

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF AUGUST, 1983, AT 5:00 P.M.

On the 16th day of August, 1983, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Dr. Curtis Keith, Jr., Pastor of First Christian Church, Lufkin.
2. Mayor Garrison recognized and presented proclamations to the members of the World Series Team that won the National Pre Majors Championship along with their Manager Bud Maddux and Coaches Sandy Bate and Ken Barrington. Mayor Garrison stated that this team had won the championship two (2) years in succession and that the proclamation declared this week Dixie Pre Major Baseball Week in Lufkin.

3. Approval of Minutes

Minutes of regular meeting of August 2, 1983, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. Public Hearing - Street Closing - Elbert Johnson

Mayor Garrison stated that a request had been received from Elbert Johnson to consider closing of a street covering Lafayette Street between Jordan Avenue and Markus Street. Mayor Garrison officially opened public hearing. There was no opposition present.

City Manager Westerholm stated there was a utility easement along the line between the two (2) subdivisions but was not directly under the street. Mayor Garrison officially closed public hearing. It was noted that a drainage easement was needed to be reserved.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that first reading of ordinance for street closing be placed on agenda for next meeting of this Commission. A unanimous affirmative vote was recorded.

5. Alley Closing Ordinance - First Reading - Approved - Jessie McDougald

Mayor Garrison stated at last meeting of this Commission a public hearing was held to consider closing of an alley covering property south of Nesbitt Street and east of Judith Street as requested by Jessie McDougald. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that street closing ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the deed would be subject to an easement for a two (2) inch water line under the property.

6. Annexation & Permanent Zoning Ordinance - Approved - Second Reading - Glad Tidings Assembly of God Church - RL

Mayor Garrison stated that annexation and permanent zoning request had been approved on first reading for Glad Tidings Assembly of God Church covering 12.919 acres on FM 325 across from Lufkin Junior High East to be zoned Residential Large. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that annexation ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zoning of subject property to Residential Large be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change Ordinance - Approved - Second Reading - King Piao-Song - C to C, SU (Private Club)

Mayor Garrison stated that zone change request by King Piao-Song covering property located at 1104 N. Timberland Drive from Commercial to Commercial, Special Use (Private Club) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change application be approved as presented on second and final reading. A unanimous affirmative vote was recorded.

8. Zone Change Ordinance - Approved - Second Reading - R.L. Lehman - RL to LM

Mayor Garrison stated that zone change application by R.L. Lehman covering property located between Davisville Road and Highway 59, South of Loop 287 from Residential Large to Light Manufacturing had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change application be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Bid - Approved - Liquid Chlorine - Water & Sewer Department - Dixie Petro-Chem, Inc.

Mayor Garrison stated that bids had been received for the purchase of the annual supply of chlorine for the water and sewer department. City Manager Westerholm stated that the low bidder would be Dixie Petro-Chem, Inc. at a price of \$288.50 per ton because their price was firm for the entire year, while Thompson Hayward Chemical had bid \$230.00 per ton but prices would fluctuate each month of the year.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that low bid of Dixie Petro-Chem, Inc. be approved. A unanimous affirmative vote was recorded.

10. Resolution - Approved - Community Development Program Grant Application

Mayor Garrison stated that word had been received from the Texas Department of Community Affairs that the application previously submitted for the Community Development Block Grant for funding of drainage and street improvements to Chestnut and Paul Streets should have the words, " including housing" deleted from the resolution. Mayor Garrison further stated that the proposal indicated on the resolution did not include housing.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that new resolution be approved for submission to Texas Department of Community Affairs. A unanimous affirmative vote was recorded.

11. Budget Discussion - Public Hearing Date Established - Tax Rate Discussed

Mayor Garrison stated that the next item on the agenda was discussion of budget related matters, and the floor was open for any comments from Commissioners.

City Manager Westerholm stated that in the original submission of the revenue sharing budget the City had been advised to anticipate a 16% increase in revenue, but subsequently had been notified that funding would be on the same level as the fiscal year 1982-83. City Manager Westerholm further stated that to reduce the revenue sharing budget, \$75,000.00 had been shifted from revenue sharing to sanitation department budget for the purchase of a sanitation truck.

Commissioner Gil Fears stated that he had some reservations about the increase in the legal department budget.

Commissioner Pat Foley stated that there was no money available for the contingency fund or to pursue the water development plan. Commissioner Pat Foley further stated that he would like to see a plan developed to measure the level of productivity of each City department through some type of form on a six (6) month basis to determine how funds are being spent.

City Manager Westerholm stated that Commissioner Foley's suggestion could be a good yardstick to use in determining how the City is progressing.

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Mayor Garrison suggested that City Manager Westerholm develop a program to indicate productivity of each department and report back to the Commission.

Commissioner Pat Foley stated that the development of the budget seemed to become easier each year, and he would like to compliment the City Manager and Staff that works with him in developing the budget.

Mayor Garrison stated that he would propose the budget be discussed beginning with the revenue category to determine if any Commissioner has a question or discussion relative to the budget.

In regard to ad valorem taxes, Commissioner Percy Simond requested information on establishment of the amount of street rental to be paid by utility companies. City Manager Westerholm stated that the amount of funds received in the previous budget are considered and a percentage of gross sales is established to be collected from each utility. Commissioner Percy Simond stated he was interested in the reason that revenue from parking meters is shown as a zero (0) in the proposed budget. City Manager Westerholm stated that the City was anticipating a request by the main street program that meters be sacked, and the amount of fines for overtime parking be increased which would eliminate parking meter revenue. Mayor Garrison stated that the proposal by the Main Street Program was being considered because of the number of people that work in the downtown area that do not mind receiving .25¢ parking tickets. Mayor Garrison stated that the problem might be resolved by establishing a sliding scale for fines with the repeat offenders being fined at a greater rate.

Commissioner Don Boyd stated that the charge for parking meters in the City of Lufkin is the lowest in the area.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that with the restriping of several parking lots and the addition of new parking areas, it is estimated that parking could be provided for 500 cars with area banks providing parking for their own employees. City Manager Westerholm further stated that the relocation of the Federal Building with an adjacent parking lot would relieve the congestion around the Court House area. Commissioner Percy Simond stated that employees could not be expected to walk long distances to their jobs, and that increasing the amount of the parking fine to \$5.00 would not solve the problem.

Mayor Garrison stated that downtown employers should help with the parking problem by providing parking space for their employees.

Commissioner E.C. Wareing stated that the present proposed budget tax rate is .405¢ per \$100.00 valuation and in view of the reduction in the amount of revenue sharing money that would be received, the tax rate should remain at .41¢ per \$100.00 valuation. Mayor Garrison stated that if revenues are depressed, the tax rate would need to remain at the present level to provide for expenses. Commissioner E.C. Wareing further stated that a 98% collection rate is predicted which could be a high estimate because of the rate of unemployment and the economy of the area. Mayor Garrison stated that the local economy would dictate a more conservative estimate of the collection rate.

In regard to the general government budget, City Manager Westerholm stated that the increase from \$496,000.00 to \$651,000.00 was the result of transferring insurance fees from individual departments to this fund. City Manager Westerholm further stated that \$438,000.00 is the total price of insurance including workers' compensation and hospitalization.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the Fidelity Bond would cover everyone that works for the City with an additional amount being added to the employees who are directly responsible for handling of money.

In regard to the budget for the administration department, City Manager Westerholm stated that the total budget has been reduced from \$397,000.00 to \$393,000.00.

In regard to the budget for the legal department, Commissioner Gil Fears stated that the approximate \$60,000.00 increase is a drastic change from last year's budget, and invited City Attorney Bob Flournoy to respond.

City Attorney Bob Flournoy stated that when he began working for the City in 1969, the legal department budget was .93% of the total City Budget, in 1976 it was .79%, and when his firm moved out of City Hall into a private office, the legal department budget dropped to .56% of the total City Budget. City Attorney Flournoy further stated that in 1982 the legal department budget was the same as in 1976 while the City Budget steadily increased. City Attorney Flournoy stated that he understood the increase was quite substantial, but when he began working for the City he decided to rely on the City Commission providing increases as they felt they were earned. City Attorney Flournoy stated that as a result his budget has not been increased for several years, and the

legal department consisted of more than just one person with a workload that has tripled. City Attorney Flournoy stated his firm has handled 70 tax suits and is always involved in federal suits brought about by the increase in Municipal Court cases and the growth of the City. City Attorney Flournoy stated that \$15,000.00 of the proposed budget would be a contingency item for the hire of outside help in federal court cases. City Attorney Flournoy stated that a recent poll of cities approximately the size of Lufkin revealed that most legal department budgets are greater than the City of Lufkin's. In regard to a question by Commissioner Gil Fears, City Attorney Flournoy stated that the \$3,000.00 word processor would be used in conjunction with the other systems presently owned by his firm to complete cases. City Attorney Flournoy further stated that the law provides that 15% of delinquent tax collections can be retained by the legal staff, but his firm has never elected to keep the 15%. In response to question by Commissioner Gil Fears, City Attorney Flournoy stated that the \$15,000.00 was to be used for the hiring of outside legal help which would be charged to the legal department budget. City Attorney Flournoy stated that with the increase in the legal department budget the ratio would only be .778% of the entire City budget which is less than fiscal year 1978-79. City Attorney Flournoy further stated that secretarial help and utilities that are provided by his firm has increased greatly in the last 15 years.

In response to question by Commissioner Percy Simond, City Attorney Flournoy stated that the retainer covers any cases that he handles except federal court for which the City could hire the City Attorney on an hourly rate or hire outside help. City Attorney Flournoy further stated that the retainer would be payment for his time regardless of how many meetings he attended, ordinances he produced, City Court cases he handled, or how much time is spent on City business. City Attorney Flournoy stated that zoning matters require a great amount of attention by his firm.

In response to question by Commissioner Percy Simond, City Attorney Flournoy stated that the IBM word processor would be a third station to add to the equipment his firm has already provided and that same allows changes and continuous copying of material.

Mayor Garrison stated that the City should not purchase equipment for other offices, and City owned equipment should be kept in City Hall. Mayor Garrison further stated that the purchase of the word processor should have been presented to the City Commission for approval. Mayor Garrison stated that the lawyer should furnish equipment and personnel needed for the completion of his work.

City Attorney Flournoy stated that his firm required help because of the great number of tax cases, and that the word processor is not used just for City business because City business is done by the secretary that is available on a word processor that is available. City Attorney Flournoy further stated that if the legal department was in the City Hall it would be more expensive to operate.

Mayor Garrison stated that the City Commission could only see those things the City Attorney does that result in litigation, drafted ordinances, counseling with departments of the City, and City Court cases. Mayor Garrison further stated that the Assistant City Attorney was hired to speed trial time, but that the City Judge and Clerk of the Court handle most of the Municipal Court problems at the present time.

City Attorney Flournoy stated that the City Commissioners do not see how many times a day the legal department talks to public officials, to witnessess, and persons that have a complaint against the City.

In response to question by Commissioner Gil Fears, City Attorney Flournoy stated that his firm could begin a time record of City business handled by the firm along with a record of expenses such as rent, utilities, secretarial help, and everything that is used by the legal department to help with the City business.

Mayor Garrison stated that if costs were going to increase in the future at such a drastic rate, the City should consider a full-time City Attorney that would be available at all hours and eliminate the problem of not knowing what the legal department is doing while still being expected to increase the budget. City Attorney Bob Flournoy stated that the City Commission might want to look at cites that have in-house attorneys and compare the cost of both types of operations. City Attorney Flournoy further stated that he would hope that 15 years of municipal experience with City Government would be a valuable asset. City Attorney Flournoy stated that a recent graduate of law school would cost the City approximately \$25,000.00 which would be a small portion of the legal expenses.

Commissioner Percy Simond stated that the City Attorney should not spend time discussing tickets or small items with citizens, and if property taxes are not paid the City should take the property. City Attorney Flournoy stated that he felt the City Government would rather have him available to talk to citizens and to listen to their problems. City Attorney Flournoy stated that citizens believe any problem in the City should be handled by the City Attorney

Mayor Garrison stated that he would be interested in the City employees keeping a record of the time spent in contact with the legal department. City Attorney Flournoy stated that he is required to attend the meetings of the Zoning Board of Adjustment and Appeals, when someone is released from the Fire Department or the Police Department, he is asked to review letters of dismissal, and he has not consistently monitored the cost of the legal department operation which resulted in the City Commission being unaware of expenses that have been incurred.

Mayor Garrison stated that he would like to say City Attorney Bob Flournoy has done an exceptional job, has handled a variety of cases in an exceptional manner, and has done a good job for the City of Lufkin. Mayor Garrison further stated that he had doubts about the proposed budget for the legal department, but that \$15,000.00 was included that would only be spent for outside help in federal suits, if necessary, with City Commission approval. Mayor Garrison further stated that the legal department budget should be taken under consideration at a later meeting.

In regard to the budget for the Municipal Court, Commissioner E.C. Wareing stated that the City Commission had agreed, in a previous meeting, to double the jury duty fees but the budget had not been doubled from \$1700.00 to \$3400.00.

In regard to the Data Processing Department Budget, Commissioner Percy Simond requested information relating to the travel expenses and school. Assistant City Manager Brian Boudreaux stated that the amount provided for travel and school would allow the present data processing manager to attend classes at an IBM School in Houston to become a programmer which would reduce the cost of expenses now paid to a consultant.

In regard to the budget for the Ambulance Department, Commissioner Percy Simond requested information about funds listed under Special services. City Manager Westerholm stated that this expenditure would provide a medical director for the paramedics to give orders for administering of drugs and to establish certain procedures to be followed. City Manager Westerholm further stated that the medical director would have supervision of the doctors at the emergency rooms at both hospitals which would give instructions to the paramedics. City Manager Westerholm stated that the paramedics could not operate until the Medical Director was secured and the City Staff had been negotiating with the Angelina Medical Society and both hospitals.

Commissioner Don Boyd stated that the supervisors in the Fire Department had been suggested for a \$50.00 increase in pay to maintain their salary in the right relationship to the paramedics. Commissioner Don Boyd stated that the training would be advantageous for every fireman because of the requirements to work both ambulance and fire department.

Mayor Garrison stated that the supervisors are given the opportunity to become paramedics and that they should be satisfied with this provision. Mayor Garrison further stated that he wondered if the supervisors should not be required to have all the special skills.

Roy Carroll, Fire Marshal, was present in representation of Fire Chief Billy Stephens, and stated that since the program is still very new that all of the men could not be trained at one time.

Mayor Garrison stated that paramedic training should be done on a need basis, and that a limit should be placed on the number who would be trained for this type of work. City Manager Westerholm stated that if the supervisors were required to have this special skills training the people who would do the actual work in the ambulance department would not be receiving the training, and all supervisors have received emergency medical training.

In response to question by Commissioner Percy Simond, Police Chief Leonard Latham stated that the ambulance usually arrives at the scene of an accident before the Police Department has a chance to respond.

City Manager Westerholm stated that at present the supervisors are being trained first and the Fire Department believed that if the supervisors were paid the \$50.00 because of their position the person responsible for actually performing the paramedic procedures would be able to receive the training first. Mayor Garrison stated that the money should be made available to the supervisors only after the training is completed. City Manager Westerholm stated that it was not necessary that the supervisors receive the training and the citizens of the City would receive better service if the actual ambulance attendants received the paramedic training.

In response to question by Mayor Garrison, Roy Carroll stated that to provide two (2) paramedics for four (4) ambulances, eight (8) men would be needed for each of the three (3) shifts or a total of 24 men. Mr. Carroll further stated that if the City

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wanted to place one (1) paramedic on each ambulance there would be a need for six (6) to operate the paramedic program. Mr. Carroll further stated that at present there are two (2) ambulances out at the same time in most instances, and that if the paramedics were used in the fire department as well, additional paramedics would need training. Mr. Carroll stated that most cities use two (2) men in each ambulance and that paramedics are not required to fight fires. Mr. Carroll further stated as in the past, the fire department and the ambulance would do the best job they could with the resources that were provided by the City.

Commissioner Pat Foley stated that he would be interested in learning what other cities are doing in their paramedic program. Roy Carroll stated that the additional pay was begun to encourage firefighters to submit to the extensive training necessary to become a paramedic, and the pay increase for the supervisors was considered to assure their earnings are higher than those of the men they supervise.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that the budget be tentatively approved, that public hearing be advertised for September 6, 1983, meeting of the Commission, that tax rate be established at 41¢ with a 96% collection rate, and that the budget would be subject to revision after the public hearing. A unanimous affirmative vote was recorded.

Commissioner E.C. Wareing stated that in order to help City Commissioners to prepare for discussions for the items relating to budget matters, the City Manager could contact each Commissioner in two weeks to conduct a poll of specific items for discussion. Commissioner E.C. Wareing stated that this would allow the other Commissioners to intelligently discuss questions that might arise which would amount to an agenda of considerations about the budget.

Mayor Garrison stated that relative to the discussion at this meeting he felt that the Commission would still have to finalize budgets for the legal department, police department, ambulance department, and the fire department. Mayor Garrison stated that in regard to the recommendation by the Police Chief of providing additional money to men who have been in the department for three (3) years, he felt additional pay would be suitable for this, but the Police Chief had stated that after three (3) years the only additional money policemen could get was longevity pay and certificate pay. Mayor Garrison felt that this statement minimized importance of longevity pay which is a considerable benefit given only to the police and fire department. Police Chief Leonard Latham stated that this was not the intent of the statement, and that the men in the police department recognized the fact that they were receiving a great benefit from the longevity pay.

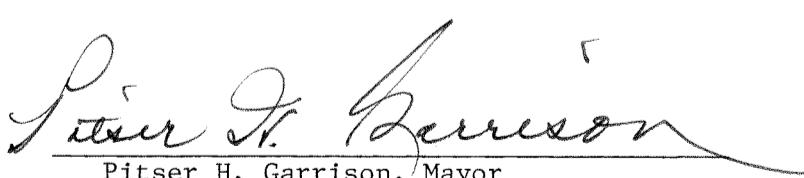
In response to a question by Commissioner Percy Simond, Police Chief Leonard Latham stated that the schooling required for the fire department is more expensive than the schooling required for the police department which resulted in a higher figure in the fire department budget.

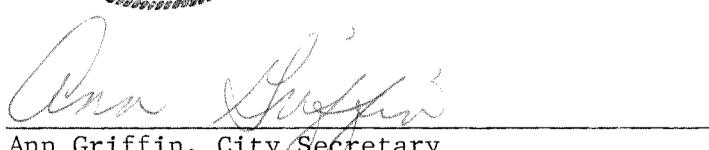
In response to question by Commissioner Richard Thompson, City Manager Westerholm stated that the \$75,000.00 was removed from the revenue sharing budget and added to the sanitation budget for purchase of the new truck and that this would lower the unencumbered balance in the budget.

Mayor Garrison stated that it was evident that much work had been invested in the development of the budget and that he would like to congratulate the City Staff.

12. There being no further business for discussion, meeting adjourned at 7:37 p.m.



  
Pitser H. Garrison, Mayor

  
Ann Griffin, City Secretary