

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF MAY, 1987, AT 5:00 P.M.

On the 19th day of May, 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
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
Nick Finan	City Planner
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Don Boyd Commissioner, Ward No. 2

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Brance Moyer, Minister, First Church of the Nazarene, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that minutes of May 5, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE REQUEST - LESTER ADKISON - WOOD STREET BETWEEN LUBBOCK STREET AND WALTERS STREET - RL TO C

Mayor Garrison stated that the next item for consideration was Second Reading of Zone Change Request by Lester Adkison covering property located on Wood Street between Lubbock Street and Walters Street from Residential Large to Commercial.

Mayor Garrison stated that there was no opposition from the Planning and Zoning Commission, and there had been no opposition at First Reading.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that Zone Change Request be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. RESOLUTION - APPROVED - STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION MINUTE ORDER - HIGHWAY 59 SOUTH OF LOOP 287 SOUTHEAST TO FARM TO MARKET ROAD 58

Mayor Garrison stated that the Commission now had for consideration a Resolution accepting the provisions of State Highway and Public Transportation Commission Minute Order.

City Manager Westerholm stated that the Resolution is necessary to establish a Farm to Market Road from U. S. Highway 59, 0.7 miles south

of Loop 287 southeast to Farm to Market Road 58 for a distance of 1.8 miles.

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

#### 6. SECTION 125 PLAN - TABLED

Mayor Garrison stated that the next item for consideration was the City's participation in a Section 125 Plan which will benefit City employees and will not cost the City any money.

City Manager Westerholm stated the staff had heard many proposals under the flexible benefit plan that is known as a Section 125 or "cafeteria plan", which entitles the employee to pay some of his expenses before being taxed in order to lower the income tax and Social Security tax they are required to pay. City Manager Westerholm stated that according to information available to the staff, a savings of approximately \$60,000 could be realized by the employees annually and an approximate savings of \$17,000 annually to the City.

City Manager Westerholm stated that participation in the program will be up to the individual employee. City Manager Westerholm stated that each employee will be counseled as a group and individually as to the benefits of the program, and each employee will have the option of what they will do with their individual savings.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that some of the employees would have child care costs, health care premiums, out of pocket medical, dental, vision and hearing care expense, and group life insurance making it difficult to determine the amount each individual employee would save.

City Manager Westerholm stated that the program had been presented to department heads at a staff meeting several weeks ago.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that the program would not require additional accounting on the City's part and that the staff has suggested that the firm selected take care of the administration of the Plan for the City. City Manager Westerholm stated that the cost of the firm administering the Plan would be \$5.00 for each participant per month. City Manager Westerholm stated that the staff anticipates 90% participation in the Plan. City Manager Westerholm stated that in the future years the plan might be administered by the City staff.

Commissioner Louis Bronaugh stated that he would like to see the program administered in-house and any insurance for the employee purchased from a local agent.

Gene Oliver, representing Foundation Financial Services, stated that his firm does not sell any products, and that his proposal is based on an annual basis and is subject to change at the end of the year.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that he had been told by the Data Processing Department that converting the payroll to the City's computer system and adding the benefit plan at the same time would be quite a big job.

Mr. Oliver stated that his firm has developed a special software program to do this type of administration. Mr. Oliver stated that the most important service his firm provides is the ability and the experience to properly communicate the program to the employees in group meetings and on a one-on-one basis. Mr. Oliver stated that the program has a lot of plusses, but also has some potential problem

areas unless they are adequately explained and understood by the employees.

Commissioner Simond stated that he had some misgivings about the program and was concerned about how complicated it is.

In response to question by Commissioner Foley, Mr. Oliver stated the savings to the City would be in Federal Income Tax and matching FICA savings.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that item be tabled until next meeting of the Commission. A unanimous affirmative vote was recorded.

Mayor Garrison stated he would like to see a memorandum that was terse and to the point explaining what the law is concerning this program and how it will benefit the City employee.

**7. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - STEP 3 INTERCEPTOR FOR WASTEWATER TREATMENT PLANT**

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associated for engineering services on Step 3 of the Interceptor for the Wastewater Treatment Plant.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that invoice from Everett Griffith and Associates in the amount of \$11,975.36 be approved as presented. A unanimous affirmative vote was recorded.

**8. ORDINANCE - DENIED - TAXING TELECOMMUNICATION SERVICES**

Mayor Garrison stated that the Commission now had for consideration an Ordinance for taxing telecommunication services.

Commissioner Foley stated that he had some reservations about adding additional taxes on the citizens of Lufkin without providing additional services.

City Manager Westerholm stated that the telecommunication services covered under this act refer to such items as: Three-way calling, call waiting, call forwarding, speed calling, intra-state long distance originating in Lufkin, touch tone, PBX key system trunks, paging service and mobile phone service.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that Ordinance levying taxes for telecommunication services be denied. A unanimous affirmative vote was recorded.

**9. RESOLUTION - DENIED - MINORITY BUSINESS POLICY**

Mayor Garrison stated that the Commission now had for consideration a proposed Ordinance looking at the development and encouragement of minority business practices.

Commissioner Simond stated that City Attorney Flournoy had rewritten the proposed Ordinance and had "watered it down" considerably. Commissioner Simond stated that, in his opinion, he did not see anything in the Ordinance that would be unacceptable to anyone present. Commissioner Simond stated that the Ordinance contained goals and guidelines that the City might want to put into use. Commissioner Simond stated that he had proposed the Ordinance to have some kind of policy that would tell young people that they could aspire to any job, especially in the City, and to give them high self-esteem. Commis-

sioner Simond stated that through this policy the young people might be able to see a black person as a role model in the City.

Commissioner Simond stated that he hoped that the City Commission could be a catalyst of affirmative action in the City, especially to young black children and women, as well.

Mayor Garrison stated that in Section II Affirmative Action it was stated "shall give preference to local minority business where all things are equal", and it appears that "women business enterprises" was inadvertently left out.

Commissioner Simond stated that he was concerned that there were no black policemen in Lufkin as role models for black children. Commissioner Simond stated that, in his opinion, some real effort should be put forth to address this situation.

Mayor Garrison stated that he had had several conversations with Commissioner Simond about the recruitment of black policemen and firemen and had asked Commissioner Simond for suggestions for a program for the recruitment of black policemen and firemen. Mayor Garrison stated that because of Civil Service requirements the City could not recruit policemen or firemen when there was an opening in these departments.

Commissioner Simond stated that he would like to see the examination papers from the Civil Service tests graded by the staff or personnel of Angelina College.

Mayor Garrison stated that he always had total confidence that the papers were graded correctly.

Mayor Garrison stated that he would like for the City Attorney to give an opinion on who grades the examinations, and whether or not they are subject to inspection by members of this Commission.

Commissioner Bronaugh stated that he objected to the word "preference" in Section II of the Resolution. Commissioner Gordon stated that he also had a problem with the word "preference" in Section II, and really did not see the need for the Resolution.

Mayor Garrison recognized Chuck Stemple of Stemple Appliances who stated that a few businessmen were present who are not in favor of the Resolution. Mr. Stemple stated he and the other businessmen present were concerned as taxpayers and felt that the City should have guidelines for purchasing of goods and services and these guidelines should include equality, competitive pricing and availability of the service. Mr. Stemple stated that these guidelines would protect the taxpayers, but when the guidelines are replaced with restrictions stating that the purchase must be made with respect to the ethnic background or gender of the supplier, then he questions whether the Resolution is for the good of the taxpayer. Mr. Stemple stated that the City Manager or the Purchasing Agent of the City must have the unrestricted authority to be able to make a decision based on what's best for the Community, rather than what's best for special interests.

Mayor Garrison stated that the Resolution was simply an expression of appreciation of minority groups and to encourage MBE'S and WBE'S to solicit work from the City.

Commissioner Roper stated that, in his opinion, the Resolution was an encouragement for MBE'S and WBE'S to do business with the City.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper that Resolution be approved as presented, in-

creasing the percentage to 91%, and adding "WBE" to the last paragraph of Section II Affirmative Action.

The following vote was recorded: Aye - Commissioners Percy Simond, Commissioner Danny Roper, and Mayor Garrison. Nay - Commissioners Jack Gorden, Pat Foley and Louis Bronaugh.

Mayor Garrison declared that motion to pass Resolution failed due to lack of four affirmative votes.

10. BID - APPROVED - LANDSCAPING - CITY HALL - SOUTHLAND NURSERY AND GREENHOUSE

Mayor Garrison stated that the Commission now had for consideration landscaping bids for the new City Hall.

Mayor Garrison stated that two bids had been received and that Architect Jerry Hill recommended the low bid of Southland Nursery in the amount of \$27,944.

Mr. Hill stated that there were a few areas that could be deleted which would save the City some money. Mr. Hill stated that his firm had designed the landscaping and that he had not charged the City a fee.

In response to question by Commissioner Foley, Mr. Hill stated that the plants will have a one year warranty.

City Manager Westerholm stated that Parks and Recreation Director Don Hannabas had reviewed the specifications.

Commissioner Simond stated that he would like to know when the drawers would be installed in the council table. Jerry Hill stated that he had been to Dallas looking for thin, narrow drawers but, so far, has been unable to find anything that would work.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper that bid of Southland Nursery and Greenhouse in the amount of \$27,944 be approved as the lowest and best bid. A unanimous affirmative vote was recorded.

11. EXECUTIVE SESSION

Mayor Garrison stated that the Commission would now go into Executive Session to discuss appointments to various boards. Mayor Garrison recessed formal open meeting of City Commission at 6:42 P.M. Mayor Garrison reconvened meeting of City Commission at 6:49 P.M. and made announcements to those present regarding results of the Executive Session.

12. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT AND APPEALS EXAMINING AND SUPERVISING BOARD OF ELECTRICIANS - STANDARD BUILDING CODE BOARD OF ADJUSTMENT AND APPEALS

Mayor Garrison stated that appointments to various City Boards had been discussed during the Executive Session and the Commission now had for consideration such appointments.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley reappointing Ray Henson, Jerry Benson, and Lacy Chimney to Zoning Board of Adjustment and Appeals subject to their acceptance of the reappointment. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh reappointing Jerry Vail, Robert Beddingfield,

and Don Cutler to the Examining and Supervising Board of Electricians subject to their acceptance of the reappointment. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden reappointing Don Langston to the Standard Building Code Board of Adjustment and Appeals subject to his acceptance of the reappointment. A unanimous affirmative vote was recorded.

13. CITY HALL AIR CONDITIONING

Commissioner Jack Gorden stated that, in his opinion, the air conditioning had not worked properly at the last two meetings. City Manager Westerholm stated that he would have the system checked before next meeting.

14. There being no further business for consideration, meeting adjourned at 6:52 P.M.

  
Pitser H. Garrison, Mayor

ATTEST:

  
Atha Stokes, City Secretary