

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF MARCH, 1986, at 5:00 P.M.

On the 18th day of March, 1986, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was transacted:

1. Meeting was opened with prayer by Rev. John Zabelskas, Minister, St. Patrick's Catholic Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 4, 1986, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - TAX ABATEMENT/REINVESTMENT ZONE - RONALD J. SCHAEFFER - 201-203 EAST FRANK AVENUE

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Tax Abatement/Reinvestment Zone for Ronald J. Schaeffer covering property located at 201-203 East Frank Avenue.

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

5. ORDINANCE - APPROVED - SECOND READING - TAX ABATEMENT/REINVESTMENT ZONE - CLARENCE CALHOUN, JR. - 1002, 1004, 1006 WILSON STREET

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Tax Abatement/Reinvestment Zone for Clarence Calhoun, Jr. covering property located at 1002, 1004, and 1006 Wilson Street.

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

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - LUFKIN TILE & STONE, INC. - 2010 ATKINSON DRIVE - RM, SU (SIGN MAKER) TO RM, SU (MASONRY)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Lufkin Tile & Stone, Inc. covering property located at 2010 Atkinson Drive from

Residential Medium, Special Use (Sign Maker) to Residential Medium, Special Use (Masonry).

Mayor Garrison stated that Zone Change Request had been heard before the Planning and Zoning Commission and had been unanimously approved.

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

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - VIRGINIA BRASHER BERRY - 1004 RALPH - RS TO LB

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Virginia Brasher Berry covering property located at 1004 Ralph Street from Residential Small to Local Business.

Mayor Garrison stated that the Zone Change Request had been heard before the Planning and Zoning Commission and had been unanimously approved for recommendation to the City Commission.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. RESOLUTION - APPROVED - STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION - EXTENSION OF FM ROAD 819

Mayor Garrison stated that the Commission now had for consideration a Resolution accepting the provisions of State Highway and Public Transportation Committee Minute Order extending from the end of FM Road 819, 0.4 miles northwest of U. S. Highway 59, northwest to Loop 287.

Mayor Garrison stated that under the agreement the City will be responsible for acquiring the right-of-way needed inside the City limits for extension of this road, which is 300' south of Loop 287.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Minute Order in accordance with the Resolution as presented by the State Highway and Public Transportation Commission be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE AND STEPHENS - CITY HALL CONSTRUCTION

Mayor Garrison stated that the Commission now had for consideration Resolution for Certificates of Obligation for payment of invoice from Tribble & Stephens for City Hall construction.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Resolution be approved as presented. A unanimous affirmative vote was recorded.

10. TRAFFIC SIGNAL AGREEMENT - APPROVED - U. S. HIGHWAY 69 AT LOOP 287 FRONTAGE ROADS

Mayor Garrison stated that the Commission now had for consideration a proposal from the State Highway Department for a traffic signal to be installed at the intersection of Highway 69 and Loop 287 and that the City's only obligation would be to maintain the light.

Commissioner Louis Bronaugh stated that this is a very dangerous intersection since traffic passes through this area at a high rate

of speed and that perhaps in addition to putting in a traffic signal the Highway Department might also consider lowering the speed limit.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond authorizing execution of traffic signal agreement with the Texas Highway Department. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - KURTH MEMORIAL LIBRARY

Mayor Garrison stated that since the library was losing a shocking amount of books each year, the board of the Kurth Memorial Library has recommended the adoption of an Ordinance prescribing a maximum penalty of \$200 for failure to return library materials.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

12a. BID - APPROVED - REHABILITATION AND PAINTING - AERATOR TOWER NO. 2 - EASLEY'S, INC.

Mayor Garrison stated that the Commission now had for consideration a bid for the rehabilitation and painting of Aerator Tower No. 2.

City Manager Westerholm stated that the low bid had been received from Easley's, Inc. in the amount of \$7,000.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that bid from Easley's, Inc. in the amount of \$7,000 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - THREE-STAGE GRAVITY FLOW AERATOR UNITS - BARCO, INC.

Mayor Garrison stated that the Commission now had for consideration bids for three (3) three-stage gravity flow aerator units. Mayor Garrison stated that the low bid had been received from Barco, Inc. in the amount of \$25,722.50.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that bid from Barco, Inc. in the amount of \$25,722.50 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

12c. BID - APPROVED - LOWERING WATER WELL NO. 6 - INSTALLATION OF FLOW METERS, WATER WELLS NO. 6 & 7 - ALSAY, INC.

Mayor Garrison stated that the Commission now had for consideration a bid for lowering water well no. 6 and installing flow meters on water wells no. 6 & 7, and that the low bid had been received from Alsay, Inc., from Houston, Texas, in the amount of \$5,901.50.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Alsay, Inc. in the amount of \$5,901.50 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

12d. BID - APPROVED - FIREWORKS - ALPHA-LEE ENTERPRISES

Mayor Garrison requested that Parks and Recreation Director Don Hannabas present his recommendation for the purchase of fireworks to the Commission.

Mr. Hannabas stated that he had sent out four bid requests and had received no response. Mr. Hannabas stated that Colonel Wise who had supplied fireworks last year had gotten out of the business because of the high cost of liability insurance. Mr. Hannabas stated that he had requested a proposal from the firm of Alpha-Lee Enterprises. Mr. Hannabas stated that Alpha-Lee had informed him that a minimum show would cost \$5,000, that they would meet all the state's standards and laws, and that this price would include \$500,000 property damage and bodily injury combined insurance.

Mayor Garrison stated that he questioned how the City could consider Alpha-Lee's proposal in light of the new law regarding the bid process.

City Attorney Bob Flornoy stated that, in his opinion, the City has satisfied the law.

In response to question by Commissioner Pat Foley, Mr. Hannabas stated that \$5,000 had been budgeted for fireworks. Mr. Hannabas stated that last year the City spent from \$4,500 to 5,000 for materials only for the fireworks show and the proposal received from Alpha-Lee in comparison to last year's supplier shows a 20% reduction in the total number of shells. Mr. Hannabas stated that new state law requires the fireworks show to be fired by a licensed pyro-technician.

Mayor Garrison stated that perhaps somebody in the Fire Department could pass the test and he would like to see a City employee certified as a pyro-technician.

Mr. Hannabas stated that Alph-Lee Enterprises will conduct a school for pyro-technicians in April in Friendswood, Texas.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that proposal of Alpha-Lee Enterprises in the amount of \$5,000 be accepted for the purchase of fireworks for the July 4, 1986 aerial fireworks display. A unanimous affirmative vote was recorded.

13a. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - STEP 3 INTERCEPTOR

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith & Associates for engineering and inspection work done on the interceptor line and the sewer plant.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that invoice from Everett Griffith & Associates in the amount of \$7,523.20 be approved as presented. A unanimous affirmative vote was recorded.

13b. INVOICE - APPROVED - MARONEY, WHITEKER & TAYLOR - RODNEY VORNDAM CASE

Mayor Garrison stated that the Commission now had for consideration an invoice from Maroney, Whiteker & Taylor for representing Rodney Vorndam in the Christine Page vs. City of Lufkin law suit.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that invoice from Maroney, Whiteker & Taylor in the amount of \$6,000 be approved as presented. A unanimous affirmative vote was recorded.

13c. INVOICE - ADJUSTED - DEEP EAST TEXAS SELF-INSURANCE FUND

Mayor Garrison stated that he had been presented some figures on the cost of fire insurance by City Manager Westerholm showing that in 1983-84 the City had paid \$9,910, and in 1984-85 the cost was \$46,000

and for the year 1985-86 the cost had increased nine times to \$88,000. Mayor Garrison stated that he was tempted to waive the insurance coverage and put \$88,000 in a fund and hope that the City doesn't have a fire. Mayor Garrison stated that the City had had two fires - the Recreation and Parks building in 1971 and the City residence at the Sewer Treatment Plant.

Commissioner Pat Foley stated that the Commission had reviewed a list of the City buildings which were covered by fire insurance several months ago.

Commissioner Percy Simond stated that he had been reviewing the list of City buildings covered by fire insurance and, in his opinion, there were seven buildings which could be taken off the list.

Mayor Garrison stated that he had noticed that the cover letter with the invoice stated that prompt payment would be required to continue coverage.

City Manager Westerholm stated that Hartford had dropped the City's coverage.

Commissioner Pat Foley stated that the Deep East Texas Self-Insurance Fund could be broken down into three categories - Liability, Worker's Compensation and Property.

Commissioner Jack Gorden stated that, in his opinion, the City should explore other avenues of securing insurance.

Commissioner Pat Foley stated that he would question the necessity of insuring the fire stations.

Mayor Garrison stated that he was in favor of taking a look at the possibility of levying a one cent tax and using that fund to avoid insurance premiums in the future.

City Manager Westerholm stated that a one cent tax would bring in approximately \$75,000.

Commissioner Louis Bronaugh stated that in approximately 18 to 36 months there should be some improvements in the insurance market.

Commissioner Pat Foley stated that, in his opinion, coverage on all buildings should be cancelled as quickly as possible, with the exception of City Hall and the Civic Center.

City Manager Westerholm stated that, in his opinion, the City's exposure is not that great in many areas, such as the lift stations which are underground.

Mayor Garrison stated that the City's greatest risk was from tornados.

City Manager Westerholm stated that Tribble & Stephens is carrying insurance on the new city hall until the building is complete and turned over to the City.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley to cancel all insurance on all buildings with the exception of City Hall and the Civic Center. A unanimous affirmative vote was recorded.

Mayor Garrison stated perhaps the Commission should consider more than a one cent tax increase to be put in a casualty fund although he disliked raising ad valorem taxes.

Commissioner Jack Gorden stated that if a two cent tax increase was added, in a couple of years the City would have half a million dollars plus interest in this casualty fund and it would be a very prudent move and the citizens would like it.

Mayor Garrison stated that it would certainly help the City's bond rating.

14. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT & APPEALS

Mayor Garrison stated that the Commission now had for consideration two terms which had expired on the Zoning Board of Adjustment and Appeals. Mayor Garrison stated that these positions were held by Dr. Dallas Pierre and Jack Irish.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Dr. Dallas Pierre and Jack Irish be reappointed to the Zoning Board of Adjustment and Appeals. A unanimous affirmative vote was recorded.

15. CONTRACT - APPROVED - TP & L - SERVICE TO NEW SEWER PLANT

Mayor Garrison stated that the Commission now had for consideration a contract with Texas Power & Light for bringing the increased power service to the City's new Sewer Treatment Plant at a cost of \$11,701.

Commissioner Pat Foley stated he remembered Jerry Hill saying that a \$63,000 rebate from TP & L would be paid to the City when the water cooling system is installed in the new City Hall, and he wondered if a portion of this amount could be used for the \$11,701 charge. Commissioner Foley stated that he would like for City Manager Westerholm to check on this and report back to the Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh authorizing execution of agreement with Texas Power and Light. A unanimous affirmative vote was recorded.

16. KEN HOUSTON DAY - POLICE DEPARTMENT HIRING - TOXIC MATERIAL - MOSQUITO FOGGING - POLICE CAR IDENTIFICATION - JERRY GENE ALLEN CASE

Commissioner Don Boyd stated Ken Houston, former Lufkinite, had been elected to the Hall of Fame, and some of his classmates was putting together a Ken Houston Day celebration. Commissioner Boyd stated that this would take place June 13, and, in his opinion, a Resolution from the City Commission would be appropriate.

In response to question by Commissioner Boyd, Assistant City Manager Brian Boudreaux stated that the Police Department is fully staffed at this time. Assistant City Manager stated that he was hesitant to give a test when there are no vacancies.

Commissioner Don Boyd stated that he had three men who are certified police officers and are interested in taking the police test.

City Attorney Bob Flournoy stated that the City has an eligibility list and it is good for one year. City Attorney Flournoy stated that it was a matter of grade once a person is put on the eligibility list.

Assistant City Manager Brian Boudreaux stated that three names on the current eligibility list would expire very soon because the one year deadline is approaching.

Commissioner Boyd stated that the Commission had been talking about hiring minorities, but couldn't find anyone eligible, and he had three who were willing to come and who were already certified officers.

Mayor Garrison requested that City Manager Westerholm look into the law regarding the administration of tests and the eligibility list.

Commissioner Percy Simond stated that he had read an article where there are 500,000 shipments a day of toxic materials in the U. S. and statistics show that 75% of firemen and policemen know very little about how to handle hazardous material. Commissioner Simond stated that he had asked questions before regarding toxic materials, and now he was asking for a definitive answer about how the police and firemen will handle a spill if it happens in Lufkin.

Commissioner Percy Simond stated that a lot of cities have an ordinance where glass doors or glass partitions must be marked in some way to prevent the public from being hurt by walking into the glass. Mr. Simond stated that some glass was so highly polished that you couldn't see it and he was interested in preventing the possibility of law suits.

Commissioner Simond stated that he had brought a clipping from the Houston Post regarding the control of mosquitoes. Commissioner Simond stated that the City needed a fogging machine.


Mayor Garrison stated that the City has a fogging machine and it is run by the Parks Department.

Commissioner Simond stated that he was interested in knowing why the City's police cars did not have some identification like other cities such as black and white or blue and white.

Mayor Garrison stated that the cars are painted a solid color for resale.

City Attorney Bob Flournoy stated that he had been advised that there was to be an appeal decision on the Jerry Gene Allen case.

17. There being no further business for consideration meeting adjourned at 6:28 P.M.


Pitser H. Garrison - Mayor

ATTEST:


Atha Stokes - City Secretary