

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF APRIL, 1988, AT 5:00 P.M.

On the 19th day of April, 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
Danny Roper	Commissioner, Ward No. 3
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

Don Boyd	Commissioner, Ward 2
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Frank Starr, Minister, First Lutheran Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of April 5, 1988, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - TOW TRUCKS

Mayor Garrison stated that the first item for consideration was Second Reading of a Tow Truck Ordinance.

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

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - HOME SAVINGS AND LOAN/MELISSA ONE - LOOP 287 AND DAVISVILLE ROAD - RL TO C, SU (TRUCK AND BUS STORAGE)

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance for zone change request by Home Savings and Loan/Melissa One covering property located at Loop 287 and Davisville Road from Residential Large to Commercial, Special Use (Truck and Bus Storage).

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - L AND R INVESTMENTS - 212 S. TIMBERLAND DRIVE - COMMERCIAL TO COMMERCIAL, SPECIAL USE (PRIVATE CLUB)

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance for Zone Change Request by L and R Investments

covering property located at 212 S. Timberland from Commercial to Commercial, Special Use (Private Club).

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

7. RAILROAD RIGHT-OF-WAY - APPROVED - TEXAS HIGHWAYS AND PUBLIC TRANSPORTATION - FM 819

Mayor Garrison stated that this item had been tabled at last meeting due to some confusion about one step in the process the City was not aware of which was called to the attention of the Commission by Commissioner Pat Foley.

Mayor Garrison stated that authorization is needed from the City Commission to offer the amount of \$3,438 for the acquisition of this 0.1451 acres of right-of-way on FM 819.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden authorizing purchase of 0.1451 acres of right-of-way on FM 819 in the amount of \$3,438. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - WATER & SEWER TAP FEES

Mayor Garrison stated that the City Commission had recently been given a schedule of water and sewer tap fees in a proposed Ordinance along with a suggestion by the City staff that the water and sewer fees be raised. The report from the staff suggested that fees be raised to more nearly reflect actual costs.

Commissioner Percy Simond stated that, in his opinion, the proposed amounts were excessive.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the fees were last adjusted eight years ago.

City Manager Westerholm stated that this is a one-time charge to property owners and the staff wanted the Commission to be aware of the actual costs.

In response to question by Commissioner Pat Foley concerning distance limitation for the water and sewer lines, City Attorney Flournoy stated that he would adjust the last paragraph on page one of the Ordinance by omitting the last part of the sentence.

Mayor Garrison stated that he would suggest that the Ordinance become effective January 1, 1989 to allow a grace period for residents who have had the opportunity to tie into the City's sewer system but have not taken advantage of it.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading with the revised fees being -

3/4"x5/8" Standard Residential Tap	- \$ 195.00
1" water tap	- \$ 370.00
2" water tap	- \$1115.00
Installation of water meter and box only	- \$ 125.00
4" sewer tap Standard Residential Tap	- \$ 150.00
6" sewer tap Standard Residential Tap	- \$ 200.00

and striking "and extend such lines to the nearest property line" from the last paragraph on page one of the Ordinance, and establishing an effective date of January 1, 1989. A unanimous affirmative vote was recorded.

9. INVOICE - APPROVED - FIRST SOUTHWEST & COMPANY - STANDARD AND POOR'S RATING FEE

Mayor Garrison stated that the next item for consideration was an invoice for Standard and Poor's rating fee.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that invoice from First Southwest & Company for Standard and Poor's rating fee in the amount of \$4,500 be approved as presented. A unanimous affirmative vote was recorded.

10. CHANGE ORDER NO. 1 - APPROVED - CONTRACT - MOORE BROS. CONSTRUCTION CO. - LARGE CAT EXHIBIT - ELLEN TROUT ZOO

Mayor Garrison stated that the next item for consideration was Change Order No. 1 to the Contract with Moore Bros. for the large cat exhibit at Ellen Trout Zoo.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Change Order No. 1 to the Contract with Moore Bros. Construction Company in the amount of \$300 for the large cat exhibit at Ellen Trout Zoo be accepted as presented. A unanimous affirmative vote was recorded.

11. CHANGE ORDER NO. 1 - APPROVED - CONTRACT - CARNEY ROOFING CO. RE-ROOFING FIRE STATION NO. 1

Mayor Garrison stated that the next item for consideration was Change Order No. 1 to the Contract with Carney Roofing Company for re-roofing Fire Station No. 1.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Change Order No. 1 to the Contract with Carney Roofing Company for re-roofing Fire Station No. 1 in the amount of \$1,200 be approved as presented. A unanimous affirmative vote was recorded.

12. INVOICE - APPROVED - CARNEY ROOFING - RE-ROOFING FIRE STATION NO. 1

Mayor Garrison stated that the next item for consideration was an invoice from Carney Roofing Company for re-roofing Fire Station No. 1.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that invoice from Carney Roofing Company in the amount of \$12,963.43 for re-roofing Fire Station No. 1 be accepted as presented. A unanimous affirmative vote was recorded.

13. AMBULANCE OPERATIONS REPORT - FIRE DEPARTMENT

Mayor Garrison stated that the next item for consideration was an Ambulance Operations Report from the Fire Department.

Fire Chief Kenneth Snyder stated that the Fire Department has encountered some problems with the EMS service due to the fact that the ambulance runs have increased from 1,267 to over 3,700 at the present time. Chief Snyder stated that the Fire Department has never committed full-time employees to the EMS, therefore, for every ambulance run the firefighting force is diluted because two firefighters are lost because they are dedicated to the run. Chief Snyder stated that with the ambulance business being as great as it is now it is very common to have eight to ten men dedicated to the ambulance leaving only five to seven men for the firefighting force. Chief Snyder stated that overtime for this year has already exceeded the budget because of the increased amount of runs.

Chief Snyder stated that in 1984 when the Department was making 3,400 runs a year, a private service was employed to come in as a relief. The private service is presently making 1,000-1,200 runs per year and the EMS service has increased to 3,700 runs per year. Chief Snyder stated that out-of-county runs and in-county runs have created such a burden on the Fire Department that the citizens of Lufkin are not getting the service that they are paying for, neither EMS or Fire Department.

Chief Snyder stated that his staff has had several meetings with the doctors, hospitals, commissioners, and the County Judge trying to come up with ways to solve the problem.

Chief Snyder stated that, in his opinion, the Fire Department can provide the current level of service with only twenty-four additional employees dedicated to the EMS (eight per shift). Chief Snyder stated that this would provide for four front-line ambulances on duty 24-hours a day, seven days a week, that could provide a level of care that no one else can provide. Chief Snyder stated that private service can generally only provide Basic Life Support, which is picking up a patient and transporting him to the hospital. It does not provide for any type care for the patient while he is being transported.

Chief Snyder stated that the City needs to exercise State Bill 669 that was passed November 3, 1987 giving the County the right to tax county residents to help provide for EMS services for the County. Chief Snyder stated that suggestions had been made that a private service be brought in. Chief Snyder stated that there is already a private service in Lufkin and the Department does not feel that it has reduced the problem. Chief Snyder stated that private service takes the paying customer and over two-thirds of the responses are emergency runs which includes out-of-county runs, in-county runs, and City runs. To reduce a few transfers, which are generally paying customers, is not going to take the burden off the Fire Department.

Chief Snyder stated that, looking at the situation realistically, the citizens of Lufkin are currently paying for the entire service with a small supplemental amount from the County.

Chief Snyder stated that the three options the City has are (1) additional manpower to continue providing EMS service at the current level funded through an ad valorem tax county-wide (2) the assistance from private services or (3) curtail services down to providing emergency care strictly for the citizens of Lufkin.

In response to question by Commissioner Danny Roper, Chief Snyder stated that presently there are three men at each station (with the exception of the Central station) and at these stations firefighters are also ambulance attendants. Chief Snyder stated that if a unit from Station No. 3 is sent out-of-county the station is immediately closed down and the remaining person is brought to Central Station or to another station where he can assist in the firefighting effort, and district is covered with the two stations closest to it.

Chief Snyder stated that the ambulance at Station No. 3 is set up for out-of-county, long-term transfers.

Commissioner Roper stated that it was very difficult to explain to the citizens of east Lufkin that their area is the one that is cut on fire protection. Commissioner Roper stated that this is a critical problem that needs to be addressed now.

In response to question by Mayor Garrison, Chief Snyder stated that Brazos Transit System could not handle the out-of-county transfer because they are not an EMS service.

Chief Snyder stated that currently the Fire Department has a budget of \$183,000 for EMS, which does not include manpower. Chief Snyder stated that for salaries and benefits for twenty-four (24) additional personnel, the budget would be increased by \$584,978.99. Chief Snyder stated that this amount is currently being paid out of the Fire Department budget.

Chief Snyder stated that the Fire Department had been told not to go out-of-county except in emergency cases, and the Department does not feel that they are in a position to determine what is an emergency and what is not. Mayor Garrison stated that some guidelines need to be set up for this purpose.

Chief Snyder stated that he was bringing the problem to the City Commission so they could tell him what to do.

Chief Snyder stated that the Fire Department accepted the responsibility to provide EMS for Angelina County in 1967 without the benefit of additional manpower and are now in the situation in which 80% of the Fire Department responses are for EMS service.

In response to question by Mayor Garrison, Chief Snyder stated that the Fire Department is the best agency to run the EMS service because they already have the administrative staff.

Chief Snyder stated that he had visited with other cities regarding their procedures for EMS service. Mayor Garrison stated that he would like for Chief Snyder to get written copies of reports from these other cities on how they provide EMS service.

Chief Snyder stated that the reason some patients have to be taken to out-of-county hospitals is because Lufkin does not have a neurosurgeon or a heart doctor.

Commissioner Foley stated that he would like to see the City conduct a workshop with the County Judge and two hospital administrators and also explore the Med-Trans Non-Emergency Medical Transportation provided by Brazos Transit System.

Mayor Garrison stated that, in view of the magnitude of the problem, the City should consider employing an independent firm to make a study of how ambulance service is handled in different areas and perhaps come up with an idea no one has thought of yet.

Chief Snyder stated that he understood that Lufkin was being considered as a medical center, and if that is so, the problem is probably going to get worse.

Chief Snyder stated that in 1984 the State Insurance Board pointed out the impending crisis and that a study by Long Associates stated that if the Fire Department were to continue to provide EMS at the current level, it must hire a minimum of fifty-five (55) additional personnel.

In response to question by Commissioner Jack Gorden, Steve Howland stated that 25-30 of the transfers to Houston hospitals are related to cardiac catherization.

Milford Minatree, representing LifeLine Ambulance, stated that his company completely supports the request of the Fire Department. Mr. Minatree stated that LifeLine Ambulance should be invited to some of the meetings pursuant to meeting the needs of this City and County and surrounding areas. Mr. Minatree stated that the collection ratio of LifeLine is just about the same as the City's. Mr. Minatree stated that his LifeLine Ambulance is certified with the State to the level

of Basic Life Support. Mr. Minatree stated that LifeLine was seeking to be an asset to the community in providing transportation in primarily non-emergency situations. Mr. Minatree stated that his staff is moving to certify at the higher levels and would like to work with the City in anyway to offer a comprehensive service to the area. Mr. Minatree stated that LifeLine is a private company and receives no subsidies from anyone.

Mayor Garrison stated that he would hope that LifeLine Ambulance would be included in further discussions of the EMS service.

14. PROPOSALS - TABLED - LIABILITY INSURANCE RENEWAL

Mayor Garrison stated that the next item for consideration was proposals for renewal of liability insurance. Mayor Garrison stated that present coverage expires April 30th and it is now necessary to obtain coverage for the remaining five months of this fiscal year.

City Manager Westerholm stated that if the City stays with the same company (Deep East Texas Self Insurance Fund) the premium will not decrease but will increase. If the City selects coverage in various areas from the other companies the premium could be reduced to \$154,000 annually. City Manager Westerholm stated that presently there is only \$8,815 available in the insurance budget for the remaining five months.

City Manager Westerholm stated that the staff had started working on the insurance last November hoping to get self-insurance or partial retention by now. City Manager Westerholm stated that retention means that the City will suffer all losses up to \$25,000 per occurrence or \$100,000 aggregate, and will buy insurance for anything above \$100,000. City Manager Westerholm stated that he had been told by the DETSIF that the City should be able to effect approximately a 40% decrease in the insurance cost under a retention program.

City Manager Westerholm stated that he proposes that the City only purchase liability insurance for autos, law enforcement, public officials, and errors and omissions and eliminate the general liability. City Manager Westerholm stated that presently the City is paying \$186,000 for general liability coverage annually. City Manager Westerholm stated that he would suggest eliminating building and content coverage on the City Hall, City Hall Annex and the Civic Center since the buildings are all equipped with sprinkler systems and are occupied twenty-four hours a day.

City Manager Westerholm stated that there are no funds available in the budget at the present time to pay the remaining five months premium.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Pat Foley that special meeting be set for noon Friday, April 22nd, for the purpose of considering the City's liability insurance coverage. A unanimous affirmative vote was recorded.

15. LIGHTING ASSISTANCE - APPROVED - GIRL'S SOFTBALL ASSOCIATION - MORRIS FRANK PARK

Mayor Garrison stated that the next item for consideration was a request from the Girl's Softball Association for lighting assistance at Morris Frank Park.

Morty Halyard, president of the Lufkin's Dixie Girl's Softball Association stated that the girl's softball program has grown from one team when the program began seven years ago to seventeen teams and two hundred girls who are presently participating in the program.

Mr. Halyard stated that the girls were forced to play during daylight hours because there are no lights at Morris Frank Park for night time activities. Mr. Halyard stated that some of the girls had experienced illness due to the heat.

Mr. Halyard stated that the Association had purchased creosote poles for a six pole lighting set-up at the park and that the lights had been purchased and were stored in a warehouse. Mr. Halyard stated that TU Electric had been authorized this week to set transformers at the park. Mr. Halyard stated that it would cost approximately \$9,000 to complete the lighting system and he was requesting that the \$8,700 available from the Parks and Recreation Department budget be used for completion of this project.

Mr. Halyard stated that, in addition to lighting at the park, restroom facilities were also needed. Mr. Halyard stated that an architect had donated his services for construction of restroom facilities when the money became available.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper that \$8,700 from the Parks and Recreation Department fund be allocated to the Girl's Softball Association to build a lighting system at Morris Frank Park with approval by Parks and Recreation Director Don Hannabas. A unanimous affirmative vote was recorded.

16. ORDINANCE - APPROVED - FIRST READING - MAYOR EMERITUS - GUIDELINES AND PRIVILEGES

Mayor Garrison stated that the next item for consideration was First Reading of an Ordinance establishing guidelines and privileges commensurate with establishment of the position of Mayor emeritus. Mayor Garrison requested that Commissioner Pat Foley, as Mayor pro tem, preside during discussion of this item.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

17. PROPOSAL - APPROVED - WATER ANALYSIS STUDY - SAM RAYBURN WATER SUPPLY

Mayor Garrison stated that the Commission now had for consideration a proposal for conducting water analysis on Sam Rayburn water supply.

City Manager Westerholm stated that the City has been securing cost estimates for conducting these extensive tests. City Manger Westerholm stated that Kindle Stone Associates recommended a three year advance record of the analysis of the water on a monthly basis.

Commissioner Foley stated that he would like to see the City Commission proceed with the recommendations that have been made.

City Manager Westerholm stated that a letter had been received from Champions offering \$10,000 toward the cost of the study, directed primarily to the water analysis.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that the City proceed with the recommendations outlined and pay for it with funds from the Water and Sewer Fund. A unanimous affirmative vote was recorded.

18. COMPLAINT - WADE BROOKS - TRAFFIC CITATION

Mr. Wade Brooks did not appear in regard to his request to be heard by the City Commission concerning a traffic citation.

19. EXECUTIVE SESSION - TABLED

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Executive Session be tabled until next meeting of the Commission. A unanimous affirmative vote was recorded.

20. ABANDONED ALLEYS - STREET SIGNS - LAWSUIT

Commissioner Percy Simond requested that City Manager Westerholm make a report on the disposition of abandoned alleys for City Commission members.

Commissioner Simond requested that faded street signs be repaired or replaced.

City Attorney Bob Flournoy informed the Commission that the City would go to trial Monday in Federal Court on a discrimination case. Mr. Flournoy stated that the case involved an applicant who did not pass the physical examination required by the City for employment. Mr. Flournoy stated that the applicant was offered another job but turned it down. Mr. Flournoy stated that it was possible that the case would be settled out of court.

21. There being no further business for consideration, meeting adjourned at 7:40 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary