

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE
2ND DAY OF JANUARY, 1996 AT 5:00 P. M.**

On the 2nd day of January , 1996 the City Council of the City of Lufkin, Texas, convened in a regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Don Boyd	Mayor pro tem
Percy Simond, Jr.	Councilmember, Ward No. 1
Betty Jones	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
Tucker Weems	Councilmember, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Stephen Abraham	City Planner
Tommy Deaton	Asst. City Attorney
Atha Stokes	City Secretary

1. Meeting was opened with prayer by Rev. Jeff Robinson, Minister, Southside Baptist Church.

2. Mayor Bronaugh welcomed visitors present. Councilmember Tucker Weems introduced his wife Patsy, and his great-niece Rebecca Cousins from Timpson, who were in the audience. Ms. Cousins is also the granddaughter of the late Senator Cousins.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that the minutes of the Regular Meeting of December 19, 1995 be approved as presented. A unanimous affirmative vote was recorded.

4. **RESOLUTION - APPROVED - CONCEALED HANDGUNS - CITY-OWNED PROPERTY**

Mayor Bronaugh stated that the first item for consideration was a Resolution prohibiting the carrying of concealed handguns on City-owned property.

City Manager Maclin stated that included in the Council packet is a proposed Resolution prohibiting the carrying of concealed handguns on City-owned premises. City Manager Maclin stated that even though there may have been previous Ordinances or Personnel Policies that referred to concealed handguns, it was staff's opinion that the new law that went into effect yesterday provokes the Administration to re-visit this particular item. City Manager Maclin stated that in addition to the proposed Resolution, there is information provided by the Texas Municipal League and an actual copy of the draft as it was passed by the Legislature and signed by Governor Bush, letters from the Attorney General regarding his interpretation of several different aspects relating to this Bill, and some information from other cities and City Attorney's who have done some research on this subject since the Bill was passed. City Manager Maclin stated that basically what staff is bringing to Council for consideration is a Resolution that provides in Section 1 that all persons other than peace officers are barred from possessing concealed weapons on City-owned premises including City-owned buildings and parking lots; that the City Council direct the City Manager to post the appropriate signage under Section 2; that the City Manager take all steps reasonable and necessary to deny entry or continued presence on City-owned premises to all persons (other than peace

officers) possessing concealed weapons, including prosecution of such violators for the offense of criminal trespass in Section 3. City Manager Maclin stated that this wording is what TML has recommended in order for the City to exercise its authority as an employer, and it is not limited to municipal government. Both private and public sector employers have the option under the State law to choose whether or not they will or will not allow persons who have a concealed handgun license to bring a weapon into their place of business. City Manager Maclin stated that in discussion with legal assistance from Texas Municipal League, staff thinks that this Resolution represents an appropriate risk management tool to insure that employees of the City of Lufkin have a safe, weapon-free environment in which to work. City Manager Maclin stated that State law already states that concealed weapons are not allowed at government meetings so that a City Council meeting is technically already addressed by State law. This Resolution will go beyond that and exercise that option given by the State law to go ahead and post the signs and make it applicable to all City-owned buildings and adjacent parking lots.

In response to question by Mayor Bronaugh, City Manager Maclin stated that technically the State statute would apply to the City Council if they met in a building other than the Council Chambers because it meets the definition of a government meeting.

City Manager Maclin stated that the reason for the signage is to overcome the perception by some people who now have a concealed handgun license and feel that they now have the right to carry a concealed handgun anywhere they want to.

Councilmember Jones stated that, in her opinion, it would be desirable to have the signs so that people would be put on notice and there would be no reason for them to claim that they were not aware that they could not bring a concealed weapon into the building.

In response to question by Councilmember Boyd, City Manager Maclin stated that at this point the City cannot enforce bringing a concealed handgun into a City park, but the County Commissioners Court can. City Manager Maclin stated that it has been agreed by the State officers that this was not the intent of the authors of the Bill, and at the next legislative session it will be corrected.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Bob Bowman that Resolution prohibiting the carrying of concealed handguns on City-owned property be approved as presented. A unanimous affirmative vote was recorded.

5. AMENDMENT - APPROVED - EMPLOYEE HANDBOOK - EMPLOYEE RESTRICTIONS - CONCEALED WEAPONS

Mayor Bronaugh stated that the next item for consideration was an Amendment to the City of Lufkin Employee Handbook regarding employee restrictions relating to concealed weapons.

City Manager Maclin stated that what staff is recommending is consideration of an addendum to the City of Lufkin Employee Handbook that will address the issue of concealed weapons. City Manager Maclin stated that, once again this is created by the perception of those who go to the trouble of getting a concealed handgun license, as to whether or not that would supersede existing policy. City Manager Maclin stated that in order to address that, from a risk management standpoint, staff believes this will enhance a safe work environment for the employees. City Manager Maclin stated that there are some minor additions to the draft in the handout on the Council table; the first being the last sentence in the definition of SCOPE, "Excluded from the provisions of this Policy are peace officers commissioned by any federal, state or local jurisdiction." (FBI agent, DPS officer, County deputy, or City policeman). City Manager Maclin stated that in the definitions under Weapon, the definition of a knife with a blade more than 5.5

inches, was changed to coincide with State law. City Manager Maclin stated that the next change was under Section III - Policy (B) , the City will allow, particularly in the case of lockers in the Police Department and Fire Department, the employee to provide their own lock provided they give a key to the City. If a key or combination is not provided to their personal lock, the City does have the implied consent to cut off the personally owned lock from the City owned locker.

City Manager Maclin stated that the third sheet included in the information is the Acknowledgment, Consent and Release, which is used to get all employees to confirm that they have received a copy of the Handbook, with a copy being placed in their personnel file. This provides documentation that they were informed and are knowledgeable of the Policy.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Jack Gorden, Jr. that Amendment to the City of Lufkin Employee Handbook regarding employee restrictions relating to concealed weapons be approved as presented. A unanimous affirmative vote was recorded.

6. AMENDMENT - APPROVED - EMPLOYEE HANDBOOK - ELECTRONIC SYSTEMS AND TOOLS

Mayor Bronaugh stated that the next item for consideration was an Amendment to the City of Lufkin Employee Handbook regarding the use of electronic systems and tools.

City Manager Maclin stated that this would also be an Amendment to the Employees Handbook and is an effort to try and keep up with policies to keep up with changes in technology. City Manager Maclin stated that specifically the Internet is mentioned, but it is not limited to that. City Manager Maclin stated that this also addresses E-mail and new computer equipment and systems that previously did not exist in the City in years past. City Manager Maclin stated that staff wanted to be proactive to clearly delineate to employees that these pieces of equipment and this technology is to be specifically used in a professional and business-like manner for the benefit of the City, and for the betterment of doing their job for the City. City Manager Maclin stated that Section B, on page 2, delineates, but is not limited to, things that are prohibited uses of electronic systems, which includes "illegal activities, threats, harassments, slander, defamation, obscene or suggestive message or offensive graphical images, political endorsements, commercial activities, and using non-business software including games or entertainment software". City Manager Maclin stated that staff is trying to clearly define what is and is not acceptable. City Manager Maclin stated that Internet access is defined on page 3, and there is a procedure or process that an employee has to go through in order to obtain access to the Internet.

Motion was made by Councilmember Tucker Weems and seconded by Councilmember Betty Jones that an Amendment to the City of Lufkin Employee Handbook regarding the use of electronic systems and tools be approved as presented. A unanimous affirmative vote was recorded.

7. BID - APPROVED - AIR CONDITIONING/HEATING SYSTEM REPLACEMENT - PARKS & RECREATION DEPARTMENT - FERRARA'S HEATING & AIR CONDITIONING COMPANY

Mayor Bronaugh stated that the next item for consideration was bids for replacement of an air conditioning/heating system in the Parks and Recreation Department.

City Manager Maclin stated that back in early December the heating and cooling system at the Parks Department building malfunctioned and it was determined that there was a serious failure in the system. City Manager Maclin stated that five bids had been received and staff recommendation is the bid of Ferrara's Heating & Air

Conditioning Company in the amount of \$12,326. City Manager Maclin stated that since this was not a budgeted item he is also requesting Council's consideration for the utilization of Contingency Funds out of the General Fund to pay for this item.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Tucker Weems that bid of Ferrara's Heating and Air Conditioning Company in the amount of \$12,326 for a replacement system for the Parks and Recreation Department be approved as submitted, and that the funds be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

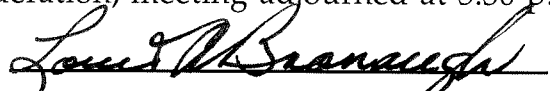
8. COMMENTS

Debra Vance, Director of Accounting, introduced the new Assistant Director of Accounting Kari Standley.

City Manager Maclin reminded Councilmembers of the Lufkin/Nacogdoches Day in Austin, Thursday, and January 25th, the DETDA meeting on Friday, January 26th.

Mayor Bronaugh stated that the Angelina Chamber of Commerce Banquet will be held at the Civic Center on Tuesday, January 23rd. Mayor Bronaugh also reminded Councilmembers of the National League of Cities Conference in Washington, D. C. on March 9-12th. `

9. There being no further business for consideration, meeting adjourned at 5:30 p.m..


Louis A. Bronaugh - Mayor

ATTEST:


Atha Stokes - City Secretary