

Mayor Bronaugh stated that Elton Fenley had been suggested as a replacement for the expiring term of Roger Johnson, who also serves on another City Board.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that Elton Fenley be appointed to the HVAC Board for a one-year term. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - TMRS PROVISION - SB 505

Mayor Bronaugh recognized Eric Davis, TMRS Administrative Assistant, who stated that SB 505 contains three separate items. The first is a 25 year-any age retirement eligibility. Mr. Davis stated that since some members of the Commission are concerned about the cost involved, the actuaries have looked at the existing circumstances in the City and determined that the cost involved is minimal.

Mr. Davis stated by reducing the annuity three years, three years worth of the City's matching funds would be reduced, as well as interest in both accounts. The benefit is calculated on the employees' deposits and the City's matching funds, the retirees' age, and depending on the option, the beneficiaries' age. Mr. Davis stated that by retiring at 25 years the only additional payments that would be made at that time would be any additions for updated service credits.

Presently, the City has three vesting options (1) with tenures at age 60, (2) with 25 years at age 50, and (3) 28 years at any age. Mr. Davis stated that SB 505 would reduce option 3 and make it simply two vesting provisions. The group this would effect would be the ages hired from 22 - 25.

Mr. Davis stated that the second area is surviving spouse benefit, which is the most expensive part of SB 505. An example of same is if an employee vested with the City terminated his employment but left his deposits in TMRS and deferred his retirement until such time as he reached age 60. Mr. Davis stated that at the present time the surviving spouse can only take a lump sum refund of deposits and interests. With SB 505 the beneficiary would have a choice between the lump sum refund or leaving employees deposits in until the employee would have been age 60. Actuarially, the difference here means a relative increase of between 1 and 5%.

The third area is the occupational disability plan. The disability annuity calculated here is the same as under the regular disability which the City currently has. The only change is the removal of a total and permanent stipulation under the regular disability plan and changing that to the employee being disabled from his or her own occupation. Both circumstances will be reviewed by the TMRS medical board.

Mr. Davis stated that when SB 505 came before the Senate and the House of Representatives, TMRS actuaries performed an analysis of the Bill and determined that the cost increase by most cities would be approximately 1.5 to 7.5%. Mr. Davis stated that basically that would reflect, in the City's case, under the current contribution an increase of from 5.6% to 5.96% - the actual rate increase with updated service credit came in at 5.70%. The present rate is 5.55%.

Mr. Davis stated that the three provisions of SB 505 must be adopted as a package.

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

7. ORDINANCE - APPROVED - SECOND READING - HEATING, AIR CONDITIONING AND MECHANICAL REFRIGERATION CODE ORDINANCE

Mayor Bronaugh stated that the next item for consideration was Second Reading of the Heating, Air Conditioning and Mechanical Refrigeration Code Ordinance.

City Attorney Flournoy stated that changes incorporated in the new Ordinance were: (1) A six-month grace period, effective January 1, 1989 (2) omitting licensing requirement of the City and (3) imposing licensing and rules and requirements of the State statute.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Paul Mayberry that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - MARK LOWERY - 407 COUSART - RESIDENTIAL MEDIUM TO RESIDENTIAL SMALL

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request from Mark Lowery covering property located at 407 Cousart from Residential Medium to Residential Small.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - T & T CORPORATION - 211 S. TIMBERLAND DRIVE - COMMERCIAL TO COMMERCIAL, SPECIAL USE (PRIVATE CLUB)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request from T & T Corporation covering property located at 211 S. Timberland from Commercial to Commercial, Special Use (Private Club).

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

10. INVOICE REIMBURSEMENT - DISCUSSED - ALCOHOL AND DRUG ABUSE COUNCIL OF DEEP EAST TEXAS

Mayor Bronaugh stated that the next item for consideration was reimbursement of air conditioning invoice paid by the Alcohol and Drug Abuse Council of Deep East Texas.

Mayor Bronaugh recognized Sara Beth Teutsch, Executive Director of the Alcohol and Drug Abuse Council of Deep East Texas, who stated that she had tried to have the air conditioner repaired in the Parks Department at 127 N. First Street, but the unit was so old that parts could not be found to repair it. Mrs. Teutsch stated that the building has no windows and no fans and it became so uncomfortable that she either had to replace the air compressor on the unit or close the office. Mrs. Teutsch stated that Brock's Service, Inc. had repaired the air conditioner for \$2,150. Mrs. Teutsch stated that she had originally spoken to Don Hannabas, Parks and Recreation Director, and had been informed by him that he did not have the money in his budget to repair the air conditioner. Mrs. Teutsch stated that she was now asking the Commission to pay \$1,000 of the cost and the remaining \$1,150 of the invoice would be used towards the \$50 monthly charge for renting the building. Mrs. Teutsch stated that the contract she has with the City says that the \$50 is to be applied to utilities.

Mrs. Teutsch stated that in the two years she has been there improvements have been made at their expense to include new carpet, new lights, painting, cleaning paneled walls, and replacing tread on the stairs.

In response to question, Mrs. Teutsch stated that most of the money the Council receives is allocated and restricted. Application can be made for State funds but the criteria changes from year to year.

Commissioner Bob Bowman stated that United Way has an emergency fund and suggested that Mrs. Teutsch might be able to receive funds from this organization to cover the cost of the repairs. Mayor Bronaugh stated that the staff will look into the budget to see if funds are available in the contingency fund if United Way is not able to take care of the invoice.

11. SEWAGE REQUEST - APPROVED - KING'S ROW MOBILE HOME PARK

Mayor Bronaugh stated that the next item for consideration was a request from King's Row Mobile Home Park for acceptance of their sewage.

Mayor Bronaugh recognized Jack Wyatt, manager and owner of the mobile home park, who stated that the existing sewer plant at the park is not adequate.

Mr. Wyatt stated that he would be willing to put in a lift station and install lines to tie into the City service, meeting all City regulations.

In response to question by Commissioner Simond, Public Works Director Ron Wesch stated that the City will have no responsibility for the lift station which will be placed on Mr. Wyatt's property to handle the mobile homes in the park. Mr. Wesch stated that the City will specify the PSI on the pipe and type of pipe he installs. Mr. Wesch stated that Mr. Wyatt has agreed to pay twice the amount for the service as stipulated in the Ordinance. Mr. Wesch further stated that if the system malfunctions, it will be the responsibility of the Angelina County/City Health District.

In response to question by Commissioner Roper, Mr. Wyatt stated that he would be willing to put up a bond or give a letter of credit from his father during construction.

Mr. Wesch stated that the City currently provides sewer service for Thousand Oaks and Cedar Grove and that both additions are also on City water.

City Attorney Flournoy stated that it has been a firm policy of this Commission not to extend sewer service outside the City.

Gus Boesch, appearing in opposition to the request, stated that when he was constructing a manufactured dwelling subdivision recently he was required to provide curb and gutter, meet standards on lot sizes, and meet requirements that others did not have to meet. Mr. Boesch stated that, in his opinion, allowing this request would be a deterrent to development in the City.

In response to question by Commissioner Mayberry, Mr. Wyatt stated that the park will accommodate a maximum of 100 homes. He presently has 84 homes in the park, and does not have any plans for expansion because there is no demand at this time.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that request for acceptance of sewage of King's Row Mobile Home Park be approved as submitted. A unanimous affirmative vote was recorded.

12. AFFIRMATIVE ACTION PLAN - DISCUSSED - POLICE DEPARTMENT VACANCIES

Mayor Bronaugh stated that the next item for consideration was an Affirmative Action Plan for filling Police Department vacancies.

Assistant City Manager Brian Boudreaux, who also serves as Director of the Civil Service Commission, stated that the Civil Service Commission has recently been looking at some tests and has found two plans they feel might be acceptable. Mr. Boudreaux stated that before the Civil Service Commission made a final decision they wanted to present the plans to the City Commission because of the money involvement to the extent of sending an applicant to the Academy before he takes the Civil Service exam. Mr. Boudreaux stated that the Civil Service Commission feels that there is some risk involved not only with the money, but the legal action against the City for taking these Affirmative Action steps.

Chief Sherman Collins stated that at the last Civil Service Commission meeting the members were leaning favorably toward the Port Arthur Plan, which is similar to the plan the City is currently using with the exception that they reverse the point of testing.

Chief Collins stated that the Port Arthur Police Department goes out and recruits people and does all the other employment processes, such as background investigation, criminal records check, psychological exam, the physical exam, drug screening, and a screening exam to determine a person's reading level. The person is then sent to the Police Academy as a police trainee for a ten-week training period. At the end of the ten-week training period the Department posts their notices to comply with the legal requirements of the Civil Service Act announcing that the Civil Service entrance exam will be given at the Police Academy on a certain date. The final exam at the Police Academy then becomes the Civil Service entrance exam and if applicants pass the exam they are then commissioned as police officers. Chief Collins stated that the only change in the process is where the applicant is tested for the Civil Service exam. Lufkin is now giving the test up front and, if the Port Arthur Plan is adopted the test will be given at the end.

Chief Collins stated that the cost for tuition and salary to send an applicant to the Academy for the ten-week training period is \$5,800 per applicant. This is an at-risk figure until the day the applicant passes the Civil Service exam and the State licensing exam.

In response to question, Chief Collins stated that the plan has worked very well for Port Arthur. Chief Collins stated that the plan allows the Police Department to recruit in specific areas.

In response to question by Commissioner Roper, Assistant City Manager Boudreaux stated that the Department is still bound by law to take the high scores first.

Chief Collins stated that if the City discontinues using the TCLOSE test, it will have to have a test for screening, which could be provided by TEC or the Adult Learning Center.

Assistant City Manager Boudreaux stated that the Civil Service Commission is seeking the support and commitment of the City Commission in adopting a plan similar to the Port Arthur Plan, and did not want the Commission to be caught off-guard for any financial or legal problems in the future.

Commissioner Mayberry stated that, in his opinion, there needs to be some guidance given on the inception of the plan when it is made, due to the fact that the City is low on minorities, preference needs to be given to that particular group when they are sent to the Academy - and the Commission needs to emphasize that point.

It was the general consensus of opinion that the City Commission has been informed of the Civil Service Commission's intentions to adopt a Civil Service plan similar to the plan currently being used by the Port Arthur Police Department.

13a. BID - APPROVED - JANITORIAL SERVICES - MASTER CLEAN/CENTURION ENTERPRISES

Mayor Bronaugh stated that the next item for consideration was bids for janitorial service.

Mayor Bronaugh stated that Purchasing Agent David Cochran has recommended the bid of Master Clean in the amount of \$28,796 for janitorial service and carpet cleaning. Mr. Cochran stated that he has checked references given by the company. The budgeted amount for this service is \$36,500.

In response to question by Commissioner Boyd, Mayor Bronaugh stated that in the future he would suggest putting bid specs in the packets for comparisons.

In response to question by Mayor Bronaugh, Mr. Cochran stated that he would start logging complaints regarding the janitorial services in order to insure that the company is complying with the bid specs.

In response to question by Commissioner Boyd, Mr. Cochran stated that he had not recommended the low bid of East Texas Maintenance, Inc. because the bidder has a relative employed by the City. Mr. Cochran stated that Article XI, Section 11 of the Charter addresses "Personal Interest in the City Contracts" and, in his opinion, it would have been a violation of the Charter to award the contract to East Texas Maintenance, Inc.

City Attorney Flournoy stated that, in this case, since people involved are husband and wife he does not think that the low bid would be acceptable.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that the bid of Master Clean in the amount of \$28,796 for janitorial service and carpet cleaning, and the bid of Centurion Enterprises in the amount of \$769 for cleaning windows be accepted.

The following vote was recorded:

Aye - Commissioners Roper, Gorden, Bowman, Simond and Mayor Bronaugh

Nay - Commissioner Don Boyd

Mayor Bronaugh declared that motion carried by a vote of 6 to 1.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that the savings of \$7,704, the difference of the budgeted amount and the contracts, be placed in the Contingency Fund. A unanimous affirmative vote was recorded.

13b. BID - APPROVED - GARBAGE AND LEAF BAGS

Mayor Bronaugh stated that the next item for consideration was bids for garbage and leaf bags.

Mayor Bronaugh stated that Mr. Cochran had pointed out in his letter that the bid from Favorite Plastics from Monroe, Louisiana was actually the low bid but was not recommended because of the reciprocal law requiring the addition of 7% State sales tax. Mayor Bronaugh stated that Mr. Cochran has recommended accepting the bid of Arrow Industries in the amount of \$146,320. The amount budgeted was \$85,500.

Commissioner Gorden stated that considering the amount of the bid, the amount budgeted, the income from the sale of the bags last year, and

the fact that the City would end up \$30,000 short, he would suggest rebidding.

Mr. Wesch stated that he was concerned that the City would receive fewer bids and that they would be considerably higher if the bags were rebid. Mr. Wesch stated that manufacturers attributed the higher price for the bags to the rise in the cost of resin. Mr. Wesch stated that citizens on Cycle 1 will be given tickets to pick up garbage bags on November 10th, and he had to have bags from somewhere quickly. Mr. Wesch stated that he could re-order another load of bags on last year's bid but he was not sure the company would honor it. Mr. Wesch further stated that he was reluctant to lessen the specifications for the bags.

Commissioner Simond stated that because of the increased cost to the City it might be necessary to raise the price of the bags.

In response to question by Commissioner Simond, Rita Jenkins, Finance Director, stated that the price would almost have to be doubled to make up for the shortfall.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd to accept bid of Arrow Industries in the amount of \$146,320.

In response to question, Mr. Wesch stated that bags are given to citizens in November and April. Commissioner Gorden stated that since Mr. Wesch has said that the City does not have a binding agreement for the bags he would withdraw his motion and suggest that the staff check on the price the City of Houston pays for bags.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that the Commission accept the bid of Arrow Industries and order bags for the November shipment with cash-on-hand, and rebid before next shipment.

The following vote was recorded:

Aye - Commissioners Roper, Simond, Boyd and Mayor Bronaugh

Nay - Commissioners Mayberry, Bowman and Gorden

Mayor Bronaugh declared that motion carried by a vote of 4 to 3.

14. CONDOLENCES TO CITY MANAGER - DRUG TESTING - HOTEL/MOTEL TAX - CEDAR CREEK

Commissioner Mayberry stated that he would like for the Mayor to offer condolences on behalf of the City Commission to the City Manager in the passing of his wife.


Commissioner Simond stated that he objected to the Mayor making a statement at a recent Chamber of Commerce retreat on drug testing for City employees before it had been discussed with the City Commission.

Mayor Bronaugh stated that if the City does have drug testing for City employees it will be the decision of the City Manager. Assistant City Manager Boudreaux stated that if and when a plan is formulated by the staff, it will be presented to the City Commission before implementation.

Commissioner Gorden stated that he would like for the staff to monitor the hotel/motel tax, and to encourage continuous cleaning of Cedar Creek while the drainage is being discussed.

City Attorney Flournoy stated that Bryan Maxey has filed a suit in Federal Court against the City for demolishing the old Denman Avenue Courts.

15. There being no further business for consideration, meeting adjourned at 8:00 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary