

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF AUGUST, 1988, AT 5:00 P.M.

On the 16th day of August, 1988, 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:

Louis A. Bronaugh	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present and,

Paul Mayberry	Commissioner Ward No. 6
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Anthony Cecil, Minister, Keltys United Methodist Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting and Budget Workshop meeting of August 2, 1988 were approved on a motion by Commissioner Jack Gorden and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - PERMIT RENEWAL - CABLECOM OF LUFKIN

Mayor Bronaugh officially opened Public Hearing to consider permit renewal for Cablecom of Lufkin.

Mayor Bronaugh stated that there is a window set aside by the Federal statutes that allows the City to consider the renewal of the permit, which will save the City of Lufkin and Cablecom a great deal of time and money if it is considered at this time.

There was no opposition present, and no discussion by the members of the City Commission.

Mayor Bronaugh closed Public Hearing.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JOSEPH GERACI - 617 and 631 SOUTH FIRST STREET - RESIDENTIAL SMALL, NON-CONFORMING TO LOCAL BUSINESS

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change Request by Joseph Geraci covering property located at 617 and 631 South First Street from Residential Small, Non-Conforming to Local Business.

Motion was made by Commissioner Danny Roper and seconded by Commis-

sioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Comprehensive Emergency Management Plan.

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

7. ORDINANCE - APPROVED - SECOND READING - HAZARDOUS MATERIALS

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance regulating vehicles transporting dangerous or hazardous materials on designated streets.

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

8. ORDINANCE - APPROVED - FIRST READING - PERMIT RENEWAL - CABLECOM OF LUFKIN

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance for permit renewal for Cablecom of Lufkin.

In response to request by Mayor Bronaugh, Wayne Neal stated that monthly statements could be itemized.

Mayor Bronaugh stated that City Manager Westerholm has recommended that under Section 11 (Payment to the City), the amount of 2% of the Gross Subscribers Revenues be changed to 5%.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading, with change to Section 11 (Payment to the City) from 2% to 5% of the Gross Subscribers Revenues. A unanimous affirmative vote was recorded.

9. ANIMAL SHELTER POLICY - ESTABLISHED

Mayor Bronaugh stated that the next item for consideration was to establish a policy for accepting animals at the Shelter.

Mayor Bronaugh stated that the Winnie Berry Animal Shelter is the finest animal shelter in the State with a dedicated staff that is overworked due to problems that have arisen with the growth of the City and County.

Public Works Director Ron Wesch stated that the shelter maintains a population of 100 animals, and that the City tax payers are paying for those animals outside the City limits.

The Animal Shelter has a contract with the cities of Diboll and Huntington, who are paying \$11 per animal.

City Manager Westerholm stated that the number of dogs from the County has increased; 6,555 dogs and cats were taken to the shelter in 1987, and 3,109 of them came from outside the City.

Mayor Bronaugh stated that the County Commissioners had been approached for some kind of consideration but they had a problem with setting aside \$11 per animal. The actual cost per animal is \$15.71.

Mayor Bronaugh stated that a provision in the law prohibits the County from picking up dogs unless they bite someone.

Janet Avery-Sublett, newly elected president of the Humane Society stated that since the number of animals surrendered by private citizens has exceeded 3,000 annually, they are having difficulty meeting their obligation of paying the City \$3.00 per animal.

Mayor Bronaugh stated that the operating expense of the shelter is \$156,000, while the revenue is only \$20,000.

Ms. Avery-Sublett stated that between 1982 and 1988 the County had contributed \$6,500 to help subsidize the cost.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd to restrict the acceptance of animals to the Animal Shelter; to charge a fee of \$15 per animal for county residents (no charge to City residents); and that the City Manager develop a plan for enforcement to the extent of re-arranging the animal shelter, effective September 1, 1988. A unanimous affirmative vote was recorded.

#### 10. 1988-89 BUDGET - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was the 1988-89 Budget and setting the date for a Public Hearing on the proposed tax rate.

City Manager Westerholm stated that at the last meeting the General Fund and Utility Fund were essentially in balance with a minor contingency fund. City Manager Westerholm stated that there were some items that had not been considered for funding and these were listed on a handout under "Request for Assistance or Increases", along with a list of proposed methods of financing.

City Manager Westerholm stated that a tax rate increase will trigger a rollback which requires two Public Hearings. A tentative schedule for budget hearings was included in the handout material.

City Manager Westerholm stated that a final budget needs to be prepared, and a tax rate set and advertised in compliance with the law.

City Manager Westerholm stated that he has suggested a different proposal for funding the deficit from last year. City Manager Westerholm stated that there are excess funds in the reserve fund of the Interest and Sinking Funds, both in the General Fund and Water and Sewer Fund, to the extent of approximately \$430,000.

City Manager Westerholm stated that he is suggesting a tax rate of .34 cents.

City Manager Westerholm stated that he did not anticipate any support from the hospitals or nursing homes for the EMS service.

Commissioner Simond stated that he had considered voting against the request for the increase in Police personnel because he had not been too happy with the recruitment of blacks in the Police Department.

Commissioner Boyd stated that, in his opinion, the City does not have to use the test that they are presently using.

In response to statement by Commissioner Boyd, Mayor Bronaugh stated that it would take 50% of the registered voters plus one to discontinue operating under Civil Service.

Assistant City Manager Brian Boudreaux stated that Commissioner Boyd is absolutely correct in his statement that the City can use any test

it desires, but that decision has to be made by the Civil Service Commission.

Mr. Boudreaux stated that a gentlemen who is in charge of minority recruitment in the Fort Worth Fire Department will be coming to Lufkin on September 14th to share some ideas with the Lufkin Civil Service Commission. Mr. Boudreaux stated that anyone who is interested is invited to attend the meeting.

Virginia Allen representing Kurth Memorial Library, and Dr. Bob Anderson, representing Friends of the Zoo, were present to make requests for funds for their respective organizations.

After considerable discussion, it was the consensus of opinion that City Manager Westerholm make additional changes in the budget and that a tentative workshop be set for Tuesday.

11. INVOICE - APPROVED - MOORE BROTHERS - HERTY PARK

Mayor Bronaugh stated that the next item for consideration was an invoice from Moore Brothers for general construction at Herty Park.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that invoice from Moore Brothers in the amount of \$40,260.33 for general construction at Herty Park be approved as presented. A unanimous affirmative vote was recorded.

12. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - ANGELINA COUNTY WATER STUDY

Mayor Bronaugh stated that the next item for consideration was an invoice from Everett Griffith and Associates for the Angelina County Water Study.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that invoice from Everett Griffith and Associates in the amount of \$7,343.66 for professional services for the Angelina County Water Study be approved as presented. A unanimous affirmative vote was recorded.

13. REAL ESTATE PURCHASE - AUTHORIZED

Mayor Bronaugh stated that the next item for consideration was authorization to purchase real estate.

City Manager Westerholm stated that Mrs. Ed Melancon has agreed to accept the City's offer of \$10,000 for the property adjacent to the museum.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the property will be paid for with monies from the Hotel/Motel Tax.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that City Manager Westerholm be authorized to negotiate purchase of property with Mrs. Ed Melancon. A unanimous affirmative vote was recorded.

14. COMMENTS

Commissioner Percy Simond requested that City Commission members be advised of lawsuits filed against the City. Commissioner Simond also requested that the City staff check with other cities regarding Ordinances prohibiting vendors from charging for time that is not actually spent on the job.

In response to question by Commissioner Boyd, Public Works Director Ron Wesch stated that he would check on the three railroad crossings that have not been removed.

Commissioner Roper requested a list of the items that have been charged to the Contingency Fund over the past two years.

15. There being no further business for consideration, meeting adjourned at 7:25 P.M.

  
Louis A. Bronaugh, Mayor

ATTEST:

  
Atha Stokes, City Secretary