

Minutes of the regular City Council Meeting Monday, February 12, 2007 at 5:15 p.m. at Diboll Council Chambers.

Present

James P. Simms	Mayor
Bill Brown	Councilman
Don Hendrick	Councilman
Ricky Conner	Councilman
Jan Wilkerson	Councilman
Jimmy Cassels	City Attorney
Kenneth Williams	City Manager
Tina Cavazos	City Secretary

Absent

Gandy Stubblefield Councilman

Also Present

Kent Havard	Police Chief
Sylvester Cauley	
Brenda Russell	
Kathy Sample	
John Manuel	Attorney Linebarger, Goggan, Blair & Sampson
Margie Harrell	Housing Authority
Joe Wyatt	Tri-Stem
Larry Bowman	Civic Center Manager
Malcom McKinley	

1. **Mayor James P. Simms called meeting to order.**
2. **Bill Brown opened meeting with prayer.**
3. **Approval of Minutes.**

Motion was made to approve the minutes of the regular meeting of January 8, 2007 by Jan Wilkerson and seconded by Ricky Conner with a unanimous affirmative vote being recorded.

4. **Consider Planning and Zoning Board recommendation to change the zoning from current classification "A- Agriculture District" to "single Family Dwelling District-1" on approximately 18.44 acres described as A. Chavano Survey-(009) tract 139 and located on Maynard Street and take action.**

Mr. Williams stated Sylvester Cauley is planning to develop this property into a subdivision. Motion was made to approve the zone change from the current classification "A- Agriculture District" to "Single Family Dwelling District-1" on A. Chavano Survey (0009) tract 139 and located on Maynard Street by Don Hendricks and seconded by Jan Wilkerson with a unanimous affirmative vote being recorded.

5. **Action to approve a resolution appointing the Mayor, City Manager and City Secretary as signatories for the 2006 Texas Community Development Program Hurricane Rita Disaster Recovery Project grant.**

Mr. Williams explained this grant is for the generator for Water Well # 5. Ricky Conner made the motion to approve resolution appointing the Mayor, City Manager and City Secretary as signatories for the 2006 Texas Community Development Program Hurricane Rita Disaster Recovery Project grant and Don Hendrick seconded with unanimous affirmative vote being recorded.

6. **Authorization to open a non-interest bearing checking account for 2006 Texas Development Program Hurricane Rita Disaster Recovery Project to be use for direct deposit to receive state funds.**

Motion was made to authorization to open a non-interest bearing checking account for 2006 project to be use for direct deposit to receive state funds by Jan Wilkerson and seconded by Ricky Conner with a unanimous affirmative vote being recorded.

7. **Discuss and possibly approve an agreement for street lighting service between the City of Diboll and TXU Electric.**

Jimmy Cassels stated that the agreement is for ten years and he would like the agreement to be for one year. The Mayor and Council also had concerns about the number of year's for the agreement. The Council asked David Collier (TXU) to see if the agreement could be written for one year instead of ten years. Bill Brown made the motion to approve an agreement for street lighting service between the City of Diboll and TXU Electric for one year and Don Hendrick seconded with a unanimous affirmative vote being recorded.

8. **Discuss and possibly approve audit by Tri-Stem of City of Diboll utility bills, including street and highway lighting.**

Mr. Joe Wyatt stated he came out to check to see if the City receiving what's on the contract and that the street lights are being serviced with the correct bulbs and watts. Mr. Wyatt stated that he usually don't do small town but Diboll being so close to Lufkin that he is able to do both cities. Mr. Wyatt said that he has been in this business for 27 years. Mr. Wyatt stated that he has save some cities up to \$6,000 a year. Ricky Conner made the motion to approve audit by Tri-Stem and Jan Wilkerson seconded with a unanimous affirmative vote being recorded.

9. **Activity Report on Delinquent Tax Collections by John Manuel Attorney for Linebarger, Goggan, Blair & Sampson, LLP.**

Mr. John Manuel presented the report to the Council. Mr. Manuel went over the activity reports and stated that the City of Diboll has been good on paying taxes and many delinquent accounts are paid before they make it to a law suit.

10. **Consider Resolution in consideration of additional delinquent fee increase pursuant to the Texas Property Tax Code.**

Mr. John Manuel said it has been over 26 years since a increase has passed on cost of living and I would like to go from 5% to 15% to 20% meaning if a property owners has not paid there taxes by January 31 a 15% increase on delinquent taxes and after June 31 delinquent taxes will be 20% increase. Mr. Manuel said this is no cost to the city only to the delinquent tax payer. Bill Brown made the motion for resolution in consideration of additional delinquent fee increase pursuant to the Texas Property Tax Code and Ricky Conner seconded with a unanimous affirmative vote being recorded.

11. **Discuss and possibly approve plans for Walter Allen Pool.**

Mr. Williams said that Margie Harrell from the Housing Authority stated that they would tear the Pool House down and rebuilt a new one and take care of new wiring. Mr. Williams said Jack Sweeney donation of \$30,000.00 would help out with the maintenance for the pool. Eddie Concha (Park Superintendent) stated that the pool would be checked for leaks. Mr. Concha also noted that the water has been tested and it has chlorine. Mr. Concha said that a new pool would cost around \$127,000.00. Mrs. Harrell stated that the Housing Authority will be responsible for flowers around the pool. Mr. Williams said Bill Fulmer had suggested that Eddie Concha get with Jerry Weisinger for assistance for the pool. Eddie Concha said he could get the pump and other maintenance ready for opening of the pool for this summer. Jan Wilkerson made the motion to approve plans for Walter Allen Pool and Don Hendrick second with a unanimous affirmative vote being recorded.

12. **Update on the T.L.L. Temple Memorial Library Expansion Project**

Mr. Malcolm McKinley went over the plans with the Council and his main concern was the portion of Park Street being close. Mr. McKinley stated he would like to see the street closure so the library could go ahead with the expansion. Kathy Sample said they had already had public hearing with the property owners in the area. Jimmy Cassels(City Attorney) told Mr. Malcolm McKinley to give him two days to look up procedures for

street closure. Mr. McKinley said they would like to have ground breaking at the end of April.

13. Discuss and possibly approve a one dollar donation on water bills to be used for the Beautification of Diboll by Angelina Beautiful Clean.

Mr. Williams stated that this donation could be done manual on the water bill and it will be strictly volunteer donation if the customer wants. The money is use on project that will help improve Diboll through out the city. Jan Wilkerson said we have not done anything since 1993. Bill Brown made the motion to approve a one dollar donation on water bills to be used for the Beautification of Diboll by Angelina Beautiful Clean and Jan Wilkerson seconded with a unanimous affirmative vote being recorded.

14. Authorize order by Mayor to call city election on May 12, 2007 for two City Council seats and office of Mayor.

Mayor said this is routine every year that the Mayor calls the city election and I am officially announcing that I will not be running for office I have served 21 years and I have decide not to run anymore. Don Hendrick made the motion to call city election on May 12, 2007 for two city council seats and office of Mayor and Ricky Conner seconded with a unanimous affirmative vote being recorded.

15. Consider Civic Center Board recommendation on an increase in the deposit fee for the use of the Civic Center and take action.

Bill Brown made the motion to increase the deposit fee from one hundred to two hundred dollars and Ricky Conner seconded with a unanimous affirmative vote being recorded.

16. Consider Civic Center Board recommendation on banning the use of alcohol on events held in the Civic Center that honor a minor and take action.

Don Hendrick made the motion to approve banning the use of alcohol on events held in the Civic Center that honor minors and Bill Brown seconded with a unanimous affirmative vote being recorded.

17. Executive Session:

Mayor Simms called the council into executive session at this time to discuss personnel issues.

Mayor Simms called the council back into open session, no decisions were made and no votes were cast. Minutes of the executive session meeting are kept in a lock box in the city's vault.

18. Discuss and take action concerning police reserve applicants.

Jan Wilkerson made the motion to accept reserve applicants and Ricky Conner seconded with a unanimous affirmative vote being recorded.

19. Public Forum

There being none

20. Council Comments.

There being none.

21. City Manager Comments.

There being none.

22. There being no further business Bill Brown made the motion to adjourn and Don Hendrick seconded with a unanimous affirmative vote being recorded the meeting adjourned at 7:40 p.m.

James P. Simms, Mayor

Attest:

Tina Cavazos, City Secretary