

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF JANUARY, 1989, AT 5:00 P.M.

On the 17th day of January, 1989, 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
Paul Mayberry	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Chaplain Billy Dunn, Lufkin State School.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 3, 1989, were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden with correction to item #8 as requested by Commissioner Paul Mayberry. A unanimous affirmative vote was recorded.

4. CERTIFICATES OF RECOGNITION

Mayor Bronaugh recognized Brent and Dianne Bynum and presented them "Certificates of Recognition" for assistance in apprehending vandals during the Christmas season.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - FRED WALKER - 1600 BLOCK LOTUS LANE - RESIDENTIAL LARGE TO RESIDENTIAL LARGE, SPECIAL USE (OLD PEOPLE'S HOME)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request by Fred Walker covering property located in the 1600 block of Lotus Lane from Residential Large to Residential Large, Special Use (Old People's Home).

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JUDGE DAN JONES/ANGELINA COUNTY - 600-900 BLOCK LOOP 287 - HEAVY MANUFACTURING TO HEAVY MANUFACTURING, SPECIAL USE (JUVENILE DETENTION CENTER & EMERGENCY SHELTER)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request by Judge Dan Jones of Angelina County covering property between the 600-900 block of Loop 287 from Heavy Manufacturing to Heavy Manufacturing, Special Use (Juvenile Detention Center & Emergency Shelter).

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

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JIM BRASSE/SABINE INVESTMENT - SOUTH OF CROWN COLONY DRIVE - APARTMENT, SPECIAL USE TO PLANNED UNIT DEVELOPMENT (WITH EXCEPTION OF REQUESTED 15' SETBACK)

Mayor Bronaugh stated that the next item for consideration was Second Reading of zone change request by Jim Brasse of Sabine Investment Company covering property located south of Crown Colony Drive from Apartment, Special Use to Planned Unit Development (with exception of requested 15' setback).

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

8. AMENDMENT - APPROVED - LUFKIN TRANSIT SYSTEM CONTRACT

Mayor Bronaugh stated that the next item for consideration was amendment to the Lufkin Transit System contract.

City Manager Westerholm stated that at last meeting more information had been requested on this item. City Manager Westerholm stated that letters from Jo Mathis, Acting Main Street Director, and John McBeth of Brazos Transit System had been furnished in the packet. City Manager Westerholm stated that Lyle Nelson representing the Brazos Transit System was present to answer questions.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper to approve the contract and amendment with the Lufkin Transit System. A unanimous affirmative vote was recorded.

9. MINIMUM HOUSING STANDARDS - DISCUSSED

Mayor Bronaugh stated that the next item for consideration was the enforcement of minimum housing standards.

City Attorney Bob Flournoy stated that Commissioner Percy Simond had raised the question several meetings ago concerning establishment of minimum housing standards and enforcement of same. Mr. Flournoy stated that the City does not have the standards established at this time. Mr. Flournoy stated that he had checked with several cities that do have minimum standard codes and found that they were for unoccupied buildings prior to re-occupancy.

Mr. Flournoy stated he recognized that some of the City's building and fire codes need to be brought up to date by adoption of the most current code congresses.

Commissioner Simond requested that a standard housing code be drafted by the City Attorney and submitted to the City Commission for consideration.

Mayor Bronaugh stated that he would like to see the other codes brought up to date.

Mr. Flournoy stated that he would have this information by the second meeting in February.

10. CANVASS DATE FOR ELECTION - APPROVED

Mayor Bronaugh stated that the next item for consideration was setting the date for canvassing of ballots for the Tax Rollback Election.

Mayor Bronaugh stated that he had been informed by the City Manager that canvassing of the votes could not take place earlier than the second day after the election and not later than the sixth day after the election.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Tuesday, January 24th at 9:00 a.m. be set as the date and time for canvassing the ballots of the Tax Rollback Election. A unanimous affirmative vote was recorded.

11. ANNUAL AUDIT REPORT - APPROVED

Mayor Bronaugh stated that the next item for consideration was presentation of the annual audit report.

Mayor Bronaugh stated that a copy of the audit will be sent to the Attorney General in Austin and Standard & Poor in New York.

Lynn Montes of Axley & Rode stated that his firm had examined the general purpose financial statements of the City of Lufkin for the year ended September 30, 1988, and have issued their report dated December 28, 1988.

Mr. Montes stated that the study and evaluation by his firm disclosed no material weakness, but areas were noted in which the internal control could be strengthened. City Manager Westerholm stated that the staff will be meeting tomorrow morning and will answer each of the items in a written report with a copy being sent to the Commissioners.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that audit report be accepted as presented. A unanimous affirmative vote was recorded.

12. SUBSTANCE ABUSE POLICY - APPROVED

Mayor Bronaugh stated that the next item for consideration was a substance abuse policy for the City of Lufkin.

City Manager Westerholm stated that the staff had been involved in a study for some time, trying to stay within the law that regulates this type of policy. City Manager Westerholm stated that the Substance Abuse Policy is being submitted for consideration as a policy for the City of Lufkin for a substance-free workplace. City Manager Westerholm stated that the policy is self-explanatory and primarily for new employees coming to work for the City. City Manager Westerholm stated that there will not be any random testing, only for cause.

City Attorney Flournoy stated that Assistant City Manager Brian Boudreaux had drafted the policy after considerable research and had done a good job.

Commissioner Don Boyd stated that when the Commission had first started talking about this policy it was for drugs only and this document also addresses alcohol.

I. J. Tucker, representing the Professional Firefighters Association, read a prepared statement to the Commission, in which he proposed the idea of preventing and rehabilitating employees rather than terminating them. Mr. Tucker stated that the Professional Firefighters Assn. had only three days to review the policy prior to the meeting and found it riddled with causes for lawsuits. Mr. Tucker stated that the Professional Firefighters Assn. has applied for legal assistance in evaluating the policy and has not received an opinion at this time.

Commissioner Mayberry stated that it was important that City employees be allowed input in the Policy.

Commissioner Boyd stated that he was concerned about Section IV which addressed employees on call. City Manager Westerholm stated that the City does not force employees to come back.

Commissioner Simond stated that he is for drug testing but wants the policy to be fair to everyone concerned. Commissioner Simond stated

that he had brought articles concerning the unfair firing of blacks for Commissioners to read.

Assistant City Manager Boudreaux stated that the City has a Grievance Committee for employees who feel they have been treated unfairly.

City Manager Westerholm stated that in all the challenges by the EEOC in Houston, the City has never lost a case.

Commissioner Bowman suggested that the drug policy be turned over to a committee of employees and they could make recommendations to the City Manager.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that Substance Abuse Policy be adopted as written, and that it be closely monitored.

The following vote was recorded:

Aye: Commissioners Roper, Bowman, Gorden, Mayberry, Simond and Mayor Bronaugh

Nay: Commissioner Don Boyd

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

Commissioner Boyd stated that he was not against drug testing but was concerned over certain wording which needs clarification.

13. CONTRACT - APPROVED - MAINTENANCE OF BASEBALL FIELDS

Mayor Bronaugh stated that the next item for consideration was a contract for maintenance of baseball fields.

Parks and Recreation Director Don Hannabas stated that he had been contacted by the Baseball Association in an effort to work towards better maintenance at Morris Frank Park.

Mr. Hannabas stated that the proposal is for the City, schools and association to each fund \$4,000 in an effort to operate the Park on \$12,000 a year.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that maintenance contract with the Lufkin Youth Baseball Association be approved as submitted, and to include a budget adjustment. A unanimous affirmative vote was recorded.

Commissioner Bowman suggested that Mayor Bronaugh write a letter to the Association commending them for this action.

Members of the Association who were present at the meeting were: Sid Medford, Bill Windsor, W. A. Dempsey, Bud Maddux and Robert Telford.

14a. BID - APPROVED - POLICE TELETYPE - LAYTON & ASSOCIATES

Mayor Bronaugh stated that the next item for consideration was for a teletype upgrade to be used in the Police Department.

City Manager Westerholm stated that Chief Collins was recommending the low bid of Layton and Associates in the amount of \$2,695 with a maintenance contract for \$732. City Manager Westerholm stated that funding for this item would be taken from the sale of seized weapons.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that bid of Layton and Associates in the amount of \$2,695 with maintenance contract in the amount of \$732 be accepted as the lowest bid. A unanimous affirmative vote was recorded.

14b. BID - APPROVED - 125 CAFETERIA PLAN - HALE & COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for a 125 Cafeteria Plan.

David Cochran, Purchasing Agent, stated that he was recommending Hale & Company because they did not propose to offer other products. Mr. Cochran stated that the cafeteria plan will affect only those employees with premium conversion, and there are approximately 205 employees that fit in this group. Mr. Cochran stated that employees will save most with FICA deductions. City Manager Westerholm stated that it is also anticipated that the City will save money by not paying 7 1/2% FICA.

Commissioner Danny Roper stated that he would like for the City Commission to draw on the expertise of local agents who would visit with the Commissioners on an individual basis. Commissioner Roper stated that he is not comfortable making a decision this important with such ramifications.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman to accept the 125 Cafeteria Plan with Hale & Company. A unanimous affirmative vote was recorded.

Commissioner Roper stated that he would like to see some kind of follow-up by a disinterested party to contribute some time to analyze the contract with Hale & Company so that next year the Commission will be more knowledgeable.

14c. BID - APPROVED - HOSPITAL PREFERRED PROVIDER PROGRAM

Mayor Bronaugh stated that the next item for consideration was bids for a hospital preferred provider program.

Commissioner Bob Bowman excused himself from discussion on this item.

City Manager Westerholm stated that at a recent City Commission meeting Memorial Medical Center of East Texas offered a proposal without solicitation from the City, and the City Attorney had advised that bids be requested from other hospitals.

Ronald Butler, administrator from Woodland Heights Hospital, addressed the Commission, stating that bidding for medical care will not be in the best interest of the City of Lufkin, its' employees or Woodland Heights Hospital. Mr. Butler requested that the City Commission not accept the bid of Memorial Medical Center.

Mayor Bronaugh stated that if the City does contract with Memorial Medical center, the employees still have freedom of choice to go where they want to.

Gary Deer, Administrator from Memorial Medical Center, stated that it would not be in the City's best interest to further delay the bids.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd to accept the bid of Memorial Medical Center of East Texas.

The following vote was recorded:

Aye - Commissioners Mayberry, Boyd, Simond and Mayor Bronaugh

No - Commissioner Roper

Commissioner Bowman refrained from voting.

Mayor Bronaugh stated that motion carried by a vote of 5 to 1.

15. RE-BIDDING - APPROVED - GARBAGE BAGS - ARROW INDUSTRIES

Mayor Bronaugh stated that the next item for consideration was re-bidding of balance of garbage bag supply.

City Manager Westerholm stated that bids were opened the first week in November of last year and were in excess of the budget. City Manager Westerholm stated that bags were ordered for the November supply, and it was decided by a vote of 4 to 3 to re-bid for the April supply.

City Manager Westerholm stated that Public Works Director Ron Wesch anticipates enough savings in the Sanitation Department to finance the overrun.

Mr. Wesch stated that the price of resin is going up, and that Arrow Industries will still honor the bid made last November.

It was suggested that Mr. Wesch call some manufacturers for prices and content of material used to manufacture the bags. Mr. Wesch stated that he would like to test sample bags before they are bid on.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd to continue with the bid of Arrow Industries with the price of garbage bags raised to \$5.50 (plus tax) per box and \$25 per box or 25 cents each for leaf bags. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION - TABLED

Mayor Bronaugh stated that the Executive Session would be tabled and rescheduled for next meeting.

17. VACANT HOUSES - CEDAR CREEK - DISCUSSED

Commissioner Don Boyd stated that he was concerned about a vacant house that was becoming a nuisance and being used by transients. City Attorney Flournoy stated that the condemnation process is very slow.

Commissioner Jack Gorden stated that he would like for the City Commissioners to be kept up-to-date on the situation at Cedar Creek.

18. There being no further business for consideration, meeting adjourned at 7:15 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary