

**MINUTES OF REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE
3RD DAY OF MAY, 1994 AT 5:00 P.M.**

On the 3rd day of May, 1994 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	Councilman, Ward No. 1
Larry Kegler	Councilman, Ward No. 3
Bob Bowman	Councilman, Ward No. 4
Jack Gorden, Jr.	Councilman, Ward No. 5
Tucker Weems	Councilman, Ward No. 6
C. G. Maclin	City Manager
Ron Wesch	Asst. City Manager/Public Works
Darryl Mayfield	Asst. City Manager/Finance
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles Treptow, Minister, Angel of Joy Lutheran Church.
2. Mayor Bronaugh welcomed visitors present.
3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of April 19, 1994 were approved on a motion by Councilman Don Boyd and seconded by Councilman Jack Gorden, Jr. A unanimous affirmative vote was recorded.

4. **ORDINANCE - TABLED - FIRST READING - REGULATING SMOKING IN PUBLIC PLACES**

Mayor Bronaugh stated that the first item for consideration was First Reading of an Ordinance regulating smoking in public places in the City of Lufkin.

Mayor Bronaugh stated that this item had been discussed at last meeting of the Council, and the City Attorney was instructed to make changes in the Ordinance and bring it back to this meeting for further consideration. City Attorney Flournoy stated that he has submitted for review by Council an Ordinance that the City of Austin has adopted. Mr. Flournoy stated that basically this Ordinance prohibits smoking in all buildings open to the public in the City. Mr. Flournoy stated that exceptions to the Ordinance are hotel rooms, private residences, etc. There is also provision that bars, lounges and restaurants have some areas for smoking if they are corridoned off, to the point of having separate air conditioning units. Mr. Flournoy stated that this Ordinance says that smoking is prohibited, but you can opt to have some areas under some circumstances available for smoking.

Mr. Flournoy stated that Luanna Rider of the Texas Department of Health has provided him with a copy of a model ordinance along with a copy of a smoking ordinance from the City of Arlington. Mr. Flournoy stated that Ms. Rider says that in comparison, the Ordinance from the City of Arlington is not so confusing as the Ordinance from the City of Austin.

Mayor Bronaugh stated that in looking over the Austin Ordinance he had some

concerns that if there were to be any smoking in areas such as a private club or a bowling alley, would these areas be excluded or would they be allowed to continue to have smoking if they put in a new air conditioning system which would be separate and apart from the other areas that were non-smoking. Councilman Gorden stated that the Ordinance says that these areas must be in compliance by the year 1996.

Mayor Bronaugh stated that one of the things that should be considered is that there are some businesses in the City that would wish to continue smoking in their area and maybe they could have a sign on the outside saying that smoking is allowed in the building and do not enter unless you wish to participate or do not mind the smoke.

Councilman Gorden stated that he is in favor of some form of an Ordinance which would back people up who wanted to eliminate or prohibit smoking, in a reasonable manner. Councilman Bowman stated that he would concur with Councilman Gorden. Councilman Bowman stated that the problem he had with the Ordinance from Austin is that it does impose a hardship on restaurants in having to provide a separate area with separate air conditioning, and not everyone would be able to afford it.

In response to question by Mayor Bronaugh, Mr. Flournoy stated that there are some provisions, depending on the size of the area, in the Austin Ordinance that do not require a separate air conditioning system but do require some kind of air filtration system.

Mr. Flournoy stated that the City of Austin Ordinance allows employers to provide a place for employees to smoke, and the model ordinance does not appear to do that, and does not allow any smoking in restaurants, hotel/motel conference or meeting rooms unless it is used for a private function. Mr. Flournoy stated that the model ordinance does not permit smoking in any restaurants or any place of employment.

In response to question by City Manager Maclin, Mr. Flournoy stated that the model ordinance does not provide for a designated area for employees to smoke. Mr. Flournoy stated that the model ordinance does provide that "it shall be the responsibility of employers to provide a "smoke free workplace" for all employees, but employers are not required to incur any expense to make structure or any other physical modifications."

Mr. Flournoy requested that Luanna Rider, Tobacco Education and Control Specialist for the East Texas Region of the Health Department, come forward for questions by the Council. Ms. Rider stated that in reply to Councilman Gorden's question, there are only two states that have areas that have adopted the model ordinance. Ms. Rider stated that most people start with the model ordinance and work with what they can tolerate from there. Ms. Rider stated that she had just received the ordinance from Arlington at 3 p.m. this afternoon and had not had a chance to review it thoroughly. Ms. Rider stated that according to her bosses in Austin, the Arlington Ordinance is favored over the Austin Ordinance simply because it is not as complicated. Ms. Rider stated that most people have found that it is easier to go totally smoke free as opposed to trying to work with the different requirements, i.e., air conditioning systems, etc.

In response to question by Mayor Bronaugh, Ms. Rider stated that if the City is going to adopt the model ordinance they should set a time period, at least six months, to give the people time to work with their employees. Ms. Rider stated that when going smoke free it is best to start with education, which could be a part of the policy, providing classes for those people who smoke.

Mayor Bronaugh stated that there are signs on businesses now that warn people with pacemakers that a microwave is in use, and perhaps a sign saying that a

business is smoke free so people would know before they entered. Ms. Rider stated that in the Arlington Ordinance there is a provision for business owners to post a sign on the front door saying that smoking will be in designated areas only. Ms. Rider stated that the City could make this a part of the Ordinance.

Councilman Gorden stated that he would like to see a time period written into the Ordinance, and that the Ordinance should be kept as simple as possible.

Mayor Bronaugh stated that the City should not be involved in whether or not the businesses will be spending money to make their workplace smoke free.

Mr. Flournoy stated that the Arlington Ordinance says that you cannot smoke anywhere unless there is a designated area by the employer that is prominently marked. The Ordinance further states that "a designated smoking area shall be situated so as to minimize the impact of smoke upon pathways and other common areas, such location shall be subject to approval by the Health Department of the City of Arlington". Mr. Flournoy stated that the City of Arlington does not seem to have the same requirement as the City of Austin does as far as having a separate air conditioning system.

Mr. Flournoy stated that he liked the Ordinance from the City of Arlington in a lot of ways because it is concise and simple, not as many loopholes. Mr. Flournoy stated that it is possible to get around having to put in a whole new air conditioning system.

Mayor Bronaugh requested that Mr. Flournoy put together an Ordinance with the new information he has received and have it ready for next Council meeting.

Councilman Weems stated that, in his opinion, this is a little stout and that the Council should not be dictating to businesses. Councilman Weems stated that the Council should provide the business the tools to do what is necessary. Councilman Weems stated that the first Ordinance that was considered was sufficient.

5. ORDINANCE - APPROVED - FIRST READING - ANNEXATION/ZONING - WHITE HOUSE DRIVE - BRENTWOOD DRIVE

Mayor Bronaugh stated that the next item for consideration is First Reading of an Ordinance for the annexation of and the appropriate zoning classification for 6.35 acres of land known as tracts 129, 129-1-1, and 128 of the McKinney & Williams Survey (Abstract 463) and located along the south side of White House Drive between Brentwood Drive and the existing City limits.

City Manager Maclin stated that this is the next step in the process of the parcel for which there have already been Public Hearings on, and this is the First Reading of the Ordinance for Annexation.

Motion was made by Councilman Bob Bowman and seconded by Councilman Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. PETITION - APPROVED - ANNEXATION - BROOKHOLLOW SUBDIVISION NO. 13

Mayor Bronaugh stated that the next item for consideration is a petition for annexation of Brookhollow Subdivision No. 13.

City Manager Maclin stated that basically this is initiating the process for additional development in the Brookhollow Subdivision. City Manager Maclin stated that staff is seeking Council's approval of the annexation schedule which was included in the packet.

Motion was made by Councilman Don Boyd and seconded by Councilman Bob Bowman that the petition for annexation of Brookhollow Subdivision No. 13 and the proposed annexation schedule be approved as presented. A unanimous affirmative vote was recorded.

7. SANITARY SEWER REQUEST - APPROVED - FM 58 - PLATT ROAD

Mayor Bronaugh stated that the next item for consideration is providing sanitary sewer services outside the City limits to a 30.729 acre tract of land located on the west side of FM 58 and just south of Platt Road.

City Manager Maclin stated that this is a request to accommodate economic development in that the property owner is looking to confirm to a potential purchaser that there will be City sewer service. The annexation process will be completed by the time the sewer service is available.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that request for sanitary sewer outside the City limits on FM Road 58 and just south of Platt Road be approved as presented with the understanding that the annexation process will proceed. A unanimous affirmative vote was recorded.

8. BID - APPROVED - REMOVAL OF LITTER - CITY PARKS - GOODWILL INDUSTRIES OF CENTRAL EAST TEXAS

Mayor Bronaugh stated that the next item for consideration is bids for removal of litter from City Parks.

City Manager Maclin stated that staff had received two bids and their recommendation is to accept the low bid of Goodwill Industries of Central East Texas in the amount of \$12,600.

Motion was made by Councilman Bob Bowman and seconded by Councilman Jack Gorden, Jr. that bid of Goodwill Industries of Central East Texas in the amount of \$12,600 be approved as submitted. A unanimous affirmative vote was recorded.

9. EXECUTIVE SESSION.

Mayor Bronaugh recessed Regular Session at 5:42 p. m. to enter into Executive Session. Regular Session reconvened at 6:02 p.m. and Mayor Bronaugh announced that Council had discussed legal matters and appointments to boards and commissions.

10. COMMENTS

Councilman Percy Simond requested a copy of the Police Department's pursuit policy. City Manager Maclin stated that the Police Department's pursuit policy has been redrafted and reviewed by the City's insurance carrier.

Councilman Simond stated that he had read in the newspaper that people in Houston could pay their water bills by credit card and wondered if staff had considered making this service available to local citizens.

Asst. City Manager Mayfield stated that some months ago the Water Department changed their hours from 8:00 a.m. to 7:30 a.m. to accommodate driveby customers who wanted to pay their bill on the way to work. Mr. Mayfield stated that staff has looked at using credit cards for collection, however, when using credit cards for collection you have to pay from 3% to 5% on what is collected to the credit card agency. Mr. Mayfield stated that you also have to buy some equipment for credit card transactions. Mr. Mayfield stated that staff then looked at what percentage of the customers currently being billed would probably use the system, and found that it would not be cost effective for the City. Mr. Mayfield stated that recently the City

has gone to direct debit, which is another service offered to customers whereby their account is debited at a local bank.

Councilman Simond stated that on Sunday the cable had been off and he had received numerous telephone calls. Councilman Simond stated that if the cable is going to be off as often as it has been recently, it would appear that people would not have to pay for that time the cable is off. Councilman Simond asked that Mr. Mayfield look into complaints from customers regarding having to pay their full cable bill even when the service is off for long periods of time.

Mr. Mayfield stated that listed on the Cablecom statement is the telephone number for the City of Lufkin and advises customers to call regarding any problems. Mr. Mayfield stated that he had not recorded any calls nor has the City Secretary recorded any calls since the City's number has been added to the Cablecom statement. Mr. Mayfield stated that he would answer Councilman Simond's question as to why Cablecom continues to bill even though cable is off, in a memo later this week.

City Manager Maclin stated that the meeting originally scheduled for tomorrow morning with the Texas Department of Community Affairs has been cancelled.

City Manager Maclin stated that the Charter and Bond election will be held this Saturday.

City Manager Maclin stated that there will be a called meeting at noon on Tuesday to canvass the election returns.

City Manager Maclin stated that on May 17 at 4 p.m. Council will hold a workshop to allow the Main Street Department to give their annual report.

City Manager Maclin stated that on May 18 the Council will hold their annual retreat beginning at 11:30 a.m. at Pine Island if the facility is available; if it is not available then the retreat will be held at Kurth Lake.

Mayor Bronaugh stated that the Jefferson Street Neighborhood Association is having a picnic tonight at Chambers Park and the Councilmembers were invited to attend.

Mayor Bronaugh stated that a water meeting will be held Thursday at 6:30 p.m. in the Council Chambers.

Mayor Bronaugh stated that the First Friday luncheon speaker will be John D. Caruthers who will be discussing the Interstate 69 project.

Mayor Bronaugh reminded Councilmembers of Cinco de Mayo to be held at the Farmers Market, Saturday, May 7.

11. There being no further business for consideration, meeting adjourned at 6:20 p.m.



Louis A. Bronaugh - Mayor

ATTEST:


Atha Stokes - City Secretary