MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF JUNE, 1987, AT 5:00 P.M.

On the 2nd day of June, 1987, 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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Nick Finan	City Planner
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bill Troth, Minister, Believer's Bible Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that minutes of May 19, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

5. MINORITY BUSINESS POLICY - TABLED

Mayor Garrison stated that the Minority Business Policy had been discussed at last meeting and had not received enough votes to be approved. Mayor Garrison stated that Commissioner Percy Simond had requested that item be placed on tonight's agenda.

Commissioner Simond stated that he appreciated the Mayor's and City Commissioner's decision to place the item on the agenda, but he had been asked by a group to abort his efforts in this regard, and he had agreed.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that item be tabled at this time. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LILLIE MENEFEE - 1811 SAYERS STREET - RM TO RS

Mayor Garrison stated that the next item for consideration was First Reading of Ordinance for Zone Change Request by Lillie Menefee covering property located at 1811 Sayers Street from RM to RS.

Mayor Garrison stated that Mrs. Menefee is requesting the Zone Change so that she can place a mobile home on the property. Mayor Garrison stated that there had been no opposition to the request when it was presented to the Planning and Zoning Commission.

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.

6. RATE INCREASE - TABLED - ENTEX

Mayor Garrison stated that the next item for consideration was a request from Entex for a rate increase.

Mayor Garrison recognized Floyd Hagood, local manager of Entex, who stated that review of revenue, expenses and return on investments in the Lufkin distribution system has resulted in a necessary increase in the current rates. Mr. Hagood stated that the rate increase amounts to $2.54, or .08 cents a day, to all residential and small commercial minimum bills. Mr. Hagood stated that with this increase, the Lufkin residential minimum bill will still be among the lowest in the East Texas area.

Mr. Hagood stated that Entex was proud of its record of providing high quality natural gas service to the City of Lufkin while, at the same time, maintaining the lowest practical rates. Mr. Hagood stated that this is the second time in seventeen years that an Entex representative has come before the Commission to request a rate increase. Mr. Hagood stated that Entex has achieved their good record by cutting costs, employees or any other expense not necessary while providing first class service to their number one priority, the people of Lufkin. Mr. Hagood stated that Entex expenses have increased and that is why he was before the Commission requesting a rate increase.

Mr. Hagood stated that the increase has been approved by the Railroad Commission, and by approximately 95% of the towns in East Texas served by Entex.

In response to question by Commissioner Danny Roper, Mr. Hagood stated that no action is required by the City Council to permit the proposed rates to go into effect on July 1, 1987. Mr. Hagood stated that the City Commission does have a "say so" because of Entex policy and Railroad Commission policy. Mr. Hagood stated that Entex works with the cities they serve and values the input and judgement of the City Council members. Mr. Hagood stated that Entex has never asked for what the Railroad Commission says they can earn, but asks only for what the company needs. Mr. Hagood stated that if the Commission decides to take no action, the rate increase automatically goes into effect.

Mayor Garrison stated that he was somewhat concerned that Entex has been so altrustic over the past years that even though they have been entitled to an increase, they haven't asked for one, and that's most unusual. Mayor Garrison stated that Mr. Hagood had presented the application on May 27th requesting that it be placed on tonight's agenda because of an urgency of getting it approved before July 1st. Mayor Garrison stated that he had read in the newspaper where the parent company has been in some financial distress and that substantial money had been lost in other areas. Mayor Garrison stated that, in visiting with representatives of Entex, he had asked some questions in regard to this matter and, so far, has not received any answers.

In response to question by Mayor Garrison, Mr. Hagood stated that presently the minimum rate is $6.70, and the proposed rate would be raised to $9.24, an increase of 38%. Mayor Garrison stated that to raise the minimum bill by 38% was inequitable and probably even grossly unfair to somebody who is barely able to pay their utility bill and who needs heat in the winter.

Mayor Garrison stated that, in his opinion, the rates should be raised across the Board rather than raise the minimum bill by 38%. Mayor Garrison stated that when the City raises water rates it does not raise the minimum rate in order to favor the disadvantaged who could have a problem meeting the minimum.

Mayor Garrison stated that he also had a problem with allowing Entex to pass through the increased costs automatically. Mayor Garrison stated that, in his opinion, Entex had not furnished the Commission with enough information to justify a rate increase. Larry Stinnett, Houston Entex Manager, stated that his office had tried to put together the basic facts relating to the rate increase, and that he would supply whatever additional data he could to justify the rate increase.

After much discussion, it was the consensus of opinion of the Commission that the item be tabled for 90 days so that additional data could be made available to the Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley to suspend rates and delay consideration for 90 days until further information is received. A unanimous affirmative vote was recorded.

7. APPLICATION - APPROVED - ECONOMIC DEVELOPMENT ADMINISTRATION - ADJUSTMENT STRATEGY - CITY AND COUNTY

Mayor Garrison stated that the next item for consideration was an application to the Economic Development Administration for the development of an Adjustment Strategy for the City of Lufkin and Angelina County.

Mayor Garrison stated that the U. S. Department of Commerce has funds available through the Economic Development Administration to conduct a study to determine a strategy for our community to improve our economic conditions.

City Manager Westerholm stated that this is a 75%-25% matching grant and the Angelina Chamber of Commerce will furnish the 25% match. City Manager Westerholm stated that the application must be made through the City.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that application be approved as presented. A unanimous affirmative vote was recorded.

8. RESOLUTION - APPROVED - CONTRACT - CHANGE ORDER NO. 1 - CITY HALL LANDSCAPING - SOUTHLAND NURSERY AND GREENHOUSE

Mayor Garrison stated that the next item for consideration was a Resolution confirming and approving a Contract with Southland Nursery and Greenhouse and Change Order No. 1 for landscaping of the new City Hall.

City Manager Westerholm stated that the Change Order does not effect the cost of the work to be done and substitutes centipede grass in the ungrassed areas for some plantings removed where we have already sodded. City Manager Westerholm stated that the Change Order also reduces the size of the ficus trees in the atrium from 16' to 12'

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Contract with Southland Nursery and Greenhouse and Change Order No. 1 for landscaping of the new City Hall be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - CERTIFICATE OF OBLIGATION - INVOICE - CITY HALL WINDOW BLINDS - LONE STAR CUSTOM FLOOR COVERINGS

Mayor Garrison stated that the next item for consideration was a Resolution authorizing Certificates of Obligation for payment of invoice from Lone Star Custom Floor Coverings for City Hall window blinds.

City Manager Westerholm stated that this Resolution authorizes the final payment for the window blinds, and represents the retainage in the amount of $2,112.50.

Motion was made by Commissioner Don Boyd and seconded by Pat Foley authorizing payment to Lone Star Floor Coverings in the amount of $2,112.50. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - CERTIFICATE OF OBLIGATION - INVOICE - CITY HALL FURNITURE AND FURNISHINGS - HODGES BUSINESS INTERIORS

Mayor Garrison stated that the next item for consideration was a Resolution authorizing Certificates of Obligation for payment of invoice from Hodges Business Interiors for City Hall furniture and furnishings.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd authorizing payment to Hodges Business Interiors in the amount of $8,877.54. A unanimous affirmative vote was recorded.

11a. BID - APPROVED - UNIFORMS - VARIOUS CITY DEPARTMENTS - FACTORY SALES UNIFORM COMPANY

Mayor Garrison stated that the next item for consideration was bids for uniforms to be used in various City departments.

City Manager Westerholm stated that Public Works Director Ron Wesch had recommended the low bid of $44.99 from Factory Sales Uniform Company.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid from Factory Sales Uniform Company of $44.99 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

11b. BID - APPROVED - LAWN MOWER - WATER POLLUTION CONTROL PLAN - AIR COOLED ENGINE COMPANY

Mayor Garrison stated that the City had received two bids for lawn mowers to be used by the Water Pollution Control Plant. Mayor Garrison stated that Air Cooled Engine Company had submitted the low bid of $4,995 for a model PTO-D23 Commercial Yazoo mower with the PSG-60 inch cutting section.

City Manager Westerholm stated that $5,850 had been budgeted for the lawn mower.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that low bid of Air Cooled Engine Company in the amount of $4,995 be accepted as the lowest and best bid and that the excess funds of $855 revert to the Contingency Fund. A unanimous affirmative vote was recorded.

12. GIFT DEED - ACCEPTED - MRS. ROBERT SISK

Mayor Garrison stated that the next item for consideration was the acceptance of a "gift" deed to the City.

City Manager Westerholm stated that the City had secured a 15' easement from Robert Sisk for a driveway to a lift station to serve the Slack Addition off Highway 69 South. City Manager Westerholm stated that Mr. Sisk is now deceased, and this 15' easement is the only portion of the property left. City Manager Westerholm stated that since the property is useless to Mrs. Sist, she wishes to deed it to the City as a gift so that she will no longer have to pay taxes on the property. City Manager Westerholm stated that the taxes due on the property are $77.70.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that "gift deed" be accepted as presented. A unanimous affirmative vote was recorded.

13. JANITORIAL SERVICE - HIRING PRACTICES - CIVIL SERVICE - WRECKER SERVICE POLICY

Commissioner Don Boyd stated that he had noticed that the windows in the upstairs conference room were not clean and had also noticed spots on the carpet. City Manager Westerholm stated that he would see that the janitorial service was notified about cleaning the windows, and that the firm was in the process of cleaning the carpets. City Manager Westerholm stated that the contract called for carpet cleaning every six months. City Manager Westerholm stated that he was very pleased with the service of the janitorial firm.

Commissioner Boyd stated that previously the Commissioners had received a quarterly report on the employees who were hired and fired by the City, and he would like to request that the report be distributed on a monthly basis.

In response to question by Commissioner Boyd, City Manager Westerholm stated that the City does have an affirmative action plan but has not established any goals.

Commissioner Boyd stated that cities without Civil Service seem to be doing well in hiring minorities, and he would like to see a report outlining the advantages and disadvantages of hiring under Civil Service rules.

Commissioner Boyd stated that he had received complaints of harassment from blacks because of the kind of car they were driving, and he would like for Chief Collins to meet with the policemen and tell them to be good citizens and to be courteous to the public.

Commissioner Percy Simond stated he had been told by a wrecker driver that a drunk driver couldn't be charged as much as an accident victim for vehicle towing.

Chief Sherman Collins stated that, in the past, police officers would drive in cars for drunk drivers, but recently he had met with City Attorney Bob Flournoy because he was concerned about the liability to the City, and, in his opinion, it was not in the City's best interest to continue this policy. Chief Collins stated that there are nine wrecker companies on the rotation list, and he was approached by two of them who stated that they would like to separate the drunk drivers' vehicles. Chief Collins stated that the gentlemen representing the wrecker companies said that there were very few problems with towing a drunk driver's car compared with towing a car that has been involved in an accident. Chief Collins stated that the gentlemen proposed taking the drunk drivers' cars off the rotation list. The wrecker company will set the fee for towing, which will be lower for the drunk drivers and will store the car up to 48 hours without charging a storage fee. Chief Collins stated that he had written a letter to all nine wrecker companies on the rotation list and five had responded that they would be interested in participating.

City Attorney Bob Flournoy stated that he was working on a comprehensive wrecker ordinance and would be presenting it to the Commission in the near future.

In response to question by Commissioner Simond, Chief Collins stated that the City does have a "chase policy", and the number one priority of the policy is not to endanger the public and the officer in charge has the authority to terminate the chase at his discretion.

14. There being no further business for consideration, meeting adjourned at 7:10 P.M.

Pitser H. Garrison

Pitser H. Garrison, Mayor

ATTEST:

Atha Stokes

Atha Stokes, City Secretary