

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF OCTOBER, 1991 AT 5:00 P.M.

On the 1st day of October, 1991, 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:

Louis A. Bronaugh	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
C. G. Maclin	City Manager
Darryl Mayfield	Asst. City Mgr./Finance
Ron Wesch	Asst. City Mgr./Public Works
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by C. G. Maclin, City Manager.
2. Mayor Bronaugh welcomed visitors present.

Mayor Bronaugh presented a Certificate of Appreciation to Carol Cloyd, Secretary in the City Administrative Offices, in recognition of her work on the Personnel and Safety Handbooks.

3. APPROVAL OF MINUTES

Minutes of the regular meeting of September 17, 1991 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - R. H. DUNCAN/KLSB-TV - SPECIAL USE PERMIT (TELEVISION TRANSMITTING STATION & TOWER) - LOCAL BUSINESS, SPECIAL USE (PROFESSIONAL OFFICE) ZONING DISTRICT - 1410 TURTLE CREEK DRIVE

Mayor Bronaugh stated that the first item for consideration was request of R. H. Duncan on behalf of KLSB-TV for approval of a Special Use Permit for television transmitting station and tower within a Local Business, Special Use (Professional Office) zoning district located at 1410 Turtle Creek Drive.

The request was represented by Roby Sommerford, KLSB-TV Station Manager.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Ordinance for Special Use Permit for a television transmitting station and tower within a Local Business, Special Use (Professional Office) zoning district located at 1410 Turtle Creek Drive be approved on First Reading as presented. Motion carried by six affirmative votes.

Commissioner Bob Bowman recused himself from voting.

5. ORDINANCE - DENIED - ZONE CHANGE - EDNA WINTHROP 903 TRAYLOR STREET - RESIDENTIAL LARGE TO RESIDENTIAL SMALL - PERMANENT MOBILE HOME PERMIT

Mayor Bronaugh stated that the next item for consideration was request of Edna Winthrop for a change of zoning from Residential Large to Residential Small and approval of a Permanent Mobile Home Permit at 903 Traylor Street.

City Manager Maclin stated that the Planning & Zoning Commission recommendation is denial for this request. City Attorney Flournoy stated that the request was on the agenda with a negative recommendation which would require a larger vote by the City Commission to pass.

Mrs. Winthrop stated that she is presently living at 317 Montrose and wishes to move to the Traylor Street address because of the quieter environment. Mrs. Winthrop stated that she has health problems that require her to go to Houston every six months and if her request for a mobile home at this location is approved she will have someone to take care of her. Mrs. Winthrop stated that she owns the property at 903 Traylor and the mobile home she is interested in buying is in good condition and would be an improvement to the neighborhood.

City Planner Stephen Abraham stated that this change of zoning would constitute "spot zoning", and would not be in keeping with the existing zoning and expected development patterns.

In response to question by Commissioner Gorden, City Attorney Flournoy stated that this is probably a "spot zoning", and it would be illegal.

In response to question by Commissioner Boyd, Mr. Abraham stated that existing mobile homes in the area are probably non-conforming.

Andy Traylor stated that the location of the mobile home would be detrimental to property values.

Yolanda Baron spoke on behalf of the request, stating that Mrs. Winthrop was elderly and had health problems.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that request of Edna Winthrop for a change of zoning from Residential Large to Residential Small and approval of a Permanent Mobile Home Permit at 903 Traylor Street be denied.

The following vote was recorded:

Aye: Commissioners Bowman, Roper, Gorden, Mayberry, Simond
and Mayor Bronaugh
Nay: Commissioner Boyd

Motion carried by a vote of 6 to 1.

In response to question by Commissioner Boyd, City Manager Maclin stated it is the City Planner's standard procedure to explain the option of requesting a Temporary Mobile Home Permit at the time an application is requested for a Permanent Mobile Home Permit.

6. AMENDMENT - APPROVED - ORDINANCE - POLICE DEPARTMENT
CLASSIFICATION PLAN

Mayor Bronaugh stated that the next item for consideration was an Amendment of an Ordinance to the Police Department Classification Plan.

City Manager Maclin stated that a memo from Chief Collins and a potential agreement letter between the City and LISD regarding utilization of an officer in the LISD school system on a full time basis during the school year had been included in the packet. City Manager Maclin stated that the Superintendent had contacted Chief Collins and discussed the need for an employee on a full time capacity and the Chief has prepared some information that shows the cost and expense on an annual basis--what would be the school's share for nine months out of the year and the City's share for approximately three months out of the year.

Chief Collins stated he is requesting that the Police Department's manpower be increased by one. Chief Collins stated that the person who is hired will be trained, and then an officer from the experienced force will be selected to work in the school. Chief Collins stated that both he and the school administration do not believe that a "rookie" should be selected to work at the school.

Chief Collins stated that the figures shown are based on a Senior Patrolman's salary with five years longevity, and that the actual figures may vary due to the seniority of the officer selected.

Chief Collins stated that a letter of understanding of the terms and conditions of the arrangement signed by Fran Sicola, LISD Superintendent, had been included in the packet.

In response to question by Mayor Bronaugh, Chief Collins stated that LISD will notify the City by June 1st of each year of their intent to continue the agreement for the upcoming school year. Chief Collins stated that this will give the Police Department four months to absorb that position before the budget year ends on September 30. Chief Collins stated that by June 1, LISD would have honored their commitment for that fiscal year, and if they let the Police Department know on that date that they did not want the officer back for the next fiscal year, then the Police Department would have four months to absorb that position in the event there was a vacancy in the Department so they wouldn't have to enter the next year over strength.

Chief Collins stated that when this officer was not actually actively engaged in the school district he would be a patrol officer for the City of Lufkin and utilized during the summer months when the Department has its peak work load.

In response to question by Commissioner Roper, Chief Collins stated that the duties of the officer will primarily be to keep the peace and maintaining order in the general area where the students congregate. Chief Collins stated that the school is only having a problem between classes, the lunch hour, and when school lets out for the day.

Chief Collins stated that the school has already reached the point where they have had an officer on duty during the lunch period and when school lets out for over a year now. Chief Collins stated that the school is hiring off duty officers to come in and work these two periods, and now feel that they need an officer full time. Chief Collins stated that the agreement has been worded in such a way that the officer would be a regular Police Officer and would be supervised and subject to all the rules and regulations of the Police Department, but he would work when and where the school district says.

In response to question by Commissioner Gorden, Chief Collins stated that the statement that either party may cancel the letter of understanding by giving 30 days written notice to the other party was for the protection of both parties.

Jim Bowie, High School Principal, stated that other cities in this area are encountering this same problem, and that Longview now has three Police Officers. Mr. Bowie stated that, in his opinion, once this type of agreement is entered into there is no turning back because the public expects this type of protection for their children. Mr. Bowie stated that the school has four assistant principals who will be using the same two-way radio system that he is using.

Mr. Bowie stated that there has been excellent communication between the school and the Police Department over the past year and a half.

City Manager Maclin stated that for clarification he would like to point out that the salary and benefits as outlined in item #5 is an example and the Police Department is not locked into it. Chief Collins stated that the reason he could not give a firm figure is that he does not know if the school will need the officer during spring break. Chief Collins stated that if the officer is not needed by the school during spring break, then he could use the officer on the street. Chief Collins stated that when the officer works for the school, the school pays him, and when he works for the City, the City pays him.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman that Amendment to the Ordinance to the Police Department Classification Plan be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCES - APPROVED - FIRST READING - TMRS PROVISIONS -
UPDATED SERVICE CREDIT/INCREASE IN RETIREMENT ANNUITIES -
IN-SERVICE DEATH BENEFITS FOR EMPLOYEES

Mayor Bronaugh stated that the next item for consideration was First Reading of Ordinances adopting new TMRS provisions for:

- a) Updated service credit and increase in retirement annuities
- b) In-service death benefits for employees

City Manager Maclin stated that the City has approved updated service credit on an annual basis for the TMRS participation. City Manager Maclin stated that this is somewhat similar to a minor adjustment to reflect the CPI. City Manager Maclin stated that these changes do not require any changes in previously budgeted amounts for retirement. City Manager Maclin stated that by adopting this Ordinance, the City will not have to adopt an Ordinance each year to re-authorize calculations of these benefits, and the Updated Service Credit/Annuity Increase will remain in effect for future years until such time as it is discontinued by an Ordinance adopted by the City Commission.

City Manager Maclin stated that "b" stipulates or adds to the retirement program a death benefit for the designated beneficiary of the retiree so that they would continue to receive benefits based on previously established benefit selection.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that Ordinance updating service credit and increasing retirement annuities be approved on First Reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Ordinance providing certain in-service death benefits for employees be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. BUDGET PROPOSAL - APPROVAL - EXPENDITURE OF NARCOTICS FORFEITED
ASSETS - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was budget proposal from the Chief of Police for the expenditure of narcotics forfeited assets.

City Manager Maclin stated that back in August during the budget process it had been discussed that the Chief would prepare a budget proposal for the City Commission to review relating to the accumulated narcotics forfeited assets.

Chief Collins stated that a list of the items for the proposed budget for fiscal year 1992 had been included in the Commissioner's packets. Chief Collins stated that in regard to item #9, he had asked the KYSSSED Coordinator Bobbie Davis how much it would cost to operate the KYSSSED Club for Lufkin High School for this school year and she said that the drug testing that is done on a voluntary basis would cost approximately

\$10,000. Chief Collins stated that he is proposing to give the Lufkin High School KYSSSED Club \$12,000 to pay for drug testing and \$2,000 for activities that the Club sponsors each year. Chief Collins stated that Kurth Memorial Library has found some tapes and books that are educational in nature that will be available for the public to check out and he is proposing a \$1,000 donation to enhance the Library's effort in drug education.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that proposed expenditure of narcotics forfeited assets of \$12,000 to the KYSSSED Program and \$1,000 to the Kurth Memorial Library from the forfeited funds account (proposed budget 1992 fiscal year) be approved as submitted. A unanimous affirmative vote was recorded.

In response to question by Commissioner Mayberry, Chief Collins stated that the proposal for additional personnel is not a firm proposal but was placed in the budget in the event that there was some money left over to totally support someone on an on-going basis.

9. BID - APPROVED - COMMUNICATIONS COMPUTER EQUIPMENT - POLICE DEPARTMENT - D B INFORMATION SERVICES

Mayor Bronaugh stated that the next item for consideration was bid award for communications computer equipment for Lufkin Police Department.

City Manager Maclin stated that there is a need of an immediate nature relating to upgrading the TLETS System in the Police Department. City Manager Maclin stated that this is item #7 on the forfeited funds account proposed budget for fiscal year 1992.

City Manager Maclin stated that replacement would be more cost effective than renewing the existing equipment's service maintenance options. City Manager Maclin stated that staff was recommending the bid of D B Information in the amount of \$4,799.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that the bid of D B Information in the amount of \$4,799 be accepted as submitted. A unanimous affirmative vote was recorded.

10. ALARM SYSTEM MONITORING - DISCONTINUED - POLICE DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was further consideration of information relating to alarm system monitoring and fees by the Lufkin Police Department.

City Manager Maclin stated that this item was discussed by the City Commission at an earlier meeting and the additional information that the Commission desired has been addressed in a memo from Chief Collins, which has been included in the packet.

Chief Collins stated that, in his opinion, there is somewhat of a disparity in that there are three different companies in Lufkin--two that use outside monitoring services and one that uses the Lufkin Police Department as their monitoring service. Chief Collins stated that the Police Department is currently monitoring 206 alarms (a combination of fire and burglary/robbery alarms). Chief Collins stated that monitoring these alarms is taking a considerable amount of the Police Dispatchers time in looking up the alarm numbers and making telephone calls to contact a responsible party to come to the scene of the alarm to check the building and reset the alarm.

Chief Collins stated that he is recommending that the Lufkin Police Department discontinue the practice of monitoring alarms effective January 1, 1992. Chief Collins stated that he is seeking input from the City Commission, and if the Commission

gives its approval to discontinue monitoring alarms, the Police Department would give the alarm companies until the 1st of the year to make other arrangements. Chief Collins stated that one of the problems the Commission needs to be aware of with the alarm companies making other arrangements is that there is currently no company licensed to monitor or answer the alarm boxes in Lufkin at this time. Chief Collins stated that an alarm company is required to be licensed by the State Board of Private Security and Private Investigators to monitor alarms. Chief Collins stated that there will probably be an effort made to get someone licensed to monitor the alarms if the Commission approves his request that the Police Department discontinue this practice.

Chief Collins stated that there are over 600 permits issued and the Police Department is monitoring 206 of them.

Chief Collins stated that he recently met with the three local alarm companies and a representative from each area bank to discuss removal of the monitoring function from the Police Department. Chief Collins stated that Charles Forrest, who owns the Veri-Tech instrument in the Police Department communications office, was the only person present that preferred to have the Police Department continue to monitor the alarms. Chief Collins stated that the banks did not care who monitored the alarms as long as they continued to be monitored.

Mayor Bronaugh asked if the Police Department should stay in the monitoring business and charge a fee that is commensurate with the amount of time it takes to monitor the alarms. Chief Collins stated that the Commission needs to be aware that there are some alarms in Lufkin that are called automatic dialers that dial the Police Department when the alarm is set off with a recorded message that says that there is an active alarm at a certain address. Chief Collins stated that he wants to discontinue the automatic dialers because they will continue sending the alarm message to the Police Department until someone resets the alarm at that location. Chief Collins stated that the major problem is that it ties up the Police Department switchboard and emergency calls may not be able to get through. Chief Collins stated that he would like to discourage the public from buying this type of system by sending a message to them that the Police Department will not respond to the automatic dialers.

In response to question by Mayor Bronaugh, Chief Collins stated that if the Police Department discontinues monitoring the alarms the alarm answering company will be responsible for contacting a responsible party and have them meet a Police Officer at the business.

Chief Collins stated that, in his opinion, the City needs to continue charging a false alarm fee, after five false alarms have been received.

Mr. Forrest stated that he would not like to see the Police Department discontinue monitoring the alarms since he owns the equipment that is in the Police Department. Mr. Forrest stated that, in his opinion, it would slow down Police response by having the alarm go to another location whether it is in town or out of town. Mr. Forrest stated that he owns 90% of the 206 alarm systems being monitored by the Police Department.

Espy Watts, owner of Besco Security Systems, stated that he has 310 accounts and they are all monitored by Texas Security Central located in Dallas. Mr. Watts stated that all of his accounts are on digital dialers, and a few seconds after TSC receives an alarm someone responds by getting in touch with the Lufkin Police Department and the first contact on the list. Mr. Watts stated that he is in agreement with Chief Collins on discontinuing the practice of monitoring alarms.

Mary Beth Trahan, owner of Professional Alarm Co., stated that she wholeheartedly agrees with Chief Collin's proposal. Mrs. Trahan stated that her company's accounts are also monitored by Texas Security Central along with Alert Center, UL approved central stations, that are required by the State Board of Insurance in order for homeowners to receive the 15% discount on their homeowners insurance.

Commissioner Roper stated that he concurred with the Chief's recommendation but wanted to make sure that the deadline of January 1, 1992 would not be an undue hardship for the firm the Police Department is currently monitoring. Chief Collins stated that he would be willing to work with Mr. Forrest. Mr. Forrest stated that he would like to see the Commissioners mail out a survey to their constituents to see how they feel about discontinuing the monitoring service.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that effective January 1, 1992 the Lufkin Police Department discontinue the practice of monitoring alarms. A unanimous affirmative vote was recorded.

12. REPORT - SEWAGE TREATMENT PLANT DAILY CAPACITY - EXPANSION - EGA

Mayor Bronaugh stated that the next item for consideration was for the City Commission to review a report from Everett Griffith & Associates relating to the need for expansion of the Sewage Treatment Plant daily capacity on Southwood.

City Manager Maclin stated that last spring when the Commission talked about various needs at the treatment plant including the current renovations that are under way now. City Manager Maclin stated that the Commission had also talked about the current renovations and the additional funds that would be needed to complete the project through Certificates of Obligation revenue bonds. City Manager Maclin stated that the Commission also talked about refinement in the operation of the clarifiers, consideration of the potential of requesting to the Water Commission for an upgrade in the MGD of the treatment rating of the plant from 7.3 to approximately 9.1 MGD, and to conduct a study for future needs of the City's sewage treatment plant to have the ability to know some cost estimates of what that would be for various levels of expansion of the treatment plant, assuming that the City received the 9.1 rerating from the Water Commission. City Manager Maclin stated that the Commission had talked about this being an intermediate situation to garner some time before beginning construction. City Manager Maclin stated that EGA had prepared a booklet entitled "Wastewater Treatment Plant Expansion Options", which had been delivered to the Commissions in their packets.

Wayne Stoltz, P. E. with Everett Griffith & Associates, stated that the expansion options considered were:

1. Doubling the plant capacity from the existing 9.3 MGD to 18.6 MGD at an estimated project cost of \$11,290,000;
2. Increasing the plant capacity to 14.0 MGD by adding one more unit to each of the major treatment units at an estimated cost of \$6,239,000; and,
3. Increasing the plant capacity to 10.3 MGD by constructing only the first phase of a two phase expansion project at an estimated cost of \$3,940,000.

Mr. Stolz gave an overview of the information in the report. (A copy of the report is on file in the City Secretary's office.)

In response to question by Commissioner Mayberry, Mr. Stolz stated that the equipment at the treatment plant is State-of-the-Art equipment.

In response to question by Commissioner Roper, Mr. Stolz stated that he did not attempt to develop a population projection to determine the expected life of either of these expansion alternates, but based upon past growth patterns, either expansion would be adequate for approximately 20 years.

In response to question by Commissioner Bowman, Mr. Stolz stated that the storm water program is attempting to identify all the natural and man-made drainage structures and facilities and start a monitoring program of all those facilities.

Mr. Stolz stated that his recommendation to the Commission is to go with Alternate #2 as the best option at this point, at a cost of approximately \$6,200,000. Mr. Stolz stated that he appreciated the opportunity of presenting this information to the City Commission and expressed his gratitude to the staff for their assistance in providing information and data for the completion of the report.

Also present from Everett Griffith & Associates was Bobby Scalf, Rick Freeman and Keith Ray.

City Manager Maclin stated that this report was presented in anticipation of a decision that will have to be made by the City Commission in the spring of the year. City Manager Maclin stated that the spring time of the year was based on the assumption that the City does receive the rerating of up to 9.3 MGD, which might be in February or March. City Manager Maclin stated that as soon as the rerating is confirmed, there is still the EPA 75% trigger and the 90% trigger. City Manager Maclin stated that once the plant gets to 75% of its MGD operating capacity, plans need to be developed for expanding the plant and when the plant is at 90% MGD, the plans should be under construction.

City Manager Maclin stated that when the plant receives the 9.3 MGD rerating then staff will come back to the Commission and inform them that the plant is at, or near, the 75% rerating. City Manager Maclin stated that the plant will then begin its design for plans and engineering and construction if the City goes with Alternate 2 (up to 14 MGD.) City Manager Maclin stated that once the plant is at 90% three months consecutively, that triggers 90% of 9.3 MGD, and this would trigger EPA to tell the City that the plant must be expanded.

In response to question by Commissioner Mayberry, City Manager Maclin stated that this would achieve the City's objective. City Manager Maclin stated that once this City has received the rerating staff would come back to the Commission and talk about timing.

13. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session to enter into Executive Session at 6:55 p.m. Regular session reconvened at 7:45 p.m. and Mayor Bronaugh stated that appointment to a City Board and legal matters had been discussed. Mayor Bronaugh stated that no decisions had been made in Executive Session.

14. COMMENTS

In response to statement by Commissioner Simond regarding the voluntary contribution on the water bills, City Manager Maclin stated that the bill has been revised and that all complaints should be eliminated with the revisions that are being made.

City Manager Maclin reminded Commissioners that Senator Lloyd Bentsen will be speaking at the Diboll Civic Center on Friday.

Commissioner Bowman stated that he is concerned about the people who are residing in the house directly behind the City Hall building because of their children playing in the street.

Commissioner Bowman requested that staff be in touch with the property owner and try to resolve this problem before a child is hurt or injured.

Commissioner Roper stated that Friends of the Zoo will hold their annual dinner meeting at the Zoo Saturday night.

Mayor Bronaugh reminded Commissioners that LADDC will be sponsoring a progressive dinner in downtown Lufkin also on Saturday night.

15. There being no further business for consideration, meeting adjourned at 8:00 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary