

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF DECEMBER, 1987, AT 5:00 P.M.

On the 15th day of December, 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
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Danny Roper	Commissioner, Ward No. 3
Louis Bronaugh	Commissioner, Ward No. 6

1. Meeting was opened with prayer by Rev. Brance Moyer, Minister, First Church of the Nazarene, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of December 1, 1987, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - WILSON MC KEWEN REHABILITATION CENTER - 1015 MOORE - LB TO LB, SU (DEEP EAST TEXAS MENTAL HEALTH MENTAL RETARDATION)

Mayor Garrison stated that the first item for consideration was Second Reading of an Ordinance for Zone Change Request by Wilson McKewen Rehabilitation Center covering property located at 1015 Moore from Local Business to Local Business, Special Use (DETMHMR).

There was no opposition present.

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.

5. AMENDMENT - APPROVED - SECOND READING - PARKING ORDINANCE - THIRD STREET BETWEEN BURKE AND SHEPHERD

Mayor Garrison stated that the next item for consideration was Second Reading of Amendment to Parking Ordinance regarding parking time limits on Third Street between Burke and Shepherd.

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

6. DOG ORDINANCE - APPROVED - FIRST READING

Mayor Garrison stated that at last meeting the Commission had passed a rather elaborate ordinance regulating animals after considerable discussion. Mayor Garrison stated that the main purpose of the

ordinance that was passed was to put in place an effective ordinance that would let the City deal with animals, and with the thought that it might be revised later. Mayor Garrison stated that there had been some discussion as to whether registration was needed in the ordinance.

In response to question by Commissioner Pat Foley, City Attorney Bob Flournoy stated that the only changes made were the deletion of the registration requirement and several sections dealing with impoundment and redemption of licensed animals. Mr. Flournoy stated that the ordinance passed on emergency basis had a requirement for pens to be located 75 feet away from adjacent houses, and he had changed the requirement to 35 feet.

In response to question by Commissioner Foley, Mr. Flournoy stated that by keeping animals a certain distance away from adjacent houses should take care of problems with odor or sanitary conditions and noise.

Commissioner Simond stated that being in violation of the ordinance is one thing, but being mauled by a dog is another thing. Commissioner Simond stated that, in his opinion, dogs who are on a leash should also be muzzled in the event the dog gets away from the owner.

In response to question by Commissioner Foley, Mr. Flournoy stated that, as far as lengthening the time an animal is held before being euthanized, he has to rely on the Animal Control officers opinion. Mr. Flournoy stated that it is the owner's responsibility to check with the animal shelter if his dog is missing. Mr. Flournoy stated that some discretion is used when an animal is picked up, especially if it is obviously a good breed. Mr. Flournoy stated that if the dog is vaccinated, it probably will not be euthanized in three days and will probably be put out for adoption.

In response to statement by Commissioner Foley that, in the previous ordinance, dogs were held five days before being euthanized, Mr. Flournoy stated that the dogs are probably held five days anyway regardless of whether they are a good breed or strays.

Ms. Alice Davis with the Texas Department of Health stated that the average holding time is 72 hours. Ms. Davis stated that Lufkin's Animal Shelter is small for the size of the City and should be expanded in the future.

Those appearing in opposition to the ordinance were Lynn Fisher, outgoing President of the Humane Society, Eddie McFarland, representing Mr. E. L. Kurth, Jr., Carroll Crager, Ernie Psenick - 1605 Wallace.

The following points of opposition were recorded:

1. Ordinance too wordy - needs to be simplified.
2. Ordinance mostly unenforceable.
3. Thirty-five foot too confining.

Mr. Flournoy stated that some work would have to be done on Section 32, relating to dog pens.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading adding "unless the dog is wearing a valid rabies vaccination tag, in which case the dog shall be kept for a period of one hundred twenty (120) hours and then disposed of" to Section 20 and omitting Section 32 which will be amended at a later time. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the Commission would welcome people who had suggestions for the dog ordinance to send them to the City.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - WILLIE SWINDLE - SAYERS STREET AND NORTH AVENUE - RS TO LB, SU (TWO-CHAIR BEAUTY SHOP WITH ENTRANCE FROM NORTH STREET AND SAYERS STREET CONSIDERED A SIDE STREET)

Mayor Garrison stated that the next item for consideration was First Reading of Ordinance for Zone Change Request by Willie Swindle covering property located at the corner of Sayers Street and North Avenue from Residential Small to Local Business, Special Use (Two-chair beauty shop with entrance from North Street and Sayers Street considered a side street).

Mayor Garrison stated that the Zone Change Request had been heard before the Planning and Zoning Commission with some opposition present, but it passed unanimously when the special use was added.

There was no opposition present.

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

8. PROPOSAL - APPROVED - PARTIAL SELF-INSURED GROUP HOSPITALIZATION - INSURANCE BENEFIT SERVICES, INC.

Mayor Garrison stated that a workshop had been held earlier to discuss the partial self-insured group hospitalization for the City.

Insurance representatives presenting proposals and attending the workshop were:

Art Carls - Blue Cross/Blue Shield  
Charles Poland - Insurance Benefit Services, Inc.  
James Gibbs/Barry Horton - Jefferson Pilot  
Gilbert Baker - Transport Life

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that that the proposal of Insurance Benefit Services, Inc. be accepted as the best proposal for the partial self-insured group hospitalization plan for City employees. A unanimous affirmative vote was recorded.

Charles Poland representing IBS stated that current life insurance coverage for employees was \$5,000 and he would suggest that that amount be raised to \$10,000. Mr. Poland stated that the City is presently paying \$738 a month for \$5,000 coverage, and for \$860 a month, the coverage could be doubled.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Percy Simond that life insurance coverage for City employees be raised to \$10,000. A unanimous affirmative vote was recorded.

In response to question by Commissioner Boyd, City Manager Westerholm stated that school crossing guards are not covered under the City insurance program, but are covered under Worker's Comp.

9. PUBLIC TRANSPORTATION SYSTEM - REPORT - JOHN MC BETH

Mayor Garrison stated that the Commission now had a report from the Public Transportation System represented by John McBeth.

Mr. McBeth stated that Billy Clemmons, Local Administrator for the Public Transportation System, had passed out a news release today at 3:00 P.M. regarding the trolleys for the Lufkin Transit System. Mr. McBeth stated that due to a mistake by the trolley manufacturer, the chassis ordered for the Lufkin Transit System trolleys were mistakenly cancelled. Mr. McBeth stated that the chassis were expected after the first of the year, and the City could expect to receive the equipment around April 1st. Mr. McBeth stated that Brazos Transit System is running the Christmas trolley at no expense to the City. Mr. McBeth stated that Brazos Transit System would like to commence the early morning commuter run immediately and start the dial-a-ride run for senior citizens in January. Mr. McBeth stated that Brazos Transit System would absorb all operational costs for these runs.

#### 10. INSURANCE - DOWNTOWN PARKING LOT

Mayor Garrison stated that the next item for consideration was additional insurance for downtown parking lot.

City Manager Westerholm stated that Southern Pacific Railroad has requested increased limits in liability coverage for the downtown parking lot between Groesbeck and Frank Streets. City Manager Westerholm stated that the City is currently paying \$1,400 annually for \$1 million coverage, and the proposed increase will be approximately 60% annually.

In response to question by Commissioner Foley, City Manager Westerholm stated that First Baptist Church pays \$723 on a \$2500 lease for this property. Commissioner Foley stated that, in his opinion, the church should also participate on the insurance coverage. Commissioner Foley stated that perhaps City Manager Westerholm could send a letter to the railroad stating that because of budget constraints, it is impossible for the City to pay for more than \$1 million in coverage.

Mayor Garrison stated that the Commission would withhold action on this item until the City Manager has more information.

#### 11. BID - APPROVED - POLICE RADIOS - LUFKIN COMMUNICATIONS AND ELECTRONICS

Mayor Garrison stated that bids had been received for police radios and Chief Collins was recommending the 60 watt Regency radio from Lufkin Communications and Electronics.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid for 60 watt Regency radios from Lufkin Communications and Electronics in the amount of \$3,250 be accepted as the best bid. A unanimous affirmative vote was recorded.

#### 12. REQUEST - DECLINED - CITY OF WHITEHOUSE - LAKE EASTEX PROJECT

Mayor Garrison stated that the City Manager had been contacted by the City of Whitehouse requesting consideration for selling a portion of the City of Lufkin's 7 1/2% purchased capacity of the Lake Eastex Project.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden declining the request from the City of Whitehouse. A unanimous affirmative vote was recorded.

#### 13. TEXAS WATER DEVELOPMENT COMMISSION APPLICATION - APPROVED - REGIONAL WATER SUPPLY STUDY

Mayor Garrison stated that an application for a regional water supply study had been prepared in the name of the City of Lufkin and had been submitted to the Texas Water Development Commission in time for the

deadline of December 15th. Mayor Garrison stated that members of the Commission had been polled previous to the application being mailed and all members had indicated support of the application.

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

14. PROPOSAL - APPROVED - POLICE DEPARTMENT IBM COMPUTER

Mayor Garrison stated that the Commission now had for consideration a proposal to replace the Police IBM 34 computer with an IBM 36. Mayor Garrison stated that the new computer will result in eventual savings of \$12,803 in the next six years.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden approving replacement of the IBM 34 with an IBM 36 computer in the Police Department. A unanimous affirmative vote was recorded.

15. RESOLUTION - APPROVED - DESIGNATION OF UNMARKED VEHICLES

Mayor Garrison stated that the Commission now had for consideration a Resolution designating unmarked police vehicles. Mayor Garrison stated that eleven vehicles had been listed on the Resolution.

In response to question, Chief Collins stated that in follow-up investigations there is a better response from the public if the policeman is wearing a suit and driving an unmarked vehicle. Chief Collins stated that unmarked cars are often used for surveillance.

Mayor Garrison stated that, in his opinion, the Police Department needs a high profile, and he would prefer that all police vehicles be marked and especially the cars used by Chief Collins, Lieutenant Lewis and the two Assistant Chiefs.

Motion was made by Commissioner Pat Foley that Resolution be approved with the exception of the vehicles for the Chief, two Assistant Chiefs and Lieutenant Lewis.

Mayor Garrison declared that motion died due to lack of a second.

Commissioner Boyd stated that, in his opinion, the Commission did not realize that these vehicles cannot be used for undercover work if they are marked.

In response to question by Commissioner Gorden, Chief Collins stated that his car is used for surveillance twice a week. Chief Collins stated that the antenna used on the new vehicles will look like a CB antenna.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley approving Resolution as presented. A unanimous affirmative vote was recorded.

16a. RESOLUTION - APPROVED - CANCELLATION OF AUTHORIZED BUT UNISSUED CERTIFICATES OF OBLIGATION

Mayor Garrison stated that the Commission now had for consideration a Resolution approving and authorizing the cancellation of authorized but unissued City of Lufkin, Texas, Certificates of Obligation, Series 1985.

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

16b. ORDINANCE - APPROVED - ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS

Mayor Garrison stated that the Commission now had for consideration an Ordinance authorizing the issuance and sale of City of Lufkin, Texas, General Obligation Refunding Bonds, Series, 1987, dated November 15, 1987.

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

Mike Byrd, representing First Southwest Company, opened bids for the General Obligation Refunding Bonds, Series 1987, and the following tabulation was recorded:

<u>Account</u>	<u>Effective Interest Rate</u>
Rotan-Mosle	7.469861
First Republic Bank, Dallas	7.6369
Prudential-Bache	7.7133
Texas Commerce Bank, Houston	7.507335
Blunt, Ellis and Loewi	7.63161
Shearson-Lehman	7.684956
First Southwest Company	7.434792

Mayor Garrison stated that First Southwest Company was low bidder.

16c. RESOLUTION - APPROVED - PAYING AGENT/REGISTRAR AGREEMENT

Mayor Garrison stated that the next item for consideration was a Resolution approving and authorizing the execution of a paying agent/ registrar agreement.

Mike Byrd stated that First City Bank of Austin had been designated as the paying agent.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Resolution be approved as presented. A unanimous affirmative vote was recorded.


17. PAROLE OFFICER'S OFFICE - CHRISTMAS DECORATIONS DOWNTOWN

Commissioner Simond stated that he had received numerous telephone calls objecting to a State Parole Office which has recently located in a building at Lakeview and Kurth Drive. Commissioner Simond stated that he would like for City Manager Westerholm to investigate this matter.

Commissioner Boyd stated that many of the lights in the downtown Christmas decorations were not working, and it did not represent the City very well.

18. There being no further business for consideration, meeting adjourned at 8:15 P.M.

ATTEST:

  
Pitser H. Garrison, Mayor

ATTEST:

  
Atha Stokes, City Secretary