

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF SEPTEMBER, 1987, AT 5:00 P.M.

On the 15th day of September, 1987, 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
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Nicholas Finan	City Planner
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Roger Lewis, Minister, Glad Tidings Assembly of God Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of September 1, 1987 were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. BUDGET APPROVED - FISCAL YEAR 1987-88

Mayor Garrison stated that the Commission would now consider finalization of the budget for fiscal year 1987-88.

Commissioner Percy Simond stated that he had brought up the subject of a computerized water system at a previous meeting, and since the system worked so well for other cities, he would like to see this item added to the \$750,000 worth of equipment being financed through the personal finance contract. Commissioner Simond stated that there are only two people employed by the City of Lufkin who know where the valves and water lines are, and, in his opinion, the City shouldn't rely on only two people for this information. Mr. Simond stated that the system could be purchased for \$125,000, and will be able to pinpoint every water line in the City.

City Manager Westerholm stated that, in his opinion, the personal finance contract is for personal equipment only. City Manager Westerholm stated that a large portion of the \$125,000 would probably be for consultant's fees and work and labor to document the location of the water lines. City Manager Westerholm stated that, in his opinion, it was overstated to say that there are only two people who know where the water lines are. City Manager Westerholm stated that there are records of when and where water lines had been installed. City Manager Westerholm stated that any work done under a bond program was probably well documented. City Manager Westerholm stated that where City crews made the extensions, they probably have not triangulated every valve to the point to where they are easily located.

Commissioner Simond stated that in some sections of the City water lines break more frequently than they ordinarily would. Commissioner Simond stated that if the City is spending this amount for equipment, it was his opinion that \$125,000 for the computerized water system could easily be added to the total cost.

Mayor Garrison stated that, in his opinion, the City has grown to the point to where it seems that the computer system would be a necessity.

In response to question by Commissioner Louis Bronaugh, Mayor Garrison stated that this equipment could be purchased from the surplus in the water and sewer funds.

Commissioner Foley stated that perhaps the water distribution system analysis could address some of these problems.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that under the Tax Levying Ordinance \$.33991 goes to the General Fund operations and \$.12009 goes to the Interest and Sinking Fund. City Manager Westerholm stated that the Appropriations Ordinance sets out the amount of money available in each fund for the fiscal year October 1, 1987 thru September 30, 1988.

In response to question by Commissioner Gorden, City Manager Westerholm stated that the sum of \$12,400 appropriated to the Zoo is a special fund of anticipated contributions.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that the Tax Levying Ordinance and the Appropriations Ordinance adopting the 1987-88 budget be approved as submitted. The following vote was recorded: Aye - Commissioners Roper, Foley, Bronaugh, Simond, Mayor Garrison. Nay - Commissioner Boyd.

Mayor Garrison stated that motion carried by a vote of 6 to 1.

Commissioner Louis Bronaugh stated that the Commission had stated that at the end of six months they would take a look at revenues and consider a cost of living increase for City employees.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - ANGELINA CHAMBER OF COMMERCE - SOUTH MEDFORD BETWEEN CHESTNUT AND WALLACE - RESIDENTIAL LARGE, LOCAL BUSINESS TO LOCAL BUSINESS

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance for Zone Change Request by Angelina Chamber of Commerce covering property located on South Medford between Chestnut and Wallace from Residential Large, Local Business to Local Business.

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. ORDINANCE - APPROVED - SECOND READING - NEW TMRS PROVISIONS

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance adopting new TMRS provisions concerning updated service credit and annuity increase for retirees equal to 70% of the consumer price index.

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.

7. ORDINANCE - APPROVED - SECOND READING - PERSONAL FINANCE CONTRACT

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance approving the execution and delivery of Personal Finance Contract.

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.

8. ORDINANCE - APPROVED - SECOND READING - WATER AND SEWER RATES ADJUSTED

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance adjusting water and sewer rates.

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.

9. ORDINANCE - APPROVED - SECOND READING - SANITATION SERVICE FEES ADJUSTMENT

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance adjusting fees for sanitation service.

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.

10. RESOLUTION - APPROVED - ADDITIONAL PENALTY ON DELINQUENT TAXES

Mayor Garrison stated that the Commission would now consider a Resolution providing for the imposition of an additional penalty on delinquent taxes. Mayor Garrison stated that last year the Commission adopted an Ordinance imposing a 15% penalty on all delinquent taxes for 1986 and subsequent thereto. However, taxes collected prior to 1986 have not had the 15% penalty imposed.

In response to question by Commissioner Pat Foley, City Attorney Bob Flournoy stated that there was a time when it was questionable whether or not this could be done, but it now appears clear that it can be done for prior years.

Commissioner Simond stated that he was sorry he had voted for the 15% penalty last year because he felt it was not handled fairly.

City Manager Westerholm stated that on any delinquent taxes that are collected now, the City has to give 15% back to a lawyer, so the City doesn't get full value anymore. City Manager stated that, in his opinion, the person who is late paying his taxes should have to pay the penalty and the taxpayers in Lufkin should not have to pay a lawyer to collect them.

In response to question by Mayor Garrison, City Attorney Bob Flournoy stated that some delinquent taxes are handled through a judgement and some are handled through a Sheriff's sale.

Mayor Garrison stated that it might be good to have some kind of public relations campaign to inform people that if they do not pay their taxes on time, a penalty with interest will accumulate.

City Manager Westerholm stated that under Item 3 of the Resolution it states that a notice will be sent informing delinquent taxpayers that after 31 days they will be penalized.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Resolution imposing an additional penalty on delinquent taxes be approved as presented. The following vote was recorded: Aye - Commissioners Roper, Gorden, Foley, Bronaugh, Boyd, Mayor Garrison. Nay - Commissioner Simond.

Mayor Garrison stated that motion carried by a vote of 6 to 1.

11. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - HOOVER BROS.

Mayor Garrison stated that the Commission would now consider a Resolution authorizing Certificates of Obligation for payment of invoice from Hoover Brothers.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Resolution authorizing Certificates of Obligation for payment of invoice in the amount of \$8,949.85 be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - FULBRIGHT AND JAWORSKI

Mayor Garrison stated that the Commission would now consider Resolution authorizing Certificates of Obligation for payment of invoice from Fulbright and Jaworski.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Resolution authorizing Certificates of Obligation for payment of invoice from Fulbright and Jaworski in the amount of \$12,711.01 be approved as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - EXCHANGE OF CLAIMS AND ACCOUNTS

Mayor Garrison stated that the Commission would now consider Resolution approving and authorizing exchange of claims and accounts for Certificates of Obligation.

City Manager Westerholm stated that after approving payments to Hoover Brothers and Fulbright and Jaworski, payments for claims on the new City Hall have now been completed. City Manager Westerholm stated that a Resolution authorizing the exchange of these accounts into Certificates of Obligation will need City Commission approval.

In response to question by Commissioner Simond, City Manager Westerholm stated that the figure of \$3,963,764.84 included \$3,058,774.84 for current claims and accounts and \$904,990.00 in claims and accounts that have already been exchanged.

In response to question by Commissioner Simond, Tom Wolf, representative for First Southwest, stated that claims and accounts are converted into Certificates of Obligation in multiples of \$5,000.

Commissioner Simond stated that he did not like reading the packet information which was delivered on Friday and then coming to the meeting and finding changes in the figures, especially on an important document such as this resolution.

City Manager Westerholm stated that the revised information had been received earlier today from the legal counsel in Dallas.

City Manager Westerholm stated that Section 7, which addressed the subject of cancelling and destroying unused certificates, had been deleted from the Resolution.

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

14. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - LARGE CAT EXHIBIT - ELLEN TROUT ZOO

Mayor Garrison stated that the Commission would now consider an invoice from Everett Griffith and Associates for design development of large cat exhibit at Ellen Trout Zoo.

City Manager Westerholm stated that Jimmy Griffith had designed the exhibit at a reduced fee which will be paid out of funds donated by the TLL Temple Foundation.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that invoice from Everett Griffith and Associates in the amount of \$4,200 be approved as presented. A unanimous affirmative vote was recorded.

15. BUILD TEXAS COMMITTEE


In response to question by Commissioner Boyd, City Manager Westerholm stated that the Build Texas Committee concerns the nine constitutional amendments that will be voted on in November. City Manager Westerholm stated that the Commissioners are invited to a press conference at 4:15 P.M., Thursday, at the Angelina County Airport.

16. There being no further business for consideration, meeting adjourned at 6:00 P.M.

ATTEST:



Atha Stokes, City Secretary


Pitser H. Garrison, Mayor