

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF JANUARY, 1988, AT 5:00 P.M.

On the 19th day of January, 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:

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	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. George Cathcart, Minister, St. Paul's United Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 5, 1988, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. CANVASS - APPROVED - SPECIAL ELECTION - POLICE DEPARTMENT SALARY INCREASE

Mayor Garrison stated that the next item on the agenda was to canvass the returns of a Special Election held on January 16th. Mayor Garrison stated that this was a Special Election in which a referendum was submitted to the public to determine whether or not a \$300 per month raise should be granted to police officers who serve in the City of Lufkin's Police Department. Mayor Garrison stated that the following returns were submitted for consideration.

	<u>FOR</u>	<u>AGAINST</u>
Absentee:	217	168
Ward No. 1:	47	42
Ward No. 2:	59	112
Ward No. 3:	49	70
Ward No. 4:	194	339
Ward No. 5:	215	279
Ward NO. 6:	82	121

Mayor Garrison stated that the total votes were 1,994 with 863 cast in favor of the proposed raise and 1,131 against it.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to pass a Resolution accepting the election returns

from the presiding election officers to declare that the returns had been canvassed and that the proposition failed by 863 in favor of the raise and 1,131 against it. A unanimous affirmative vote was recorded.

5. PUBLIC HEARING - TAX ABATEMENT/REINVESTMENT ZONE - DICKERSON-SEELY ASSOCIATES, INC.

Mayor Garrison stated that the next item for consideration was a Public Hearing to consider designation of a Reinvestment Zone for the Tax Abatement Program as requested by Don Dickerson covering property located at 310 Lufkin Avenue (Old Salvation Army Building).

Mayor Garrison officially opened Public Hearing and recognized Scott Seely in representation of the request.

Mr. Seely stated that the request was being made by Dickerson-Seely Associates, Inc., and that they expected to spend approximately \$70,000 in renovating the building. Mr. Seely stated that if the exterior of the building is brick like the adjacent building at 306 East Lufkin Avenue when the pre-fab metal is removed, the brick will be sandblasted and rough cedar batten board will be placed around the doors and windows on the front of the building.

Mayor Garrison suggested that Mr. Seely be in touch with Main Street Director Carol Moore in regard to the downtown program.

Mayor Garrison closed Public Hearing due to lack of discussion.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - DAN SPIVEY, ET AL, - LOOP 287 BETWEEN SHADY PINE AND SANDY LANE RL TO C, SU (AS OUTLINED IN ITEM 26, A-H OF THE ZONING ORDINANCE)

Mayor Garrison stated that the next item for consideration was Second Reading of an Ordinance for Zone Change Request by Dan Spivey, et al, covering property located on Loop 287 between Shady Pine and Sandy Lane from Residential Large to Commercial, Special Use (as outlined in Item 26, A-H of the Zoning Ordinance).

In response to question by Commissioner Percy Simond, City Planner Nick Finan stated that the owners of this property are not at the development stage yet and have not furnished any plans for consideration. Commissioner Simond stated that this is a deviation from the Zoning Ordinance, and he would like to see that in the future anyone submitting a Zone Change Request on the Loop be given the same consideration.

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

7. ORDINANCE - APPROVED - SECOND READING - FIRE CLASSIFICATION PLAN

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance adopting the Fire Classification Plan.

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

8. ORDINANCE - APPROVED - SECOND READING - ASSIGNMENT PAY PLAN - FIRE DEPARTMENT

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance adopting an Assignment Pay Plan for the Fire Department.

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

9. ORDINANCE - APPROVED - SECOND READING - CODE OF ORDINANCES - SECTION 11-21 THROUGH 11-22 - REPEALED - FIRE MARSHALL - FIRE DEPARTMENT

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance repealing Code of Ordinance Section 11-21 through 11-22 in order that the Fire Marshall can be placed in the Fire Department.

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

10. PROPOSAL - APPROVED - SOFTBALL FIELD LIGHTS - KIT MC CONNICO PARK

Mayor Garrison stated that the next item for consideration was a proposal for improving lights at Kit McConnico Park.

City Manager Westerholm stated that the lighting at the softball fields has been in need of repairs for some time, and that some of the maintenance has been budgeted. City Manager Westerholm stated that the staff was proposing re-doing the lighting system at the three fields at Kit McConnico by getting bids on the work and after the low bid is obtained, then bid out a leasing agreement and pay it out over a period of five years. City Manager Westerholm stated that it would save the City a considerable amount by going with the metal halide fixtures as opposed to the present lights which are quartz incandescent.

City Manager Westerholm stated that having the Triple-Crown Softball Tournament at Kit McConnico Park also prompted the proposal to improve the park facilities. City Manager Westerholm stated that the total cost of the lights would be approximately \$45,000.

Mayor Garrison stated that he opposed deficit financing and, in his opinion, the City should stay on a cash basis if possible.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that under the present lighting system there are 218 light fixtures at the park and with the new system, there will be 78 fixtures, resulting in a big savings in electricity.

In response to question by Commissioner Danny Roper, Don Hannabas stated that the new lighting system will have a three-year guarantee which is covered by factory warranty.

In response to question by Commissioner Louis Bronaugh, Mr. Hannabas stated that the lights at the park are approximately 12 years old.

Commissioner Pat Foley stated that he would like to see the City Staff proceed with getting bids for the project and have the City Manager come up with additional proposals for paying for it.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that the City staff proceed with getting bids for the lighting system at Kit McConnico Park and that the City Manager find additional ways to pay for the new system. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT ZONE - DICKERSON-SEELY ASSOCIATES, INC. - 310 LUFKIN AVENUE (OLD SALVATION ARMY BUILDING)

Mayor Garrison stated that the Commission would now consider First Reading of Ordinance for Tax Abatement/Reinvestment Zone for Dickerson-Seely Associates, Inc. covering property located at 310 Lufkin Avenue (Old Salvation Army Building).

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

12. PET SHOP FEES - APPROVED

Mayor Garrison stated that the next item for consideration was approval of fees for licensing pet shops.

City Manager Westerholm stated that the recently adopted Dog Ordinance provides for the licensing of pet shops and the staff was recommending that the licensing fee be set at \$25.00 annually.

City Attorney Flournoy stated that the Ordinance provides for the authority to inspect the pet shops.

City Manager Westerholm stated that the fee will only apply to commercial operations.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that annual fee of \$25.00 for licensing of pet shops under the Animal Ordinance be approved as submitted. A unanimous affirmative vote was recorded.

13. CONSTRUCTION MAINTENANCE AGREEMENT - APPROVED - TEXAS HIGHWAY DEPARTMENT - BRIDGE ON TULANE BETWEEN LOOP 287 AND HARMONY HILL

Mayor Garrison stated that the next item for consideration was Construction Maintenance Agreement for bridge on Tulane between Loop 287 and Harmony Hill.

City Manager Westerholm stated that the City will be required to pay 20% of the actual construction cost. City Manager Westerholm stated that the City will have to pay \$5,500 when the agreement is signed and that this amount can be financed from the Street Department budget.

City Manager Westerholm stated that Howard Walker has given the right-of-way for widening Tulane from Harmony Hill.

Commissioner Percy Simond stated that Mr. J. L. Beard's letter indicated that there was a list of other approved projects, and he would like the City Manager to get a copy of that list.

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

14. AUDIT - APPROVED - AXLEY AND RODE

Mayor Garrison stated that the Audit from Axley and Rode covering fiscal year 1987 has been submitted for consideration. Mayor Garrison recognized Lynn Montes who stated that his firm had completed an examination of the financial and compliance audits for the City for the year ending September 30, 1987. Mr. Montes stated that no errors which would be considered as material weaknesses were found in internal control, nor did he find any errors that he would consider

to be material non-compliance with the various requirements pertaining to the Federal Finance Assistance Programs.

Mr. Montes stated that his firm had issued a "clean opinion" in the financial statements for the City.

In response to question by Commissioner Pat Foley, Mr. Montes stated that it is generally acceptable in the accounting profession that the firm's name is used when signing the reports, but that in the future the practice could be modified to include his signature on reports.

In response to question by Commissioner Danny Roper, Mr. Montes stated that the Texas Municipal League was one source of general comparison for cities audited which were the size of Lufkin.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that he had gone over the recommendation as submitted by Mr. Montes in his letter with Mr. Montes and Rita Jenkins, City Financial Director.

Mr. Montes stated that the letter is primarily a method of communicating some ideas that he felt like the City could make some modifications if it chooses to do so. Mr. Montes stated that he is required to report all material weaknesses in internal control in the audit report and that he had found no material weaknesses. Mr. Montes stated that he did notice areas that he wanted to bring to the City's attention so the City Manager could review the recommendations, determine which ones would be feasible, and ask the Commission's approval to implement the changes if he thought they were necessary.

In response to question by Commissioner Percy Simond, Mr. Montes stated that one of the recommendations was that the review process should be better documented addressing those areas where one person has complete control over a transaction.

Commissioner Pat Foley requested that the City Manager furnish the City Commission with a written report within the next 30-45 days showing what action has been taken to implement the procedures as recommended by the audit firm.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh to accept the audit report as presented and to invite Mr. Montes to the next City Commission meeting to answer any questions by Commission members. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - ATOMIC ABSORPTION INSTRUMENT - WATER POLLUTION CONTROL - VARIAN/INSTRUMENT GROUP

Mayor Garrison stated that the next item for consideration was bids for an atomic absorption instrument for the Water Pollution Control Department. Mayor Garrison stated that \$20,000 had been budgeted for this item, and the low bid was from Varian in the amount of \$20,104.80.

City Manager Westerholm stated that the \$104.80 difference would be taken from Item 40-2 of the Sewer Treatment Plant's budget.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Varian/Instrument Group in the amount of \$20,104.80 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - TELEMETER - WATER PRODUCTION DEPARTMENT - RURAL MAINTENANCE COMPANY

Mayor Garrison stated that the Commission now had for consideration bids for a telemeter for the Water Production Department. Mayor Garrison stated that the low bid had been received from Rural Maintenance Company in the amount of \$2,105.00.

City Manager Westerholm stated that \$1,000 had been budgeted for this item and that the \$1,105 difference would be taken from Item 40-2 of the Water Production's budget.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Rural Maintenance Company in the amount of \$2,105 be accepted as the lowest and best bid and also approving funds taken from budget line item 40-2 in the amount of \$1,105. A unanimous affirmative vote was recorded.

15c. HEATING AND COOLING MAINTENANCE AGREEMENT - POSTPONED - CITY HALL AND POLICE DEPARTMENT

Mayor Garrison stated that the next item for consideration was bids for heating and cooling maintenance agreement for the new City Hall and the Police Department.

Mayor Garrison stated that the City Manager had requested that action be withheld on this item until a study could be made to determine whether in-house maintenance could be provided more economically.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to postpone consideration of bids until next meeting. A unanimous affirmative vote was recorded.

16. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - HERTY PARK

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associates for professional services for Herty Park.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that invoice from Everett Griffith and Associates in the amount of \$2,706.78 be approved as presented. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION - POSTPONED

Mayor Garrison stated that the next item for consideration was an executive session to consider replacement or re-appointment of several commissioners and advisory board members whose terms have expired.

Mayor Garrison stated that no action could be taken on this item because no provision for consideration had been made on the agenda. Mayor Garrison stated that the appointments would be considered at the next City Commission meeting.

18. SECOND STREET WIDENING/PARKING - TEXAS WATER COMMISSION MEETING

Commissioner Percy Simond stated that he had brought up the widening of Second Street on several occasions and had witnessed an incident this week where a truck was scraped by a passing vehicle and he was convinced that this was a dangerous street.

City Manager Westerholm stated that no action had been taken by the City staff since this street was to be considered in the Street Scape Proposal as presented by Main Street Director Carol Moore.

Commissioner Simond stated that he would like to see this area designated as a no-parking area. Commissioner Simond stated that the

Sheriff's Department uses this area for parking vehicles in front of the jail and signs could be erected indicating parking only for the Sheriff's Department.

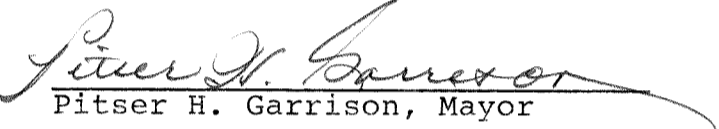
City Manager Westerholm stated that the City Commission has the authority to change the designation of parking along the street.

Commissioner Simond stated that, in his opinion, it is not fair for citizens to be ticketed for parking in this area when the Sheriff's Department is not being ticketed. Mr. Simond stated that he would like to see no parking at all on this part of Second Street until something is done about widening the street.


City Manager Westerholm stated that he had received a letter from the Texas Water Commission notifying him that there will be a meeting Thursday in Austin to decide whether to grant the application for the county wide water study. City Manager Westerholm stated that Jimmy Griffith would be attending the meeting and suggested that some of the Commissioners also attend the meeting if possible.

Commissioners Pat Foley and Jack Gorden stated that they too would attend the meeting.

19. There being no further business for consideration, meeting adjourned at 6:20 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary