

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF MAY, 1986, at 5:00 P.M.

On the 6th day of May, 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:

Pat Foley	Mayor pro tem
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Pitser Garrison

Mayor

being absent when the following business was transacted:

1. Meeting was opened with prayer by Stephen Bancroft, Minister, St. Cyprian's Episcopal Church.
2. Mayor pro tem Pat Foley welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of April 15, 1986, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - UNNAMED ALLEY AND STREET CLOSING - NORTH OF BANKS STREET - REPUBLICBANK LUFKIN

Mayor pro tem Pat Foley stated that a request by RepublicBank Lufkin to close unnamed street perpendicular to and north of Banks Street and alley located between North First Street and unnamed street perpendicular to and north of Banks Street, both of the Fairchild and Boynton Addition had been recommended by the Planning & Zoning Commission for consideration by the City Commission.

Mayor pro tem Foley opened Public Hearing and recognized Attorney John Sloan appearing in representation of the request. Mr. Sloan stated that the State Department of Highways and Public Transportation planned to purchase the Stegall Estate property for the purpose of enlarging their facility, and the sale of the property was contingent upon the closing of the street and alley. There was no opposition present.

Mayor pro tem Foley closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that First Reading of Ordinance be heard by the Commission at the May 20th meeting. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - LARRY REED - 1313 E. DENMAN - LB TO C

Mayor pro tem Foley stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Larry Reed covering property located at 1313 E. Denman Avenue from Local Business to Commercial.

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

6. PATROL CARS - MARKED FOR VISIBILITY

Mayor pro tem Foley stated that the Commission now had for consideration marking of patrol cars for more visibility. Mayor pro tem Foley stated that since Commissioner Percy Simond had requested this item be placed on the agenda, he would ask him to open the discussion.

Commissioner Simond stated that he had been concerned about more visible markings on the City's patrol cars. Commissioner Simond stated that at a previous meeting it had been stated that the reason for the solid colored cars was for re-sale value but, in his opinion, patrol cars did not have any re-sale value.

Commissioner Simond stated that the public should be able to see a patrol car a mile down the road and be able to recognize same. Commissioner Simond stated that there are cars in Lufkin with disco lights across the top of cars.

In response to question by Commissioner Louis Bronaugh, City Manager Westerholm stated that he had checked with the City of Diboll in regards to two-color paint and had been informed that the cost per vehicle was \$350.

Mayor pro tem Foley stated that, in his opinion, the patrol cars were visible enough. Mayor pro tem Foley stated that the DPS units were becoming less visible by not putting the light bars on the new Ford Mustangs they are now using.

Commissioner Danny Roper stated that from a visibility standpoint, it does aid in slowing people down.

Commissioner Jack Gorden stated that he personally liked the patrol cars the way they are, and if you live in Lufkin, you know that the cars are dark blue. Commissioner Gorden stated that, in his opinion, the only people who might have difficulty in recognizing the patrol cars would be people passing through the City.

Commissioner Boyd stated that unmarked cars could be sent to the Jones Lake area on weekends to put a stop to bootlegging and drug related activities. Commissioner Boyd stated that there is so much traffic congested at this area that it is often impossible to get through without some delay.

In response to question by Mayor pro tem Foley, Commissioner Simond stated that he would be in agreement to wait until the patrol cars are put out for bid and include two-color paint in the bid package. Commissioner Boyd stated that the two-color paint should be for patrol cars only.

7. ORDINANCE - TABLED - PATROL UNITS - OPERATING FROM HIDDEN POSITIONS

Mayor pro tem Foley stated that the Commission now had for consideration a possible Ordinance prohibiting patrol units operating from hidden position.

Commissioner Simond stated that he was unalterably opposed to patrol cars hiding out in order to give tickets.

City Manager Harvey Westerholm stated that, in his opinion, the patrolmen are not hiding from the public, but that it was often difficult for them to park in a conspicuous place without obstructing traffic. The public often perceives this as hiding.

Mayor pro tem Foley stated that he has the same reservations as Commissioner Simond in regards to the patrol cars hiding but would hesitate to limit them with an Ordinance prohibiting them, as there might be a need to be that far off the highway.

Mayor pro tem Foley recognized Howard Walker who stated that he had been a citizen of Angelina County for a long time and, in his opinion, there are too many technicalities protecting lawbreakers and criminals. Mr. Walker stated that the public should respect the Police and that they should use any means necessary to catch lawbreakers and criminals. Mr. Walker stated that he wants protection for the City and would give the Police Department enough money to build places for the patrolmen to hide.

Mr. Walker stated that he admired the Optimist Club and their Resolution for "Respect the Law" observance that was recently published in the paper. Mr. Walker stated that, in his opinion, criminals should be out on the street working to clean up the City.

Commissioner Simond stated that he disliked equating a person getting a ticket with being a criminal.

It was the concensus of opinion of the Commission that no action be taken at this time in regard to an Ordinance prohibiting patrol units operating from hidden positions.

8. RESOLUTION - APPROVED - APPLICATION - CRIMINAL JUSTICE GRANT - POLICE DEPARTMENT

Mayor pro tem Foley stated that the Commission now had for consideration a Resolution authorizing application to Criminal Justice Grant for the Police Department.

City Manager Westerholm stated that the Resolution would allow the Police Department to apply for a grant from the Governors' Criminal-Justice Division for one burglary detective for one year. City Manager Westerholm stated that this is a continuing grant and will be Lufkin's third year to participate.

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

In response to question by Commissioner Simond, Assistant Police Chief David Kirkland stated that the radar units in the patrol cars are checked daily by the men who will be operating them, and that the patrolmen had been sent to school to learn how to check the units. Assistant Chief Kirkland stated that the units are checked with a tuning fork, and if the correct number is registered, the unit is working correctly.

In response to question by Commissioner Simond, Assistant Chief Kirkland stated that three different brands of radar are utilized and at present there are 14 units in operation. Assistant Chief Kirkland stated that there are three moving radar units. Commissioner Boyd stated that, in his opinion, it is more feasible to use moving units which can cover more territory, but that better results are obtained with stationary units.

Assistant Chief Kirkland stated that stationary units are three times as high as the other units.

Commissioner Simond stated that the situations involving the use of radar equipment is so serious that the radar units should be checked by a professional.

In response to question by Commissioner Simond, City Attorney Flournoy stated that the results of a sobriety test will or will not be released depending on the stage the case is in when the request is made.

Chief Leonard Latham stated that it is the Open Records Act which prohibits the public from looking at the record.

9. RESOLUTION - APPROVED - BIKE-A-THON

Mayor pro tem Foley stated that the Commission now had for consideration a Resolution recognizing the Bike-A-Thon and invited Commissioner Bronaugh to make comments.

Commissioner Bronaugh stated that Lufkin was fortunate to have an event such as the Bike-A-Thon which had been organized by Chuck Bezanson 14 years ago. Commissioner Bronaugh stated that the Bike-A-Thon has been recognized as the third largest of its kind in the U.S. Commissioner Bronaugh stated that the Bike-A-Thon has had over 6,000 riders with 190,000 accumulated miles and has collected \$300,000.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper that Resolution be approved as presented. A unanimous affirmative vote was recorded.

10a. BID - APPROVED - MOTORCYCLES - POLICE DEPARTMENT

Mayor pro tem Foley stated that the Commission now had for consideration bids on two motorcycles to be used by the Police Department.

City Manager Westerholm stated that three bids had been received and the low bid was from East Texas Motorcycles in the amount of \$10,514.00. City Manager Westerholm stated that \$10,800 had been budgeted for the motorcycles.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that low bid of \$10,514 from East Texas Motorcycles, Jasper, Texas, be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

10b. BID - APPROVED - LIQUID CHLORINE - WASTEWATER TREATMENT PLANT

Mayor pro tem Foley stated that the Commission now had for consideration bids for liquid chlorine to be used in the sewer and water departments.

City Manager Westerholm stated that the low bid had been received from Dixie Petro-Chem, Inc. in the amount of \$345 per ton.

Public Works Director Ron Wesch stated that even though the price had increased by 1 1/2¢, the total amount would be within the budget.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that bid of Dixie Petro-Chem, Inc. be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

11. INVOICE - APPROVED - BUCHER-WILLIS-RATLIFF - COMPREHENSIVE PLAN

Mayor pro tem Foley stated that the Commission now had for consideration an invoice from Bucher-Willis-Ratliff for work on the Comprehensive Plan.

City Manager Westerholm stated that the total contract was for \$64,247 and that the balance on the contract was \$32,145. City Manager Westerholm stated that the current invoice is for \$2,069.

City Planner Nick Finan stated that representatives from Bucher-Willis-Ratliff will be in town May 20-22 for meetings with the various citizens committees.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that invoice be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - CITY HALL CONSTRUCTION

Mayor pro tem Foley stated that the Commission now had for consideration a Resolution for Certificates of Obligation for payment of invoices from Tribble and Stephens for City Hall construction and Morgan, O'Neal, Hill and Sutton for architectural services.

City Manager Westerholm stated that the invoice from Tribble & Stephens was in the amount of \$194,890, and the invoice from the architectural firm was \$9,178.75.

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

13. EXECUTIVE SESSION - ARBITRATION BOARD DECISION - CHARLES WILSON - HURRICANE CREEK

Mayor pro tem Foley stated that the Commission would now go into Executive Session. Mayor pro tem Foley recessed formal open meeting of the City Commission at 6:00 P.M. Mayor pro tem Foley reconvened meeting of City Commission and made announcements to those present regarding results of the Executive Session at 6:27 P.M.

Mayor pro tem Foley stated that the Commission had discussed several items in Executive Session, which included potential lawsuits, a matter of arbitration which had been under consideration for some time, and appointments to the Civil Service Commission. Mayor pro tem Foley stated that no action was taken on these items.

Mayor pro tem Foley stated that the Commission now had for consideration an amendment to the agenda to consider a report by the Arbitration Board concerning Hurricane Creek and Charles Wilson's property.

Mayor pro tem Foley stated that in Executive Session it had been brought to the Commissions attention that a decision had been reached by the Arbitration Board.

Mayor pro tem Foley stated that approximately a year ago the City of Lufkin had appointed him to serve on an Arbitration Board, that Charles Wilson had appointed Rufus Duncan to represent his interest, and together they appointed Thomas Moore as the third party to the Arbitration Board. Mayor pro tem Foley stated that it was binding arbitration which was considered by the members of the board.

Mayor pro tem Foley stated that several alternatives had been considered and the Board had decided on a \$37,500 settlement to Congressman Charles Wilson. Mayor pro tem Foley stated that the City is of the opinion that the damage that was done is not necessarily the

City's responsibility and is not liable for it, but the City did agree to the binding arbitration, and therefore, the City has for consideration the payment of \$37,500 by the Commission.

In response to question by Mayor pro tem Foley, City Attorney Flournoy stated that the award is binding and is not appealable and even though the City does not agree with the position of the award, there is no alternative except to pay it.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd to make payment of \$37,500 to Congressman Charles Wilson and to amend the budget by taking \$30,000 from the Contingency Fund and \$7,500 from the General Fund. A unanimous affirmative vote was recorded.

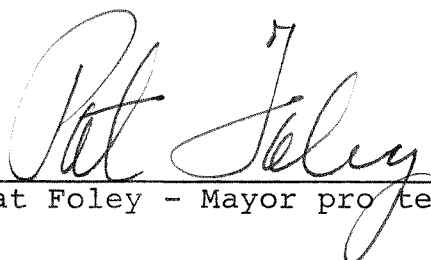
14. LIGHTS ON KURTH DRIVE AND MARTIN LUTHER KING DRIVE - RESOLUTION FOR ROY SINCLAIR

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the lights had been received for installation on Kurth Drive.

Commissioner Boyd stated that a left turn light installed at Martin Luther King Drive and Kurth Drive might help the traffic situation at this intersection. Public Works Director Ron Wesch stated that the light would need the Highway Department's approval, and it would just be a matter of changing out the controller.

Commissioner Percy Simond stated that he would like to see a Resolution drawn up in appreciation of Roy Sinclair's service to the City. Commissioner Simond stated that Mr. Sinclair was a very fine person and should be recognized with a Resolution upon his retirement at the end of the month. Commissioner Simond stated that he would like the Resolution to be signed by all the Commissioners in addition to the signature of the Mayor and City Secretary.

15. There being no further business for consideration, meeting adjourned at 6:37 P.M.



Pat Foley - Mayor pro tem

ATTEST:



Atha Stokes - City Secretary