

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF AUGUST, 1987, AT 5:00 P.M.

On the 4th day of August, 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
Robert Flournoy	City Attorney
Nicholas Finan	City Planner
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Anthony Cecil, Minister, Keltys United Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

3. PRESENTATION OF SERVICE AWARDS

Mayor Garrison presented Service Awards to Joe Floyd and Drefus Thompson as retiring members of the Planning and Zoning Commission.

4. APPROVAL OF MINUTES

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that minutes of July 21, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JOHN URBIN - 3300 LOTUS LANE - MH TO MH, SU (MOBILE HOME SALES)

Mayor Garrison stated that the first item for consideration was Second Reading of Ordinance for Zone Change Request by John Urbin covering property located at 3300 Lotus Lane from Mobile Home to Mobile Home, Special Use (Mobile Home Sales).

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

6. ORDINANCE - APPROVED - SECOND READING - NORMAN A. NORRIS - 117 DOUGLAS - 505 MOORE STREET - RM TO DUPLEX

Mayor Garrison stated that the Commission would now consider Second Reading of Ordinance for Zone Change Request by Norman A. Norris covering property located at 117 Douglas and 505 Moore Street from Residential Medium to Duplex.

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

7. BUS ROUTES - APPROVED - LUFKIN TRANSIT COMPANY

Mayor Garrison stated that the Commission now had for consideration final approval of bus routes for Lufkin Transit Company.

Mayor Garrison recognized John McBeth who stated that over the past year with the cooperation of the City staff and City Commission his company had been able to put together a good transit system for the City.

Mr. McBeth stated that Public Hearings had been held on May 2nd and May 23rd for citizen input.

Mr. McBeth stated that there will be a modified bus equipped with lifts for operating handicap service. Mr. McBeth stated that a handicapped person will be able to phone the transit company and a bus will be dispatched to his/her residence.

Mr. McBeth stated that at tonight's meeting he was asking the Commission to take action on the fare structure, proposed bus routes and handicap service.

Mr. McBeth stated that fares would be as follows:

50 cents - general fare (between ages of 15 and 65)  
25 cents - handicap and elderly  
25 cents - children  
free - children under 6 years old  
A book of passes can be purchased for \$20 for 22 work days

Lyle Nelson stated that the route changes were made either due to public comment or were determined by running the routes.

Mr. Nelson stated that the bus route originally scheduled for Spence Street was changed to Martin Luther King Drive; the route in the Culverhouse area had been eliminated, and the route which services the college had been changed by eliminating the area behind the college.

In response to question by Commissioner Danny Roper, Mr. Nelson stated that no provisions for parking lots at transfer locations had been made, and that anywhere two routes come together there is a transfer.

In response to question by Commissioner Louis Bronaugh, Mr. McBeth stated that advertising of liquor or cigarettes will not be accepted.

In response to question by Commissioner Jack Gorden, Mr. Nelson stated that when changes become inevitable on any of the routes, he will approach the City Commission for approval. Mr. Nelson stated that when it is necessary to run temporary routes, the public will be advised through the newspaper and on radio and television.

Mr. McBeth stated that recently his firm had held a luncheon for the school superintendent and principals to propose a program on instructing school children on how to ride the bus.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that the fare schedule, proposed bus routes and handicap service for the Lufkin Transit System be approved as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST -  
LULA SEXTON - CAMP STREET BETWEEN MC GREGOR AND SOUTHWOOD DRIVE -  
RL TO RM

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Lula Sexton

covering property located on Camp Street between McGregor and Southwood Drive from Residential Large to Residential Medium.

Mayor Garrison stated that the Zone Change Request had been heard by the Planning and Zoning Commission and had been unanimously approved for recommendation to the City Commission.

There was no opposition present.

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.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST -  
GENEVA D. SHAW - 308 SINGLETON - RM TO RM, SU (AUTO REPAIR GARAGE)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Geneva D. Shaw covering property located at 308 Singleton from RM to RM, Su (Auto Repair Garage).

Mayor Garrison stated that the Zone Change Request had been heard by the Planning and Zoning Commission without public opposition, but that one of the Board members had voted against the request.

There was no opposition present.

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

10. BEAUTIFICATION PROJECT - APPROVED - ANGELINA BEAUTIFUL/CLEAN -  
BOTANICAL GARDENS AT ZOO

Mayor Garrison stated that the Commission would now consider a request from Angelina Beautiful/Clean to seek a botanical garden at Ellen Trout Zoo. Mayor Garrison stated that members of the Commission had been presented a sketch of the proposed project and a proposal from the landscaping firm.

Mayor Garrison recognized Jerry Benson in representation of the request. Mr. Benson stated that also present in support of the request at tonight's meeting were Kaye Alderman, ABC Coordinator, Gorden Henley, Zoo Director and Steve Moore of Southland Nursery.

Mr. Benson stated that this is the first project to be funded by the voluntary contributions of citizens through the Water Department. Mr. Benson stated that \$5,000 had been accumulated for the project. Mr. Benson stated that local nurseries had been asked to present projects of about \$5,000, and from those the proposed botanical gardens at the Zoo was selected as the best project.

Mr. Benson stated that he was asking the City if they would object to using a portion of the zoo property, approximately 75'x200', at the far side of the zoo for the proposed botanical garden. Mr. Benson stated that the exhibit would be located to the left of the parrot cages, down from the education center and directly across from the gazebo. Mr. Benson stated that the plants would be identified by their common name as well as their scientific name and their country of origin.

Mr. Benson stated that the project actually exceeds \$5,000, but Southland Nursery has agreed to do the work for this amount. Mr. Benson stated that the exhibit would include a pond, a fountain, raised walkways, stepping stone walks and 75 to 100 different types of vegetation.

Mr. Benson stated that, in his opinion, the exhibit would be beneficial and educational to local residents as well as the 165,000 annual visitors to the zoo.

In response to question by Commissioner Roper, Mr. Benson stated that there is a provision in the proposal from Mr. Moore for a sprinkler system and normal rotation of plants under a maintenance contract which will be funded from the water contributions with no cost to the City.

Mayor Garrison stated that he was under the impression that when this program was adopted, these funds would be used primarily for the thoroughfares that come through the City and for the general beautification and clean-up. Mayor Garrison stated that, in his opinion, the program should be looked at to make sure that projects are selected that would involve the broad spectrum of people making the fifty cents (50¢) contributions.

Commissioner Foley stated that he would prefer to see the funds spent to enhance the major thoroughfares throughout the City, and then go to this type of project.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that the Botanical Garden Beautification Program be approved as presented.

In response to question by Commissioner Louis Bronaugh, Mr. Benson stated that the goals of the Program this year spell REAP, because they hope to reap the Governor's Award this year. Mr. Benson stated that REAP stands for (1) Recycling - a great deal of emphasis will be placed on recycling aluminum, paper and glass. (2) Enforcement - Mr. Benson stated that Chief Sherman Collins, as Chairman of the Law Enforcement Council, and Billy Clemons, State Representative, have increased the penalty for violation of repeat offenses up to \$1,000, and up to 30 days in jail for disposing of litter along major roadways from automobiles. Mr. Benson stated that ABC is also working with the Justices of the Peace and County Judge with the idea of doing work/cleanup projects instead of penalties in some cases. (3) Age - Emphasis on reaching all ages by working with preschoolers and senior citizens. (4) Promotion - with media promotion at all levels, Mr. Benson stated that the REAP program is being funded partly by the fifty cents (50¢) donation.

Mayor Garrison called for the vote. A unanimous affirmative vote was recorded.

#### 11. ENTRANCE EXAMINATION - POLICE DEPARTMENT - DISCUSSED

Mayor Garrison stated that Commissioner Simond had requested that the possibility of using a revised test for the Police Department be placed on the agenda for discussion.

Commissioner Simond stated that he would like to commend Lufkin Daily News for making the citizens of Lufkin aware of what other cities of comparable size are doing in regard to Police testing.

Commissioner Simond stated that he would like to know if it would be illegal to operate under Civil Service and not have a Police examination.

Mayor Garrison stated that the State law, which was adopted in 1961, states that "applicants will be examined and all examinations shall be of such nature that they will fairly test the relative capacity and fitness of the person examined to discharge the duties of the particular position to which they seek appointment. Such examinations shall,

in addition to question of general knowledge, provide for a thorough inquiry into the applicant's knowledge of and qualifications for the position for which he is applying."

Mayor Garrison stated that in addition to the written examinations, applicants will also be given an oral interview, performance test, physical and health tests, adaptability and aptitude tests, and training and experience tests.

Mayor Garrison stated that the written test seems to be the fundamental part of the examination and the applicant seems to be considered eligible or not based on the result of the written test. Mayor Garrison stated that the written test is described as "this part when required shall include a demonstration designed to show the familiarity of applicants with the knowledge needed in the class of positions to which they seek appointment and the range of their general information."

In response to request by Commissioner Simond, City Manager Westerholm stated that he would make copies of the Personnel Rules for Policemen and Firemen for each Commissioner.

Mayor Garrison stated that Section 61 states that "in order to be eligible to appointment, an applicant must receive a score of at least seventy percent (70%)" and "that all candidates who have successfully passed the examination will be tested in order from the highest score to the lowest score."

Commissioner Boyd stated that the law requires that a test be given, but it doesn't specify that it has to be a State test. Commissioner Boyd stated that it has been pointed out through the media that the State test is biased towards minorities, and the Commission might want to explore the possibility of using another test.

Commissioner Boyd stated that since some people are intimidated by written tests, perhaps an oral test could be given.

Mayor Garrison stated that the City needs minority policemen and firemen, and should look and see where the test is deficient. Mayor Garrison stated that he was in favor of taking applications for the position and providing them with free tutelage from Angelina College, SFA, or maybe the Law Enforcement Academy, and perhaps this would help minorities to pass.

In response to question by Commissioner Bronaugh, Chief Collins stated that the advantages of using the State test over any other test are that the TCLOSE examination is free, because TCLOSE as a State agency has validated the test as being job related to the job of being a Texas Police Officer, and that TCLOSE has agreed to defend any validation.

Chief Collins stated that he would like to clarify for the record that the Police Department does not determine if a test is given (that has already been determined by the voters of Lufkin when they adopted Civil Service in 1961), and Article 1269-M, Section 8A-b states that an entrance exam must be given. Chief Collins stated that what test is given is strictly a decision of the Civil Service Commission.

Commissioner Simond stated that several times during the past few months he had spoken with the City Manager about the situation at Jones Park and that the area had been patrolled for several weeks. Commissioner Simond stated that someone told him that some policemen objected to patrolling this area. Chief Collins stated that this area had been placed on the Department's increased patrol list for the past two weekends.

In response to question by Commissioner Roper, Chief Collins stated that Chief J. B. Goodwin had talked with TCLOSE last week about using the new test and was told that they were not interested in going to the new test.

Chief Collins stated that 1269-M is constantly being revised in the State legislature, and the copy the City has is not up-to-date because the last session of the legislature made some changes. Chief Collins stated that it was his opinion that 1269-M would have precedence over the City's personnel rule book for policemen and firemen.

Assistant City Manager Brian Boudreaux stated that the Civil Service Commission will meet August 20th to determine what it wants to do with the existing test. Commissioner Foley stated that the City Commission should also have some say so as to what test is given.

Mayor Garrison requested that the City Attorney bring the City Commission up-to-date on the changes that have been made to the law the City is operating under.

Mayor Garrison stated that he would like to explore the possibility of putting the applicants through a training course to teach them what kind of questions would be asked so that they could make a passing grade.

Commissioner Foley stated that a reading comprehension course is taught at Angelina College.

Mayor Garrison recognized Owen Chastain, Lufkin Firefighters Association, who stated that he had received information that there are government funds available to the firefighters or anybody who would like to set up a course to teach. Mr. Chastain stated that the postal service advertises a two-day course prior to giving the postal exam.

Fireman I. J. Tucker stated that there are books by Arco Publishing Company available at Walden Books with sample Civil Service tests. Chief Collins stated that these same books are available at the City Library.

Mayor Garrison stated that he would like for Assistant City Manager Brian Boudreaux to start researching available sources for these materials.

Mayor Garrison stated that he had read in the minutes of the last City Commission meeting that in a discussion of a common polling place for each of the precincts for the City, County and School, that the Mayor was authorized to appoint the City Attorney and two members of the City Commission to work with the County and School.

Mayor Garrison stated that the appointment of Commissioners Louis Bronaugh and Jack Gorden would be placed on the agenda for next meeting.

## 12. EXECUTIVE SESSION - APPOINTMENTS - CITY PLANNING AND ZONING BOARD - TREE BOARD

Mayor Garrison stated that the Commission would now go into Executive Session to discuss vacancies on Planning and Zoning Commission and the Tree Board. Mayor Garrison recessed formal open meeting of City Commission at 6:17 P.M. Mayor Garrison reconvened meeting of City Commission at 6:27 P.M.

Mayor Garrison stated that in Executive Session the vacancy by Drefus Thompson on the Planning and Zoning Commission and the term of

Commissioner Jack Gorden on the Tree Board, which will expire August 17th, had been discussed.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Robert McGee be appointed to the Planning and Zoning Commission to serve out the unexpired term of Drefus Thompson, subject to Mr. McGee's acceptance of the position. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Jack Gorden be reappointed to serve on the Tree Board. A unanimous affirmative vote was recorded.

13. PAUL AVENUE - DOMESTIC PROBLEMS - REPRESENTATION OF FIREMEN AND POLICEMEN - SALES TAX INCREASE

Commissioner Danny Roper stated that he would like to commend Moore Brothers Construction Company on the completion of the Paul Avenue project.

Commissioner Jack Gorden stated that at a United Way meeting he had heard that when the Sheriff's office is called to the scene of a domestic problem, law enforcement officers are required by State law to leave a card from the Safe House with the victim. Chief Collins stated that the Police Department also followed this procedure.

Commissioner Simond stated that he was happy to see the fine representation of the policemen and firemen at tonight's meeting.

Mayor Garrison stated that upon reviewing the projected budget, he noticed that in estimated revenue for fiscal year 1987-88 there is a figure of \$610,000 proposed for general expenses of the City. Mayor Garrison stated that this fund is derived from an estimate of sales taxes that will be collected under the additional one-half of one percent local sales tax that will be going to the reduction of ad valorem tax revenue. Mayor Garrison stated that it was his considered opinion that the City was obligated to put the fund into some type of reserve and not use it 1987-88. Mayor Garrison stated that when the issue was put to a vote, the public was asked to vote on the adoption of an additional one-half of one percent local sales and use tax within the City to be used to reduce the property tax rate, and if this fund is used in 1987-88, it will not have been used to reduce any ad valorem taxes. Mayor Garrison stated that he questioned whether, intellectually, the City has the right to use the funds in the fiscal year where there are no ad valorem tax.

Mayor Garrison stated that a Budget Workshop would be held at 12 Noon tomorrow.

14. There being no further business for discussion, meeting adjourned at 6:37 P.M.

ATTEST:

Atha Stokes  
Atha Stokes, City Secretary

Pitser H. Garrison  
Pitser H. Garrison, Mayor