

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF OCTOBER, 1988, AT 5:00 P.M.

On the 4th day of October, 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
Paul Mayberry	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 opened with prayer by Rev. Blaine Brim, Minister, First Presbyterian Church.

2. Mayor Bronaugh welcomed Assistant Scout Master Ron Bonner, Boy Scout Troop 121, and scouts Chad Bonner and Doug Zamudia who are working on their Citizenship in the nation merit badge.

Mayor Bronaugh also welcomed the following provisionals of the Lufkin Service League: Karen Gibbs, Lynn Haney, Oleta Lindsey, Carolyn New, Debbie Pittman, Cathy Zurbrugg, Blair Cooper and Vice President An Sweeny.

3. APPROVAL OF MINUTES

Minutes of regular meeting of September 20, 1988 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE APPROVED - SECOND READING - CABLECOM PERMIT RENEWAL

Mayor Bronaugh stated that the first item for consideration was Second Reading of Ordinance for Cablecom permit renewal.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that Ordinance be approved on Second Reading as presented.

Brance Moyer, president of the Angelina County Ministerial Alliance, stated that a letter had been sent to the City Commission regarding their latest negotiations with Cablecom in trying to get Channel 5 on the cable. Rev. Moyer stated that he was suggesting on behalf of the Ministerial Alliance that the City pass the franchise for one year to give further opportunity for the two parties to work toward some kind of an agreement regarding Channel 5.

In response to question by Mayor Bronaugh, City Attorney Flournoy stated that the City does have some control under the quality standards set by the FCC, and if the standards are not met the franchise can be withdrawn.

Frank Lattimer, instructor for Lufkin High School, requested that the City extend Cablecom's contract for 15 years because of the educational opportunities for lifetime careers it offers area students through KLHS programming.

Commissioner Jack Gorden stated that, in his opinion, the City Commission has a responsibility to the community and it appears that a significant number of them are interested.

Rev. Moyer stated that he does not want to go on record that the Ministerial Alliance is opposed to the high school programming.

Wayne Neal stated that Cablecom's proposal to the Ministerial Alliance is to blend in local programming three hours a week on Channel 9 giving the high school priority during the school day. Mr. Neal stated that Cablecom had agreed to put a full time religious service on Channel 18 if they could get clearance from local ham operators, or on Channel 19 if technical problems could be solved.

Mr. Neal stated that Cablecom will continue to change out their equipment locally to upgrade the cable system and bring in more channels to this viewing area.

Rev. Bob Lewis, pastor of First Assembly of God, spoke in opposition of the renewal.

In response to question by Don Dickerson, local real estate appraiser, City Attorney Flournoy stated that Cablecom pays ad valorem tax on their property, and that the gross receipt tax paid by Cablecom to the City is for use of City streets. Mr. Flournoy stated that under the old Contract with Cablecom the Contract could be cancelled for cause (the "causes" are defined in the Contract) with 90 days notice and at the end of a five year interval the Contract could be revoked without cause.

Commissioner Simond requested that the 5/10/15 year intervals be put back into the Contract.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that previous motion made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd be amended to include provisions of Section 4 of old Contract providing for 5 year intervals (5-10-15 years) for reviewing the Contract.

The following vote was recorded:

Aye - Commissioners Simond and Gorden

Nay - Commissioners Bowman, Roper, Mayberry, Boyd, Mayor Bronaugh

Mayor Bronaugh stated that motion failed by a vote of 2 to 5.

Ben Hollis and Pam Gonzales, stated that the subscribers should have the chance to review the Contract every 5 years.

Mayor Bronaugh called for the vote on the original motion and the following vote was recorded:

Aye: Commissioners Boyd, Mayberry, Roper, Bowman, Simond,  
Mayor Bronaugh

Nay: Commissioner Gorden

5. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT  
ZONE - BOBBY BYRD - 210 NORTH SECOND STREET

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Tax Abatement/Reinvestment Zone as requested by Bobby Byrd covering property located at 210 North Second Street.

Mr. Byrd stated that he planned to restore the outside of the building as close to the original condition as possible and the inside of the building will be finished to the specifications of the leasee.

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JOYCE HOGUE/MARTHA MURRAY - 814 ELLIS AVENUE - RESIDENTIAL MEDIUM TO LOCAL BUSINESS

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for zone change request by Joyce Hogue and Martha Murray covering property located at 814 Ellis Avenue from Residential Medium to Local Business.

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

7. ORDINANCE - APPROVED - FIRST READING - TMRS PROVISIONS

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinance adopting new TMRS provisions.

City Manager Westerholm stated that the updated service credits means that retirees' benefits are based on the salary of the retirees' most recent three years of service and also provides that retirees' benefits receive 70% of the percentage increase in the Consumer Price Index.

City Manager Westerholm stated that the increase in the municipal contribution is the 2 to 1 match by the City on the members' deposits.

City Manager Westerholm stated that, if approved, these items will not go into effect until January.

Commissioners Gorden, Bowman and Mayberry stated that they did not have enough information to make a decision on the provisions of SB505.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that items "a" and "b" of the Ordinance be approved on First Reading and that item "c" (Provision SB505) be tabled until further information is available. A unanimous affirmative vote was recorded.

8. CHANGE ORDER - APPROVED - HERTY PARK

Mayor Bronaugh stated that the next item for consideration was approval of Change Order for Herty Park.

City Manager Westerholm stated that the Change Order in the amount of \$635 provides for a change from hot sand to type "A" asphalt for the jogging trail at the park.

Assistant City Manager Brian Boudreaux stated that the City will be responsible for one-half of the cost (\$317.50). Mr. Boudreaux stated that Walmart had made a \$1,000 contribution towards the development of the park and the Change Order could be paid out of the contribution.

Mayor Bronaugh stated that the Change Order had not been accepted and signed by the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Change Order be approved as submitted. The following vote was recorded:

Aye - Commissioners Gorden, Bowman, Boyd and Simond  
Nay - Commissioner Mayberry and Mayor Bronaugh

Mayor Bronaugh stated that motion carried by a vote of 4 to 2. Com-

missioner Roper was away from the Council table when the vote was taken.

Commissioner Gorden stated that he would like for the City to formally thank Walmart for their contribution.

9. INVOICES - APPROVED - MOORE BROTHERS - HERTY PARK

Mayor Bronaugh stated that the next item for consideration was payment to Moore Bros. for two invoices for work involving Herty Park.

Commissioner Mayberry stated that the invoices had not been signed by the City and it was normal procedure to verify that the work had been done. City Manager Westerholm stated that the work was inspected daily by Parks and Recreation Director Don Hannabas and Assistant City Manager Brian Boudreaux.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that invoices be approved and payment released after invoices have been accepted and signed by the City. A unanimous affirmative vote was recorded.

10. PET SHOP LICENSE FEES - APPROVED

Mayor Bronaugh stated that the next item for consideration was suggested Pet Shop license fees.

City Manager Westerholm stated that an Ordinance passed in January regulating pet shops did not establish a license fee for the pet shops. City Manager Westerholm stated that Cathy Clark, Animal Control Officer, is recommending a fee of \$50 for retail trade and a fee of \$35 for wholesale trade.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that Pet Shop license fees be approved as submitted. A unanimous affirmative vote was recorded.

11. HEATING AND AIR CONDITIONING BOARD - LICENSING PROCEDURE

Mayor Bronaugh stated that the next item for consideration was a request from the Heating and Air Conditioning Board for change in the licensing procedure.

Building Official Jack Bresie stated that he would like to request the City Commission revise the existing Heating, Air Conditioning and Mechanical Refrigeration Code Ordinance to conform to State licensing procedures.

Mr. Bresie stated that the Heating, Air Conditioning and Mechanical Refrigeration Board voted to adopt the State license in February, 1987.

Members of the Heating, Air Conditioning and Mechanical Refrigeration Board appearing in favor of the change were: Jimmy Lawrence, Rabon Brock and Tom Paxson.

Members of the City Commission instructed City Attorney Flournoy to draft a new Heating, Air Conditioning and Mechanical Refrigeration Ordinance eliminating City licensing and adding a penalty for violation of the permit within the City.

12a. BID - APPROVED - SIDE LOADER - SANITATION DEPARTMENT - BOND EQUIPMENT CO.

Mayor Bronaugh stated that the next item for consideration was bids for a side loading residential sanitation truck.

City Manager Westerholm stated that Public Works Director Ron Wesch has recommended accepting the bid of Bond Equipment Co. of Dallas over

the low bid of Davis Truck and Equipment because of a difference in manufacturing procedures.

Mr. Wesch stated that the equipment would be delivered in December with payment due in January.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that the bid of Bond Equipment Co. in the amount of \$78,153 be approved as presented. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - TRENCH SHORING EQUIPMENT - THE PLANK COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for trench shoring equipment.

Public Works Director Ron Wesch stated that he is using leased trench shoring equipment for the Fuller Springs project at a cost of \$700 per month.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that bid of The Plank Co. in the amount of \$6,979 be accepted as presented. A unanimous affirmative vote was recorded.

13. COMMENTS

In response to question by Commissioner Boyd, Mr. Wesch stated that the railroad company's next project would be to remove two tracks on Abney.

In response to question by Commissioner Simond, Chief Collins stated that the fluctuation in traffic citations as shown on the Municipal Court report was due to manpower availability.

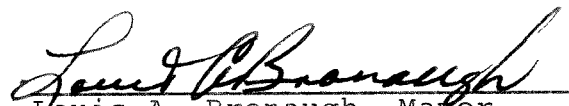
In response to question by Commissioner Gorden, City Manager Westerholm stated that the staff is presently setting up the scope of work on the Cedar Creek basin study and proposals should be available by October 18th.

In response to statement by Commissioner Gorden regarding budget procedures, Commissioner Mayberry stated that it would take approximately one year for the new procedures to become operational. Mayor Bronaugh suggested a Workshop to study the new budget procedures.

City Attorney Flournoy stated that he had advised the Court and Brian Maxey that demolition would begin Monday, October 10th, on the building located at Denman Avenue and Angelina Street.

City Manager Westerholm reminded Commission members of a Water Board meeting in Tyler on Friday.

20. There being no further business for consideration, meeting adjourned at 7:28 P.M.

  
Louis A. Bronaugh, Mayor

ATTEST:

  
Atha Stokes, City Secretary

DATE 10/4/88

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