second by Ingram.

Voting Yes: Ingram, Simms, Coleman

Voting No: None

There being no further business, Council adjourned at 5:30 P. M.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, April 19, 1982 at 5:15 P. M. in the meeting room at Diboll City Council.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
James P. Simms,	
Samuel Coleman,	
Skip Richardson,	Councilmen
Charles Schmidt,	

Members Absent:

C. H. Shepherd, Jr.,	Mayor

Also Present:

Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary
M. Richard Warner,	City Attorney

The meeting was opened by Mayor Pro-Tem who asked Manager Roberts to give the invocation.

City Attorney Warner then administered the oath of office to newly elected Council members James P. Simms, Dr. R. W. Ingram and M. B. "Skip" Richardson.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Coleman.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

No action was taken regarding an appointment to the Board of Adjustments and Appeals since Mayor Shepherd was not present.

City Manager reported that the terms of Alan Miller, James Rhone and Geraldine Pouland on the Housing Authority Board were up at this time. He stated that Mr. Shepherd has contacted each one and that all are willing to serve another term. Coleman moved that Miller, Rhone and Pouland be reappointed. Second by Simms.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

City Manager reported that bids were received on April 14 for the purchase of three pick-up trucks and one heavy-duty tractor-mower. Two pick-ups will be used in the Water and Sewer Department and one in the Parks Department. The oldest vehicle in the Water and Sewer Department will be traded in with the

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next oldest being transferred to the Golf Course and the present truck at the Golf Course (1975 GMC) will be traded in. The 1971 Chevrolet pick-up will be traded in the Parks Department. Manager Roberts stated that he would recommend that all three of these pick-ups be 3/4 ton but with a step-side in the Parks Department and fleetside in the Water and Sewer Department. There was considerable discussion concerning the bids. Richardson moved to award the bids to the low bidder, Isaacs Motor Company, Inc. in Rusk, for a total bid of $22,710.27. Second by Schmidt.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

The bids accepted are as follows:

$8,210.09 - $800. (1977 trade-in)	$7,410.09
$8,210.09 - $800. (1975 trade-in)	$7,410.09
$8,290.09 - $400. (1971 trade-in)	$7,890.09

The bid tabulation sheet is attached to and made a part of these minutes.

Two bids were received on the purchase of a heavy-duty tractor-mower. The bidders and their bids are as follows:

Watson Distributing	$ 9,143.00
Goldthwaites	$10,075.50

After brief discussion, Simms moved the bid be awarded to Watson Distributing. Second by Coleman.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

City Manager Roberts explained that the mower will be used primarily in the maintenance of all the City ballfields.

City Manager reported that with completion of the new Public Works Service Center near, one of the few items remaining is the placement of a central location for gasoline distribution. Mr. Roberts recommended that the City receive bids on gasoline and petroleum products with the intention of having the supplier install, at a central location, all tanks and pumps for the products. After discussion, Coleman moved that the Manager be authorized to receive bids. Second by Schmidt.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

Mr. Bill Poore, Treasurer for the Deep East Texas Federal Credit Union, was present to explain this newly organized way for City employees to save by payroll deduction. He explained the functions of the credit union and what would be necessary should the City decide to participate. The only cost to the City would be the handling of payroll deduction and reporting the deductions

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to the credit union. After discussion, Simms moved the City join the credit union and necessary paperwork to participate be authorized. Second by Coleman.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

Mr. Ron Willis with the Deep East Texas Council of Governments appeared before the Council to present information concerning Community Development Block Grant applications. He stated that there is grant money available for low to moderate income neighborhoods. The Council would need to set priorities and then hold public hearings for citizen input. The cost of providing technical and administrative services for the preparation of the grant application is $225. The service would include holding the public hearings, preparing citizen participation plan, designating the priorities, collecting data, preparing cost estimates and finally preparing the application itself. After the details of the proposal were explained, Richardson moved the City enter into a contract with DETCOG on submitting a Community Development Block Grant. Second by Simms.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

No action was taken regarding a request from CATV Systems, Inc. since the request has been withdrawn.

City Attorney Warner introduced an ordinance regulating animal nuisances within the City. The ordinance sets forth specific complaints such as dogs in garbage, barking, etc. After discussion, Simms moved the ordinance be passed and adopted with maximum fine of $200. be established. Second by Coleman.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

Alderman Simms stated that at the present time Bank Street, located adjacent to the old Diboll State Bank building is one-way traveling west away from U.S. 59 and Village Drive toward Hendrix Street. He felt that since the one-way was for the banking operation of drive-in windows that were no longer there, the street could be designated two-way traffic. After discussion, Simms moved that Bank Street be returned to two-way traffic and proper signs be erected. Second by Schmidt.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

City Manager reported that the Police Department has been selected to receive a State grant for darkroom equipment in the amount of $510. with a $170. City match for camera and complete darkroom facilities. A resolution is required from the City before the grant is finally approved. The resolution would simply state that the City Council is in support of the grant. After dis-

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cussion, Simms moved the resolution be adopted. Second by Richardson.

Voting Yes: Simms, Coleman, Richardson and Schmidt

Voting No: None

The Council then adjourned and went into executive session to discuss personnel matters at 6:30 P. M.

C. H. Shepherd Jr.
Mayor

Attest:

Geneva S. Ard
City Secretary

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, April 27, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Dr. R. W. Ingram, Charles Schmidt, Skip Richardson,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

Sam Coleman,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was opened by Mayor Shepherd who gave the invocation.

City Manager Roberts explained the meeting was a public hearing to hear requests from citizens regarding compliance with the junked or abandoned vehicles ordinance. Mr. Roberts explained that a citizen with a junked or abandoned vehicle is first given notice verbally by the Police Department to remove the nuisance. Then the citizen may request to come before the City Council for a hearing. The Council does have the authority to give an extension if the requests are justified.

Letters asking to appear before the Council were received from Martha Grumbles, Carnuto Rios, Bobbie J. Coleman and Marcellus Jones.

Chief Ray presented pictures and supporting data on each case to the Council for review. City Attorney Warner recommended that each case be handled separately and each applicant who was present, explain his reasons why an extension is requested.

Mr. Marcellus Jones came before the Council stating that the cars considered junked or abandoned in his yard would actually run and therefore he could not see having to remove them. There were a total of six vehicles. He stated that he is actually working on them as he acquires the money to do so. There was considerable discussion before Ingram moved that the Police Chief work with Mr. Jones concerning a timetable for removing the vehicles or coming into compliance with the ordinance and report at the next regular Council meeting. Second by Richardson.

Voting Yes: Simms, Ingram, Schmidt and Richardson

Voting No: None

City Manager stated that Martha Grumbles could not be present at this meeting and asked for a later hearing and that Bobbie J. Coleman has come into compliance.

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Mrs. Ernestine Cavazos appeared on behalf of Mr. Carnuto Rios to request an extension of 60 to 90 days so that Mr. Rios will have sufficient time to repair a Cadillac now junked on his property on Devereaux. Mrs. Cavazos stated that she will be responsible for the Vega being repaired and removed from this same property. After discussion, Simms moved to give a sixty (60) day extension for Mr. Rios and rescind the previous motion regarding Marcellus Jones and he also be given 60 days. Second by Ingram.

Voting Yes: Simms, Ingram, Schmidt and Richardson

Voting No: None

Chief Ray will report on the progress of these cases at the proper time.

There being no further business, Council adjourned at 6:07 P. M. upon motion by Simms.

C. H. Shepherd Jr.
Mayor

ATTEST:

Geneva S. Ard
City Secretary

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Minutes of a regular meeting of the Diboll City Council, Monday, May 17, 1982 at 5:15 P.M.

Members Present:

C. H. Shepherd, Jr.	Mayor
Skip Richardson, Samuel Coleman, Dr. Russell W. Ingram, Charles Schmidt, James Simms,	Councilmen

Members Absent:

None

Also Present:

Terry K. Roberts,	City Manager
Becky Chapman,	Office Manager

The meeting was opened by Mayor Shepherd who gave the invocation.

Coleman moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman, Schmidt, Richardson

Voting No: None

Mayor Shepherd then opened the Public Hearing to consider citizen requests regarding junk or abandoned vehicles. Mrs. Martha Grumbles requested an extension in order that the vehicles on her property could be removed. After much discussion Ingram moved that Mrs. Grumbles be allowed a 60 day extension. Second by Schmidt.

Voting Yes: Ingram, Simms, Coleman, Richardson, Schmidt

Voting No: None
Public Hearing was closed.
Mayor Shepherd reported that the terms of Richard Oates and Kenneth Nelson on the Planning and Zoning Commission were up at this time. He stated that Nelson had requested not to be reappointed, and that Oates would serve. Mayor Shepherd stated that he had contacted Kay Henson to see if he would be willing to serve, and he would. Ingram moved that Richard Oates and Kay Henson be appointed to serve on the City's Planning and Zoning Commission. Second by Coleman.

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Voting Yes: Ingram, Coleman, Simms, Richardson, Schmidt

Voting No: None

Mayor Shepherd also reported that there was a vacancy on the Board of Adjustments with the election of Skip Richardson to the City Council, and the two alternate positions were vacant. He recommended that Joe Gage be elevated from the alternate position to a Board member. Motion by Ingram, second by Coleman.

Voting Yes: Ingram, Coleman, Simms, Richardson, Schmidt

Voting No: None

Shepherd tabled the appointment of alternates until the June meeting.

City Manager, Roberts, presented an ordinance approving rates to be charged by Texas Power and Light. Jerry Morgan with Texas Power and Light made a brief presentation and answered questions of the Council. Schmidt moved the ordinance by adopted. Second by Richardson.

Voting Yes: Richardson, Schmidt, Simms, Coleman, Ingram

Voting No: None

Roberts requested the Council set the use fees for the municipal pools for the 1982 year. He stated the fees for last year are:

Private Party Rental	$25.00
Old Orchard Pool	
Adults (13 & Older)	.75
Children (12 & Under)	.35
Kiddie Pool	.25
Walter Allen Pool	
Adults (13 & Older)	.75
Children (12 & Under)	.25
Family Season Ticket - 2	20.00
Each additional person	5.00
Maximum	35.00

Simms moved the fees remain the same as last year. Second by Richardson.

Voting Yes: Richardson, Schmidt, Simms, Coleman, Ingram

Voting No: None

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Roberts presented a contract from the Municipal Code Corporation to recodify the City's Code of Ordinances. After a brief explanation from City Attorney, Richard Warner, Ingram moved the contract be executed. Second by Coleman.

Voting Yes: Ingram, Coleman, Richardson, Simms, Schmidt

Voting No: None

City Manager Roberts gave a brief summary of maintenance work that needs to be done on the City Hall and Public Safety Center. He stated that at the present time the Public Safety Center is in need of painting, both interior and exterior. However, the City Hall building could go for another year or two without being repainted. He stated that with the move to the Service Center, the Street Superintendent's office will be vacant, and stated he felt with some minor remodeling that office and the adjoining room could be made into a conference room for City staff. After a brief discussion Richardson moved the City advertise for bids on the repainting of the buildings, but that the remodeling be tabled. Second by Schmidt.

Voting Yes: Ingram, Richardson, Coleman, Simms, Schmidt

Voting No: None

Roberts stated that at the time the agenda was prepared he was not aware of all of the circumstances involved in the closing of the City's dog pound, and since that time he has learned of the problems that were experienced in the past with the operation of the City pound. Richardson gave a brief background history on why the City pound was closed and answered questions from several of the other Council members. Council requested that City Manager, Roberts prepare a feasibility study on the reopening of the City pound and present it at the June Council meeting.

There being no further business, meeting was adjourned at 6:10 P.M.

C. H. Shepherd Jr

ATTEST:

Geneva S. Ard

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, June 21, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Dr. R. W. Ingram, Samuel Coleman, Skip Richardson,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Charles Schmidt,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Mayor Shepherd then presented a plaque to Darwin "Bo" Smith for his service on the Council from 1977-1981. Mr. Fred Weeks was not present to receive his plaque.

Mayor Shepherd declared a public hearing was now in session to hear a request for a zone change on Lot 2, Block 2, A. C. Hall Addition. The request is for a change from Residential to Commercial so that a washateria could be built by the property owner, Mr. E. C. Williams. No one was present to speak either for or against the change. City Manager Roberts reported that the Planning and Zoning Commission has recommended the change with reluctance since Mr. Williams owes delinquent taxes for several years. City Attorney Warner explained that steps are being taken to collect the taxes that are due. After discussion, Simms moved the request for a zone change be denied and be reconsidered later providing the back taxes are paid. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

Mayor Shepherd declared a public hearing in session to consider a zone change request from Retail to SF-2 on .0011 acres in the J. R. Chevano Survey owned by Rodolfo Salazar. The applicant desires to convert a garage into a duplex apartment. Mr. Shepherd reported that the Planning and Zoning Commission has denied the request. No one appeared either for or against the change. Alderman Simms moved that the recommendation of the Planning and Zoning Commission be accepted and the application denied. Second by Richardson.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

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Mayor Shepherd declared a public hearing in session to hear pros and cons regarding a zone change request from Mr. Albert Mitchell on .011 acres in the J. R. Chevano Survey from Retail to SF-2. Mr. Mitchell plans to build a home on this property. No one appeared either for or against the zone change. Mr. Shepherd reported that the Planning and Zoning Commission has recommended the change be granted. Ingram moved to accept the recommendation of the Planning and Zoning Commission and grant the zone change. Second by Simms.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

City Manager Roberts reported that the City's present Water and Sewer Ordinance calls for sewer charges to be calculated by averaging the water consumption for the months of January, February and March for both residential and commercial. The reason those three months are used was the belief that they would more accurately reflect the water consumption that is actually going into the sewer system. Mr. Roberts stated this method of calculation is very time consuming and offered alternative methods such as programming the computer to establish a maximum consumption and anything used over that would be considered going through the sewer system and the customer would be charged. Also, the computer could be programmed to calculate sewer charges for commercial accounts each month and not have a maximum consumption. After considerable discussion, no official action was taken by the Council.

M. D. Scarborough, Director of Public Public Works, introduced several ordinances amending the City's mechanical, plumbing, electrical, building, gas and fire codes. He stated this is to bring our ordinances up to date with the 1982 Editions of the Southern Standard Codes. Richardson moved to adopt these code revisions. Second by Coleman.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

Mayor Shepherd recommended appointments be made on the Board of Adjustments and Appeals. He stated Mr. Kelsie Roach has resigned and Mr. Dick Donovan has expressed that he not be reappointed. Mr. Bennie Scott is willing to serve another term. Mayor Shepherd stated he would like to appoint Mr. Clyde Maxey, Mr. Don Hendrick and Mr. Bennie Scott to this Board. Mr. Shepherd that as alternate members he would like to appoint Mr. Jerry Bloodworth and Mr. Ernie Musick. Ingram moved to accept the Mayor's recommendations. Second by Simms.

Voting Yes: Simms, Ingram, Coleman and Richardon

Voting No: None

City Manager Roberts reported that earlier this year when the City had purchased an IBM computer, the Council had decided to hold up on signing a maintenance contract until after the warranty had expired. Mr. Roberts explained that although there have been no problems, he would recommend a maintenance agreement since each service call will be quite expensive should the machine malfunction. Simms moved

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to accept the Manager's recommendation be accepted and a maintenance contract be entered into with IBM. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

City Manager Roberts stated that Council had earlier been furnished with figures showing the cost of transporting animals to the Lufkin Animal Shelter by our Humane Officer. Also, cost estimates have been prepared by Alderman Richardson regarding the animal shelter design that was discussed at the last meeting. Mr. Richardson explained that the figures were only estimates and could possibly be high, but that the cost to the City for the shelter is estimated at $24,000. Humane Officer Suzanne Roberts, Police Chief Danny Ray and Kathy Clark from the animal shelter in Lufkin, all spoke on the advantages of Diboll having its own pound and shelter. After much discussion, Simms moved the matter be tabled until more information is gathered and the public is informed concerning the feasibility of an animal shelter. Second by Ingram.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

City Manager reported that bids had been received on gasoline and petroleum products and Morgan Oil Company is the apparent low bidder. After a review of the bids from Peco, Exxon and Morgan, Simms moved the bid be awarded to Morgan Oil Company. Second by Richardson.

Voting Yes: Simms, Ingram, Coleman and Richardson

Voting No: None

City Manager was then instructed to work out the details with Morgan Oil regarding a depreciation schedule on the equipment and installation so that Mr. Morgan's investment would be protected should the City change suppliers.

There being no further business, Council adjourned at 6:40 P. M. and went into executive session to discuss legal matters.

MAYOR

ATTEST:

Becky Chapman

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, July 19, 1982 at 5:15 P.M. in the meeting room at the Diboll City Hall.

Members Present:

Dr. Russell W. Ingram,	Mayor Pro-Tem
Samuel Coleman, Skip Richardson, James Simms,	Councilmen
Terry K. Roberts,	City Manager
Becky Chapman,	Secretary

Members Absent:

Charles Schmidt,	Councilmen
C. H. Shepherd, Jr.	Mayor

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Pro-Tem Ingram.

Ingram declared the meeting open for a Public Hearing to receive citizen input and consider a presentation by Samuel Naumann of Everitt Griffith and Associates on infiltration and inflow study.

After the presentation Ingram declared the Public Hearing closed.

James Simms made the motion that minutes be approved as presented to each Councilmen in writing. Second by Richardson.

Voting Yes: Coleman, Richardson, Simms

Voting No: None

City Manager Roberts reported that the application for a zone change on Lot 2 Block 2 of the A. C. Hall Addition was to be reconsidered after back taxes were paid. Mr. E. C. Williams has paid his delinquent property taxes. After a brief discussion Richardson moved the zone change be granted. Second by Coleman.

Voting Yes: Coleman, Richardson, Simms

Voting No: None

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Ingram declared a Public Hearing was now in session to hear a request for a specific use permit for a mobile home on one acre of land in the T. Quevado Survey. The property is owned by Shirley Terrell. After a brief discussion Simms moved the request for a temporary specific use permit be granted. Second by Coleman.

Voting Yes: Coleman, Simms, Richardson

Voting No: None

City Manager Roberts reported that Golf Course Manager Dewey Wolf was requesting authorization to bid a greensmower for the Golf Course. Mr. Wolf gave a brief explanation on the condition of the greensmower now being used and the necessity for purchasing another one. Simms moved the City take bids on a new greensmower. Second by Richardson.

Voting Yes: Coleman, Richardson, Simms

Voting No: None

City Manager Roberts gave a brief explanation on a letter he received from J. L. Beaird with the Department of Highways and Public Transportation. Richardson made the motion that the City Council not take any formal action at this time. Second by Coleman.

Voting Yes: Coleman, Richardson, Simms

Voting No None

There being no further business, Council adjourned at 5:50 P.M.

T. N. Ingram
Mayor

ATTEST:

Becky Chapman
Secretary

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Minutes of a Special Meeting of the City Council of the City of Diboll, Texas July 27, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Russell W. Ingram, James P. Simms, Sam Coleman, Skip Richardson, Charles Schmidt,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

None

Also Present:

M. Richard Warner,	City Attorney

The meeting was opened with prayer by Mayor Shepherd.

Mr. John Risher, President of CATV Systems, Inc., was present to explain his company's proposal regarding cable television in Diboll.

He reviewed the proposed cable line-up which could be offered to the citizens, the basic channels and rates and also the three pay channels, Galaxy, Showtime and HBO. He explained that the complete rebuild of the system to offer the new channels and improved reception could take from twenty-four to thirty months. Mr. Risher asked Council to authorize and increase on the basic rate from $6.50 per month to $8.75 per month, effective September 1, 1982. He stated that senior citizens will be given a $.50 discount each month. This rate would be in effect until the complete rebuild in finished and then be re-negotiated.

Alderman Simms expressed concern for the citizens should any increase be given without giving opportunity for discussion from the customers. Several different alternatives of rate increase were discussed before Council agreed that another meeting should be held on Tuesday, August 3, 1982 at 5:15 P. M. so that notice could appear in the paper before action is taken.

City Manager Roberts explained that with the new appraisals by the Angelina County Appriaisal District many citizens over 65 and those classified as disabled will now have to pay City taxes. This is because their appraised value is higher than the $10,000. exemption. Mr. Roberts proposed that a $20,000. exemption be given to those over 65 or disabled. It would not be doubled if a person is over 65 and disabled, only one exemption would be given. The loss of revenue to the City will be approximately $3,000. After brief discussion, Simms moved

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the City approve an ordinance increasing the tax exemption for property owners 65 or over and disabled to $20,000. Second by Coleman.

Voting Yes: Ingram, Simms, Coleman, Richardson and Schmidt

Voting No: None

City Manager presented for Council review, a map of Old Orchard Park which showed proposed improvements for parking areas. He stated the City will receive a final payment from Texas Parks and Wildlife for approximately $13,000. which could be used to help fund the project. The areas proposed for parking include in front of the Scout House, Jaycee's Pavilion, Jordan Baseball Field and tennis courts. Also a short drive to the lake from the main park road is proposed. Council discussed the possibility of eliminating the drive to the lake. After discussion, Schmidt moved the Manager be authorized to accept bids for the entire project and should funds not be available, adjustments be made after bids are received. Second by Simms.

Voting Yes: Ingram, Simms, Coleman, Richardson and Schmidt

Voting No: None

There being no further business, Council adjourned at 7:05 P. M. upon motion by Simms and second by Coleman.

A. N. Ingram Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a Special Meeting of the City Council of the City of Diboll, Texas, August 3, 1982 at 6:00 P. M. in the meeting room at Diboll City Hall.

Members Present:

R. W. Ingram,	Mayor Pro-Tem
James P. Simms, Skip Richardson, Sam Coleman, Charles Schmidt,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

C. H. Shepherd, Jr.,	Mayor

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Pro-Tem Ingram.

City Manager Terry Roberts gave the invocation.

Mayor Pro-Tem Ingram asked the Council to speak on the proposed negotiations of CATV Sytems, Inc. regarding channel line-up and rates. None spoke at this time. Mr. Ingram then asked for input from the citizens who were present. Several questions were asked which were answered by Mr. John Risher, President of CATV Systems, Inc. Most citizens who spoke complained about the poor reception that is presently being received and all objected to any increase in rates until reception is improved.

Mr. Risher again asked Council to approve a rate increase from $6.50 base rate to $8.75 per month until the system is completely rebuilt which would take up to thirty (30) months. This was not agreeable with the Council or those who were present in the audience. Mr. Risher then offered an alternative plan of increasing the base rate by $1.25 effective the first billing cycle after the franchise is negotiated, then six months before completion of the rebuild, meet again with the Council to consider an additional $1.00 per month. He then listed the line-up expected at that time. The $.50 per discount for senior citizens was also offered.

City Attorney Warner directed several questions and answers to the customers who were present and then made a recommendation that no rate increase be given until actual work is in progress, such as the advertisement for bids for the rebuild, equipment purchased and the super trunk completed. There was considerable discussion among the citizens, Council and CATV representatives.

Mr. Risher asked for a fifteen minute recess.

Alderman Richardson asked Mr. Risher if the City did not request immediate payment

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of franchise taxes, would that help his financial situation at this time. No definite answer was given.

After further discussion of each proposal, Alderman Simms moved that no rate increase be granted at this time, then when the trunk is completed in three to six months, give $1.25 per month. Additional increases would be discussed when work is commenced in town. This agreement would be a part of the franchise. Second by Coleman.

Voting Yes: Simms, Coleman and Schmidt

Voting No: Richardson

Mayor Pro-Tem commended the citizens for attending in such good number.

Meeting adjourned at 8:00 P. M. upon motion by Simms and second by Coleman.

R. N. Simms
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, August 16, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
Charles Schmidt, James P. Simms, Skip Richardson,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

C. H. Shepherd, Jr.,	Mayor
Sam Coleman,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Pro-Tem Ingram.

The invocation was given by Manager Roberts.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Richardson.

Voting Yes: Schmidt, Simms, Richardson

Voting No: None

Mr. W. M. Spiller, President of Dollarhide Hunting Club was present to request City water to the pasture rider's residence located several thousand feet outside the South City Limits. Although Council could make comments, no action was taken since the item was not on the agenda. Mayor Pro-Tem Ingram stated the item would be on an agenda at the earliest possible time.

The terms of Ken Holt, Albert Delco, David Kellam and Harold Maxwell on the City's Park and Recreation Board are expiring this month. Each is a two year term. Mayor Shepherd has contacted each one about reappointment and each is willing to serve another term. Mayor Shepherd recommends these four be reappointed. Schmidt moved to accept the Mayor's recommendation. Second by Simms.

Voting Yes: Schmidt, Simms, Richardson

Voting No: None

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City Manager reported that since Mr. H. G. Stubblefield no longer lives in Diboll, he has resigned as one of Diboll's representatives to the Angelina County Airport Zoning Board. Mayor Shepherd is presenting the name of Stacey Cooke as nominee to the Board. Simms moved to accept the Mayor's recommendation. Second by Schmidt.

Voting Yes: Schmidt, Simms and Richardson

Voting No: None

City Manager stated that bids were received on August 11, 1982 on the purchase of a greensmower for the Golf Course. The bidders and their bids are as follows:

Watson Distributing	$6,495.00	($1,400. trade-in Jacobson mower)
Goldthwaite's	7,600.00	(300. trade-in)

Simms moved to award the bid to the low bidder, Watson Distributing in the amount of $6,495.00. Second by Richardson.

Voting Yes: Schmidt, Simms and Richardson

Voting No: None

City Manager reported that bids were received on paving parking areas in the Old Orchard Park. He stated that after bids were investigated and reviewed, the low bidder is Kenneth Koon Konstruction in the amount of $16,663.77. The Diboll School System has indicated the district may be willing to assist in the cost of paving in front of Pop Jordan Field. After brief discussion, Simms moved to award the bid to Kenneth Koon Konstruction. Second by Schmidt.

Voting Yes: Schmidt, Simms and Richardson

Voting No: None

Mr. Roberts stated that several months ago Council discussed the issue of amending the voting requirements on zoning items. The ordinance called for a 3/4 vote of the City Council to override action of the Planning and Zoning Board. The Council voted at that time to change to ordinance to call for a simple majority vote, but that a formal amendment to the ordinance had not been drawn. Simms moved to formally amend the voting requirements for zoning items. Second by Richardson.

Voting Yes: Schmidt, Simms and Richardson

Voting No: None

City Manager presented bids received on painting at City Hall and the Public Safety Center (delayed until this time because no bids were received on bid date). The low bidder was Fox Contractors in the amount of $2,948.00. Simms moved to award the bid to Glenn Fox Contractors. Second by Schmidt.

Voting Yes: Schmidt, Simms and Richardson

Voting No: None

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Mr. John Risher, President of CATV Systems, Inc. was present to discuss the proposed franchise ordinance offered by his company. There was considerable discussion with City Attorney Richard Warner explaining each change that had been made and defining points in the ordinance such as the penalty clause for the company taking longer than 30 months to rebuild the system. After considerable discussion, Simms moved the Council authorize the franchise document outlined in the proposal submitted by CATV Systems, Inc. Second by Richardson.

Voting Yes: Simms, Schmidt and Richardson

Voting No: None

A special meeting will be called to officially adopt the cable franchise documents after thorough review.

There being no further business, Council adjourned at 6:15 P. M. upon motion by Simms.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a special meeting of the City Council of the City of Diboll, Texas, August 31, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr., Mayor

James P. Simms,
Skip Richardson,
Dr. R. W. Ingram, Councilmen

Terry Roberts, City Manager
Geneva Ard, City Secretary

Members Absent:

Sam Coleman,
Charles Schmidt, Councilmen

Also Present:

M. Richard Warner, City Attorney

The meeting was opened with prayer by Mayor Shepherd.

Mr. W. M. Spiller, President of Dollarhide Hunting Club, was present to again request City water to the hunting club pasture rider's house. Manager Roberts read the City's policy from the minutes which states that no water will be given outside the City limits unless there are extenuating circumstances and absolutely no other water available. Director of Public Works reported on the status of the City's water supply and the distance involved in this request. After discussion, Simms moved that Dollarhide Hunting Club be denied water. Second by Richardson.

Voting Yes: Simms, Richardson

Voting No: Ingram

Mayor stated that Council has reviewed the draft of the agreement with CATV Systems, Inc. City Attorney Warner explained the changes in the franchise ordinance. He listed each change by page number. After review and discussion, Simms moved that the City reinstate and amend the previous franchise held by CATV Systems, Inc. by adoption and passage of the ordinance as presented, and that the Mayor be authorized to issue on behalf of the City a joint release to be approved by the City Attorney on any claims held by CATV and CATV representatives of prior operations of CATV pursuant to its franchise with the City or during the time of suspension. Second by Ingram.

Voting Yes: Simms, Richardson and Ingram

Voting No: None

There being no further business, Council adjourned at 6:10 P. M.

C. H. Shepherd Jr.
MAYOR

ATTEST: Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, September 20, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
Charles Schmidt, James P. Simms, M. E. "Skip" Richardson, Sam Coleman,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

C. H. Shepherd, Jr.,	Mayor

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Pro-Tem Ingram.

The invocation was given by City Manager Terry Roberts.

Simms moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Richardson.

Voting Yes: Schmidt, Simms, Richardson and Coleman

Voting No: None

Manager Roberts stated that Mr. Bill Ricks representing Larelco and Mr. John Sloan representing Arthur Temple were present to discuss a joint zone change application on approximately 2.89 acres out of the Chevano Survey, Abstract 9. The request was a change from Agriculture to B-2 and has been denied by the Planning and Zoning Commission. The change would allow trucks to park at the Okay Food Store overnight. There was much discussion concerning the pros and cons, including added noise and traffic congestion. After the applicants and Council had heard from City Attorney Warner, Simms moved that Larelco and Arthur Temple amend their zoning request and change their application and re-submit it to the Planning and Zoning Commission. The request would be from Agriculture to Retail Zone where a specific use permit could be secured for overnight parking of trucks. Second by Coleman.

Voting Yes: Schmidt, Simms, Richardson and Coleman

Voting No: None

City Manager reported that recently the Public Works Department began clearing the grass growing over curbs and into the streets and following that with sweeping. He stated the City's street sweeper is in need of replacement.

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He stated that the Street Superintendent had not used it on a regular basis, but was trying to do this maintenance work to prepare the City for Diboll Day. If the street cleaning is done on a regular basis which will prolong the life of the streets, a new sweeper will be needed. He stated there is money appropriated in the Equipment Fund. After considerable discussion, Schmidt moved that bids be taken on a street sweeper with and without the truck and with a trade-in on the old sweeper. Second by Simms.

Voting Yes: Schmidt, Simms, Richardson and Coleman

Voting No: None

City Manager reported a public hearing was now open to hear any comments or citizen input regarding the City's allocation of Revenue Sharing Funds which will amount to $132,178. for the coming fiscal year. There was no comments or opposition as to how the money should be appropriated.

City Manager Roberts stated that a tax rate for the coming year should be considered. He explained the requirements such as newspaper publications, etc. should an increase be passed. The needed increase is from 20¢ to 24¢ per $100. on appraised market value. After carefully considering the City's budget needs, Simms moved the tax rate be increased to 24¢. Second by Richardson.

Voting Yes: Schmidt, Simms, Richardson and Coleman

Voting No: None

There being no further business, Council adjourned at 6:40 P. M. on motion by Simms and second by Richardson.

C. H. Shepherd
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a Special meeting of the City Council of the City of Diboll, Texas, September 27, 1982, in the meeting room at Diboll City Hall.

Members Present:

Dr. R. W. Ingram,	Mayor Pro-Tem
Charles Schmidt, James P. Simms, M. E. "Skip" Richardson,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

C. H. Shepherd, Jr.,	Mayor
Sam Coleman,	Councilman

The meeting was called to order by Mayor Pro-Tem Ingram.

The invocation was given by Terry Roberts, City Manager.

Mayor Pro-Tem Ingram stated the meeting was a public hearing to adopt the budget for the Utility, General and Revenue Sharing Funds for the fiscal year 1982-83. An ordinance was presented for Council review. Simms moved the budget be adopted and the ordinance be passed and adopted. Second by Schmidt.

Voting Yes: Schmidt, Simms, Richardson

Voting No: None

An ordinance to increase the garbage rates was introduced to the Council. After discussion, Simms moved the ordinance be passed and adopted. Second by Schmidt.

Voting Yes: Schmidt, Simms, Richardson

Voting No: None

Residential rates will be increased to $4.50 per family unit. Commercial or business charge shall be not less than $12.50 per month. Container service charge will be $1.40 per cubic yard with a minimum charge of 12 cubic yards per month.

There being no further business, Council adjourned at 5:25 P. M. upon motion by Simms and second by Richardson.

C. H. Shepherd Jr
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a Special Meeting of the City Council of the City of Diboll, Texas, Monday, October 4, 1982 at 5:15 P.M., in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.	Mayor
Samuel Coleman, Skip Richardson, Charles Schmidt, Dr. Russell W. Ingram,	Councilmen

Members Absent:

James Simms,	Councilmen

Also Present:

Terry K. Roberts,	City Manager
Becky Chapman,	Tax Assessor/Collector

The meeting was called to order by Mayor Shepherd.

Mayor Shepherd gave the invocation.

Mayor Shepherd declared the Public Hearing open for citizen input with regard to the proposed property tax increase. Manager Roberts, and Tax Assessor Chapman gave a brief explanation of the necessary procedures to follow with regard to the Truth in Taxation guidelines.

There being no citizens present for the Public Hearing, the Council set the next meeting to adopt the tax rate for Monday, October 18, 1982 at 5:15 P.M. Meeting was adjourned at 5:30 P.M.

C. H. Shepherd Jr.
C. H. Shepherd, Jr., Mayor

ATTEST:

Geneva S. Ard

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, October 18, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Dr. R. W. Ingram, M. B. "Skip" Richardson, Sam Coleman, James P. Simms,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Charles Schmidt,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Ingram moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

City Manager reported that Rev. Elzine Strong has applied for a specific use permit for placement of a mobile home on Mockingbird Lane. The application has been presented to the Planning and Zoning Commission as a hardship case since Rev. Strong will use it as a home for his elderly mother-in-law. The application has been approved by the Planning and Zoning Commission. Ingram moved the specific use permit be granted and that it be reviewed in six months. Second by Richardson.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

An application for a specific use permit was presented which was requested by Daniel Hernandez for placement of a mobile home on Fuller Street. The application has been denied by the Planning and Zoning Commission basically because of one objection to the application and also that it was requested because of economic hardship. Simms moved to accept the recommendation of the Planning and Zoning Commission and deny the request. Second by Ingram.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

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A third request for a specific use permit was presented for placement of a mobile home by Ronny Crockett at the Diboll Auto Auction. This application was approved by the Planning and Zoning Commission as it was requested to placed there for security reasons. City Attorney Warner explained the mobile home will be there on a temporary basis and will not be considered as a residential dwelling. Ingram moved to grant the specific use permit. Second by Coleman.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

An amemdment to the Zoning Ordinance to allow temporary truck parking as an allowed specific use under Retail Zoning was introduced for Council consideration. City Attorney Warner explained this designation would be restricted to temporary overnight parking. After discussion, Coleman moved the adoption of the amendment. Second by Richardson.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

A zone change request and request for specific use permit from Larelco and Arthur Temple, Jr. were presented for consideration. The request involves the Okay Food Store and highway frontage owned by Mr. Temple adjacent to the store. A map was reviewed showing the change from B-2 to Retail, with Specific Use on Tract "A" and from B-2 to Retail only. After discussion Simms moved to grant the zone change with the following stipulations.

1. No hazardous materials
2. No contract parking
3. No truck stop signs
4. Limit number of trucks to 15
5. Parking such that it does not impede the flow of traffic

Second by Ingram.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

City Manager introduced an ordinance to set the tax rate for the fiscal year for 1982-83 of 24¢ per $100. value. Simms moved the ordinance be passed and adopted. Second by Ingram.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

Mr. H. G. Stubblefield, President of Sabine Investment Company, was present to ask the Council to consider a resolution calling for a public hearing on establishing certain areas as blighted areas eligible for tax exempt financing. This would help promote commercial development in Diboll. He explained that at blighted area is defined as one with a substantial number of slum or deteriorating structures or which suffer from a high rate of unemployment. If a blighted area is designated,

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it would be set up for five years. After discussion, Ingram moved that a public hearing be called for on November 8, 1982 at the next regular Council meeting. Second by Coleman.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

Mr. Sam Naumann of Griffith and Associates was present to present an update on the City's EPA Grant Project and ask Council to consider a resolution approving submission of a facility plan and environmental assessment to the Environmental Protection Agency. He stated that the project plans to upgrade our existing sewer facilities, the treatment plant and collection lines. He briefly highlighted the improvements including the estimated cost for the total project as $3.3 million with the City's share at $986,000. After presentation, Coleman moved the resolution be adopted. Second by Simms.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

Mr. Randy Blanks presented a resolution for Council consideration approving submission of a grant to the Department of Housing and Urban Development. After brief explanation of what the City is eligible to apply for, Richardson moved the resolution be adopted. Second by Coleman.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

Mr. Billy Simms of Temple Associates gave an engineering report on the Eason Lake ground water well field study. He showed Council on a map where the tie in point would be for the City and the estimated cost to the City which is estimated at $2.28 per thousand gallons of water. There was considerable discussion.

Mr. Jimmy Griffith with Griffith and Associates also reported on the Eason Lake Project from the take point to the tie in of the Diboll System. He discussed the different alternatives of the City acquiring water from other sources which included the fact that he believed there is a good possibility of the City drilling another well near Diboll. After much discussion, no official action was taken.

City Manager asked for authorization to set a date to receive bids for garbage bags. Simms moved authorization be granted. Second by Ingram.

Voting Yes: Ingram, Richardson, Coleman and Simms

Voting No: None

There being no further business, Council adjourned at 7:00 P. M. and went into executive session to discuss a personnel matter.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, November 8, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
James P. Simms, Charles Schmidt, Dr. R. W. Ingram, Skip Richardson,	Councilmen
Terry Roberts,	City Manager
Geneva Ard,	City Secretary

Members Absent:

Sam Coleman,	Councilman

Also Present:

Richard Warner,	City Attorney

Meeting was opened with prayer by City Manager Roberts.

Ingram moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Simms.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

Mrs. Deloris Hodsden who is a member of the Flower Garden Club in Diboll, appeared before the Council to ask that an ordinance designating Diboll as a "Tree City" be considered. The ordinance, drafted by City Attorney Warner, was reviewed by Council. It basically establishes the City's responsibility for trees within the public rights-of-way and public lands. Only two other cities within the State have been designated "Tree City". Ingram moved the City adopt the ordinance and cooperate with Mrs. Hodsden for this recognition. Second by Simms.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

Mayor Shepherd stated that a public hearing was open to hear input regarding certain areas being established as blighted. If the areas are designated as blighted, businesses would be eligible for tax exempt financing under the industrial bond program. The maps showing the areas were distributes at the last Council meeting. No one present opposed the designation. Mr. Bill Brown, a local businessman was in favor of it.

Mr. Roberts then explained that there is no project underway at this time to qualify, but that applications would be handled through the Angelina Neches River Authority, project by project.

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After public hearing was closed, Ingram moved the areas shown on the map be designated as blighted. Second by Simms.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

City Manager Roberts reported that in reviewing the City's application for a community block grant, HUD has indicated that if the City had a Fair Standard Housing Ordinance on file, it would improve our chances of obtaining a Community Development Block Grant for housing assistance.

City Attorney Warner presented a draft of the ordinance which is a legal document intended to prohibit discrimination in sale or rental of housing. The grant funds, if obtained, would be used in low income areas. Simms moved the Fair Standard Housing Ordinance be adopted. Second by Ingram.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

City Attorney Warner explained that since the City has reached 5,000 population, the State has made some revisions in the wording and format for the Municipal Maintenance Agreement between the City and the State of Texas. He stated some of the changes as outlined by District Engineer, J. L. Beaird of the Highway Department. After his presentation, Council agreed to table any action at this time.

City Manager reported that two police patrol cars have been budgeted for this year and since delivery date is usually several months, asked authorization to advertise for bids. He stated the 1976 Chevrolet now driven by the Chief will be retained for the City's office staff. The Chief will then be assigned the Plymouth which is not dependable for every day road use. After brief discussion, Simms moved the Manager be authorized to receive bids on the purchase of two patrol cars. Second by Richardson.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

Ingram moved that the regular meeting in December be moved up from December 20 to December 13, because of Christmas holidays. Second by Simms.

Voting Yes: Simms, Schmidt, Ingram, Richardson

Voting No: None

There being no further business, Council adjourned at 5:45 P. M. upon motion by Simms and second by Richardson.

C. H. Shepherd Jr.
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY

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Minutes of a regular meeting of the City Council of the City of Diboll, Texas, December 13, 1982 at 5:15 P. M. in the meeting room at Diboll City Hall.

Members Present:

C. H. Shepherd, Jr.,	Mayor
Charles Schmidt, James P. Simms, Dr. R. W. Ingram, Skip Richardson,	Councilmen
Terry K. Roberts,	City Manager
Geneva S. Ard,	City Secretary

Members Absent:

Sam Coleman,	Councilman

Also Present:

M. Richard Warner,	City Attorney

The meeting was called to order by Mayor Shepherd who gave the invocation.

Richardson moved to dispense with the reading of the minutes of the previous meeting and they be approved as previously submitted to each Alderman in writing. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

Mr. Bill Thompson, on behalf of Deborah Thompson, appeared before the Council to request water and sewer service to a mobile home outside the City Limits. The property is located on Frosty Lane, off First Street. Mr. Thompson explained that adequate water is not available from any other source and stated that since the City has a wastewater treatment plant near, he feels a well would be undesireable. M. D. Scarborough, Director of Public Works, showed a map of the area and the other residences which are connected to City services. Mr. Scarborough did assure Mr. Thompson that the treatment plant was far enough from the property that it would not contaminate a water well.

City Manager Roberts stated that the City's policy is to allow water and sewer service only if extenuating circumstances exist. After explanation and discussion, Simms moved services be extending to Deborah Thompson's mobile home on Frosty Lane. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

Manager Roberts stated that six months ago, Mrs. A. R. McGuire was granted a temporary Specific Use Permit for a mobile home at 313½ Locust Street. According to the Zoning Ordinance it is now time to review whether to renew to permit or not.

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Mr. Roberts stated that when the permit was initially granted, it was on a hardship basis because Mrs. McGuire's mother was ill. Since that time her mother has passed away, but her father and sister are not in good health. The Planning and Zoning Commission have approved the renewal since there was no opposition from any of the surrounding property owners. However, it was pointed out that Mrs. McGuire does own a house on the same lot where the mobile home is, but has it rented at this time. After discussion, Simms moved to accept the recommendation of the Planning and Zoning Commission and renew the temporary Specific Use Permit. Second by Schmidt.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

Mr. Jerry Clark with Griffith and Associates appeared before the Council to discuss a fluoridation program for the City. Councilman Ingram who is a dentist gave input on the need of fluoride in the water. Mr. Clark stated that funds are available through the Texas Department of Health to give cities financial assistance. Almost all of the costs are reimbursable including equipment. General information on fluoridation was given to the Council.

Manager Roberts reported that Griffith and Associates is working with the City of Nacogdoches on a similar project and if the Council decides the City should fluoridate its water, staff needs to be authorized to proceed with an application to the State. Griffith has expertise in this field. After the presentation, Richardson moved the City proceed with a grant application to the State for financial assistance to fluoridate the water. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

City Attorney reported that in reviewing the City's Zoning Ordinance, it was discovered that there is a lack of adequate regulation of mobile homes used as commercial dwellings. Mr. Warner presented a draft of an amendment to the ordinance so that a mobile home used as a commercial dwelling will not only have to meet code requirements but also have to obtain a renewable temporary permit. He stated that since this is a Planning and Zoning item, Council should refer the amendment to the Planning and Zoning Board for their recommendation. Richardson moved to refer the amendment to the Board for approval. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

City Manager stated that bids were received on December 1 for the purchase of two police patrol vehicles. The bidders and their bids are as follows:

Greater Lufkin Ford	$17,921.68
Gibbs Motor Company	18,480.00

Simms moved to award the bid to Greater Lufkin Ford for two cars with the trade-in of the Department's Buick. Second by Richardson.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

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City Manager reported that bids were received on December 8, for the delivery of 200,000 plastic garbage bags, 2 mil. The bidders and their bids are as follows:

B & E Packing	$58.59 per thousand
Adams Industries	57.29 per thousand
Sunbelt Plastics	64.65 per thousand

Mr. Roberts stated that a bid was received from Bemis Company two hours after the bids were opened and asked if the Council wished to open the bid. After brief discussion, Simms moved to award the bid to Adams Industries and return the bid to Bemis unopened. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

City Manager reported that bids were received on December 8, for the purchase of a street sweeper. The bidders and their bids are as follows:

NAME	TRUCK AND SWEEPER	SWEEPER MOUNTED ON EXISTING UNIT	TRADE-IN
BDM Equipment	$32,995.00		
Davis Truck	25,000.00 (Used)		
Environmental Sales	21,715.00	$13,515.00	$800.00
Wayne's Industrial Service	17,100.00	14,800.00	
Greater Lufkin Ford	9,725.16 (truck only)		

A sales representative from Environmental Sales was present who addressed the Council regarding the bids. He stated the low bid from Wayne's Industrial Service could not be correct because it is so low. Director of Public Works Scarborough assured the Council he had investigated the bids and found the low bid to be correct. After much discussion, Simms moved that the award of bid be tabled at this time. Second by Ingram.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

Councilman Ingram then moved that a report be submitted to the Council at the next meeting showing the hours the street sweeper would actually be used and the manpower that it would take. Second by Schmidt.

Voting Yes: Schmidt, Simms, Ingram and Richardson

Voting No: None

There being no further business, Council adjourned at 6:45 P. M. upon motion by Ingram.

Russell N. Grounds
MAYOR

ATTEST:

Geneva S. Ard
CITY SECRETARY