

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF FEBRUARY, 1988, AT 5:00 P.M.

On the 2nd day of February, 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. Curtis Keith, Minister, First Christian Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 19, 1988, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. SPECIAL AWARD - CHARLOTTE HENLEY - CHILDREN OF THE AMERICAN REVOLUTION

Mayor Garrison stated that each year the Children of the American Revolution under the sponsorship of the Daughter's of the American Revolution choose a person who has made an impact on the community through community service and present a special award to that person. Mayor Garrison stated that this year the organization has recognized Mrs. Charlotte Henley, and that the award had been presented to Mrs. Henley on Saturday, January 23rd. Mayor Garrison stated that Mrs. Henley was out of town and was being represented by her husband Gordon at tonight's meeting.

Mayor Garrison recognized Mrs. C. H. Shepherd, Jr., Senior President of the Colonel Elijah Isaac Society, who stated that Mrs. Henley had been chosen as recipient of the award because she had touched so many people with her work at the Zoo. Mrs. Shepherd stated that the award was also sponsored by the Nathan Gann Sons of the American Revolution.

Members of the American Revolution present included Christopher Adams, Stephanie Adams, Carrie Dowling, Jamie Durham, Brad Durham, Sarah Atkinson, Ryan Hall, Kathy Lenderman, Ashley Lenderman, Julia Talbert, Kristin Talbert, Jane Shepherd, Paul Shepherd, Melissa Perry, Cort Perry, Glen Perry, Clinton Shimer.

Also present were Mrs. C. H. Shepherd, Jr., Senior President of the Colonel Elijah Isaac Society, Mrs. Harry Adams, Honorary Senior President State Society Children of the American Revolution, Mrs. Raymond Lenderman, Mrs. Stephen Adams, Mrs. Clair Covey, Mrs. Mark Shepherd, Mrs. Shimer, David Adams, President Nathan Gann Chapter Sons of the American Revolution, Mrs. Rachel Dowling,

Mrs. Ronnie Hall, President of the Joseph Nelson Chapter of the Daughters of the American Revolution.

5. PRESENTATION - TREE CITY USA - TEXAS FOREST SERVICE

Mayor Garrison stated that the City of Lufkin has once again been selected as a Tree City USA. Mayor Garrison stated that the National Arbor Day Foundation selects cities that pay particular attention to the nurture of their trees and to the enhancement of the natural environment from planning and growing and protecting their trees. Mayor Garrison recognized Mr. Phil Schwolert of the Texas Forest Service who presented the Tree City USA award and a Tree City USA flag to the City of Lufkin.

6. AUDIT REPORT/LETTER DISCUSSED

Mayor Garrison stated that the audit report had been presented to the Commission at last meeting and Lynn Montes of Axley and Rode had been present to discuss the report with the Commission. Mayor Garrison stated that Mr. Montes had agreed to come back for any questions that may have arisen in connection with the auditor's recommendations to the City Manager.

City Manager Westerholm stated that the recommendations and suggestions had been addressed in a report to the Commission, which had been included in their packets.

Commissioner Pat Foley stated that, in his opinion, any debts that had been incurred with the City need to be pursued.

City Manager Westerholm stated that he would have a report on the collection of bad debts ready for the next Commission meeting.

Commissioner Percy Simond stated that he noticed that the City had several bond issues that would be retired in 1989 and 1990. Commissioner Simond stated that at a Chamber of Commerce retreat two or three years ago five City streets were recommended to be repaired and paved. Commissioner Simond stated that he would like to see the City get started on these streets as soon as possible.

Mayor Garrison stated that he would question whether this is the right time to try to pass a bond issue. Mayor Garrison stated that he was simply speculating on what the public's reaction might be to vote new bond obligations on themselves until the economy starts improving.

In response to question by Commissioner Danny Roper, Mr. Montes stated that he had discussed the City Manager's recommendations for curative action on items that he had noted in the audit with Finance Director Rita Jenkins and is satisfied that all the problems will be taken care of.

Commissioner Don Boyd stated that in the audit report it was suggested that the Purchasing Department should have the primary responsibility for assuring that purchases were properly documented by preparing requisitions and purchase orders, and he did not see where this had been addressed in the City Manager's report.

City Manager Westerholm stated that at a recent staff meeting he had admonished each department head to follow the purchasing procedures and stay within the budget.

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

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance for Tax Abatement/Reinvestment Zone for Dickerson-Seely and Associates, Inc. covering property located at 310 Lufkin Avenue (old Salvation Army building).

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

8. ORDINANCE - APPROVED - FIRST READING - EAST TEXAS EYE ASSOCIATES (DR. THOMAS DUNCAN) - 1306 FRANK - LB, RL TO LB

Mayor Garrison stated that the next item for consideration was First Reading of an Ordinance for Zone Change Request by East Texas Eye Association (Dr. Thomas Duncan) covering property located at 1306 Frank from Local Business, Residential Large to Local Business. Mayor Garrison stated that Dr. Duncan is in the process of expanding his facilities, and because one portion of his property was still classified as Residential Large, it was necessary to seek a zone change.

There was no opposition present.

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

9. WRECKER ORDINANCE DISCUSSED

Mayor Garrison stated that a proposed Ordinance regulating wrecker service had been drafted by the City Attorney and was now before the Commission for consideration.

City Attorney Bob Flournoy stated that in order to be consistent with State law, the word "wrecker" would be changed to "tow truck" in the Ordinance and that on page 11 under Section 20, paragraph (b) has been added regulating non-consent towing.

In response to question by Commissioner Simond, City Attorney Flournoy stated that the prohibition of electric winches had been a recommendation that was made and that some other cities had that prohibition, but it could be deleted.

Commissioner Don Boyd stated that he objected to Section 10 (a) requiring that a tow truck must have all City taxes paid in full in order to maintain its status on the tow truck rotation list.

Jack Steel, owner of a local tow truck company, stated that we (tow truck owners) did not want to be singled out as the only people not able to operate because of taxes. Mr. Steel stated that sales tax is paid only on storage of vehicles.

In response to question by Commissioner Simond, City Attorney Flournoy stated that verbal abuse as addressed in Section 11 (g) could be determined by investigation and witnesses.

Commissioner Jack Gorden stated that, in his opinion, the 10-day appeal process would take care of a lot of things that are questionable.

City Attorney Flournoy stated that the Texas Tow Truck Act went into effect yesterday (February 1st) and that all tow truck owners will have to comply with it, and the State law will control. City Attorney Flournoy stated that in Lufkin the uniform charge for storage is \$6-7 per day, and \$45 for towing.

In response to question, Chief Sherman Collins stated that the lesser charge for towing DWI's is because there is less work involved than when an automobile has been involved in an accident and has to be pulled from a ditch. Chief Collins stated that presently the Police Department has a regular rotation list, DWI list and heavy duty wrecker list.

In response to question by Commissioner Pat Foley, City Attorney Flournoy stated that State law will require out-of-town tow truck companies to clean up at the accident site.

Mayor Garrison suggested that City employees be restricted from owning any interest in a wrecker business.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd to postpone action on the Tow Truck Ordinance until next meeting, and that City Attorney Flournoy meet with tow truck company owners to discuss the Ordinance. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - FIRST READING - BURGLAR ALARMS

Mayor Garrison stated that the next item for consideration was First Reading of Burglar Alarm Ordinance.

Police Chief Sherman Collins stated that Lt. Don Leach had performed a study for the Police Department involving response to burglar alarms.

Lt. Leach stated that out of 528 calls received at the Police Department, 520 calls were false alarms, and only eight were legitimate calls. Lt. Leach stated that it is normal procedure to send two people on these calls, but 37 times the department had only one person to send. Lt. Leach stated that every time there is a robbery alarm, every available unit in the Police Department, Sheriff's office and DPS goes on alert. Lt. Leach stated that 30% of the false alarms are weather related, but the majority are employee/management errors.

Chief Collins stated that the goal of the Ordinance is to reduce the number of false alarms, and where faulty equipment is involved to get people to get better equipment.

Commissioner Percy Simond stated that, in his opinion, the \$30 service fee for each false alarm notification should be raised to \$100.

Perry Trahan of Professional Alarms stated that in levying the fines, the City needs to consider that the small businessman is trying to protect his business.

Commissioner Don Boyd stated that, in his opinion, the \$30/60 fine is sufficient. Commissioner Boyd stated that the small businessmen might be having problems with the system, and service fees that are too high might put him out of business.

Commissioner Pat Foley stated that he would suggest leaving Section 9 regarding service fees as it is presently written and giving it an opportunity to work. Commissioner Foley stated that the Police Department can monitor the Ordinance, and if it needs to be changed, it can come back to the Commission at a future date.

Commissioner Foley stated that in Section 11 he would like to see the appeal process changed from the City Manager to the City Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading with change of

appeal process in Section 11 from City Manager to City Commission. A unanimous affirmative vote was recorded.

11a. BID - APPROVED - GARBAGE TRUCK - SANITATION DEPARTMENT - BARRETT-MACK (CAB AND CHASSIS) - IDS (HOIST)

Mayor Garrison stated that the Commission now had for consideration bids for roll-off unit for the Sanitation Department. Mayor Garrison stated that Public Works Director Ron Wesch had recommended the bid of Barrett-Mack in the amount of \$49,925 for the cab and chassis and the bid of IDS of Houston in the amount of \$15,178 for the hoist unit. Mayor Garrison stated that \$78,000 had been budgeted for these items, and the total purchase for the cab and chassis and hoist was \$65,103.

In response to question by Mayor Garrison, Mr. Wesch stated that the requirements of air conditioning and an automatic transmission in the specifications was an error on his part.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that bid of Barrett-Mack in the amount of \$49,925 for cab and chassis, and the bid of IDS in the amount of \$15,178 for hoist be accepted as the best bid. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - SIDE LOADER - SANITATION DEPARTMENT - BOND EQUIPMENT COMPANY

Mayor Garrison stated that the next item for consideration was bids for a residential side loader unit for the Sanitation Department. Mayor Garrison stated that Public Works Director Ron Wesch was recommending the bid of Bond Equipment Company for a 1986 Model Crain Carrier in the amount of \$80,357.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that bid of Bond Equipment Company in the amount of \$80,357 be accepted as the best bid.

It was requested that the City Manager prepare a report showing how the old equipment is handled when it is replaced with new equipment.

Mayor Garrison recognized Billy Ray of Barrett-Mack who stated that the bid the City was accepting was for a 1986 model truck, and the warranty for the truck would be in Dallas. Mr. Ray stated that he would like to see a local company given consideration on the bid.

Mr. Wesch stated that if Bond Equipment Company would authorize a local dealer to do factory warranty work then the equipment could be worked on locally. Mr. Wesch stated that this kind of arrangement has previously been done through Greater Lufkin Ford on other types of equipment.

Mr. Wesch stated that Mr. Ray would have to cut the cab down on a Mack truck somewhere besides the factory to drop the frame. Mr. Wesch stated that the unit he is recommending is manufactured with the frame already dropped.

Commissioner Jack Gorden stated that he would like to withdraw his second to the motion.

Commissioner Louis Bronaugh stated that he would second the motion to accept the recommendation of the Public Works Director. The following vote was recorded: Aye - Commissioners Pat Foley, Percy Simond, Don Boyd, Louis Bronaugh, Mayor Garrison. Nay - Commissioners Danny Roper, Jack Gorden.

Mayor Garrison stated that motion carried by a vote of 5 to 2.

11c. BID - APPROVED - FRONT LOADING COMMERCIAL GARBAGE TRUCK -
SANITATION DEPARTMENT - BARRETT-MACK (CAB AND CHASSIS UNIT)
DAVIS TRUCK AND EQUIPMENT (PACKER UNIT)

Mayor Garrison stated the Commission now had for consideration bids for a front loading commercial garbage truck. Mayor Garrison stated that Public Works Director Ron Wesch was recommending the bid from Barrett-Mack for the cab and chassis unit in the amount of \$55,729, and the bid of Davis Truck and Equipment Company for the packer unit in the amount of \$33,949, for a total of \$89,669.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that bid from Barrett Mack for the cab and chassis unit in the amount of \$55,729 and the bid of Davis Truck and Equipment Company for the packer unit in the amount of \$33,949 be accepted as the best bids. A unanimous affirmative vote was recorded.

11d. BID - APPROVED - VALVE EXERCISER - WATER DISTRIBUTION
DEPARTMENT - COMMERCIAL BODY CORPORATION

Mayor Garrison stated that the next item for consideration was bids for a valve exerciser to be used in the Water Distribution Department. Mayor Garrison stated that Purchasing Agent David Cochran was recommending the bid of Commercial Body Corporation in the amount of \$2,950. The budgeted amount was \$3,500.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Commercial Body Corporation in the amount of \$2,950 be accepted as the best bid. A unanimous affirmative vote was recorded.

11e. BID - APPROVED - WALKIE TALKIES - FIRE DEPARTMENT - MOTOROLA

Mayor Garrison stated that the next item for consideration was bids for walkie talkies to be used in the Fire Department. Mayor Garrison stated that Chief Snyder was recommending the low bid of Motorola at \$421 per unit.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid of Motorola in the amount of \$421 per unit be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

Ronnie Johnson of Lufkin Communications stated that he had been told to bid the walkie talkies and radios as separate items, and that the Chief specified a 45 watt, dash mount radio, and he had bid a 40 watt model. Mr. Johnson stated that Motorola was the only company that builds a 45 watt model.

Chief Snyder stated that Motorola had discounted the radios from \$773.50 to \$718.50 if Motorola was awarded the bid for both the walkie talkies and radios.

Chief Snyder stated that the Fire Department has virtually all Motorola equipment, and he has received good service from the equipment.

Mayor Garrison stated that he would like for Mr. Johnson to make some tests to show if there is a difference in the performance of a 40 watt and a 45 watt mobile radio.

Commissioner Roper stated that he would like to see the specifications standard enough so that it will not discourage people from bidding.

11f. BID APPROVED - MOBILE RADIOS - FIRE DEPARTMENT - MOTOROLA

Mayor Garrison stated that the next item for consideration was mobile radios for the Fire Department.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that bid of Motorola for mobile radios in the amount of \$718.50 per unit be approved as the best bid. A unanimous affirmative vote was recorded.

11g. BID - APPROVED - RECORDER - FIRE DEPARTMENT - HARRIS-LANIER

Mayor Garrison stated that the next item for consideration was bids for recorder to be used in the Fire Department. Mayor Garrison stated that only one bid had been received and it was from Harris-Lanier in the amount of \$4,695.

Chief Snyder stated that Purchasing Agent David Cochran had mailed out sixteen invitations to bid.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that bid from Harris-Lanier in the amount of \$4,695 be accepted as the best bid. A unanimous affirmative vote was recorded.

11h. BID - APPROVED - RADAR UNITS - POLICE DEPARTMENT - KUSTOM ELECTRONICS

Mayor Garrison stated that the next item for consideration was bids for radar units to be used in the Police Department.

Chief Sherman Collins stated that the low bid had been received from Kustom Electronics in the amount of \$787 per unit. Chief Collins stated that Kustom had furnished the department a test unit which passed their test. Chief Collins stated that the department is presently using MPH and Decatur brand radar units which have been in use for 10 years and some units for 15 years. Chief Collins stated that the department has had a great deal of trouble with the radar units and has spent \$1,065 in repairs the first three months of this budget year.

In response to question by Mayor Garrison, Chief Collins stated that the new units are replacement units, and that the old units have no value and will be kept in stock. Chief Collins stated that he had originally requested three radar units and had planned to purchase three additional units in the next budget year, but since the low bid was exceptionally low, he was suggesting that all six units be purchased at this time.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid of Kustom Electronics, Inc. for six radar units in the amount of \$4,722 be accepted as the best bid. A unanimous affirmative vote was recorded.

12. APPOINTMENTS - APPROVED - CITY PLANNING AND ZONING COMMISSION - PLUMBING APPEALS AND ADVISORY BOARD

Mayor Garrison stated that an Executive Session was the next item on the Agenda, and provision had been made for appointments to the various boards.

It was a consensus of opinion of the members of the Commission that an Executive Session was not necessary and that members whose terms have expired be reappointed.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Dr. Ned Barrett, Jr. and Jim Partridge be reappointed to the Planning and Zoning Commission and that James

Templeton be re-appointed to the Plumbing Appeals and Advisory Board. A unanimous affirmative vote was recorded.

13. CABLECOM FRANCHISE - SOUTHERN PACIFIC RAILROAD PARKING LOT -
POLICE DEPARTMENT

Commissioner Danny Roper stated that he had received some calls regarding Cablecom and was seeking some answers. Mayor Garrison stated that the City is presently operating under a 20-year contract with Cablecom and is in the last five year period.

City Manager Westerholm stated that the amendments to the contract were for establishing an extension policy.

Mayor Garrison stated that the City made a provision that at each five year interval the City could cancel the contract for any reason provided that they gave certain required notice. Mayor Garrison stated that, in the meantime, Congress passed a law that more or less took that provision out of the contract. Mayor Garrison stated that the City could still cancel the contract, but cannot give the franchise to another company without going through a procedure to show that Cablecom is not performing up to a minimum standard.

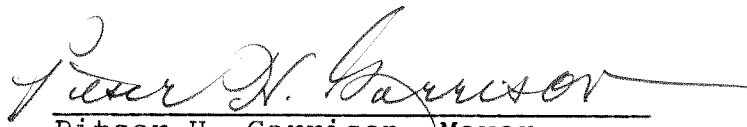
Commissioner Louis Bronaugh stated that he would like for the City Manager to visit with the Cablecom Company and express some concern about the problem of the distance limitation of charging back to the customer in order to hook them up to the cable.

City Manager Westerholm stated that he had found Wayne Neal to be accommodating when he has visited with him before and would be happy to try and work out something with him.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that Southern Pacific had wanted to raise the insurance coverage to \$2,000,000 for the parking lot, but had agreed to leave it at \$1,000,000.

Commissioner Louis Bronaugh stated that he wanted to compliment the Police Department on their study on false alarms.

14. There being no further business for consideration, meeting adjourned at 7:57 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary