MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF AUGUST, 1990, AT 5:00 P.M.

On the 7th day of August, 1990, 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, Jr.	Commissioner, Ward No. 1
Danny Roper	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Paul Mayberry	Commissioner, Ward No. 6
Ron Wesch	Public Works Director/ Assistant to City Manager
Bob Flournoy	City Attorney
Atha Stokes	City Secretary
David Cochran	Purchasing Agent

being present, and

Don Boyd	Commissioner, Ward No. 2
Harvey Westerholm	City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Gary Holbrook, Minister, Samaritan Center.

2. Mayor Bronaugh welcomed visitors present.

Mayor Bronaugh stated that Commissioner Boyd was unable to be present at tonight's meeting because his father had passed away in Houston.

3. APPROVAL OF MINUTES

Minutes of regular meeting of July 17, 1990 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

Minutes of Workshop meeting of July 20, 1990 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - HOTEL/MOTEL TAX

Mayor Bronaugh stated that the first item for consideration was Second Reading of an Ordinance continuing the 1% Hotel/Motel Tax, and its dedication to the Expo Center's operation budget.

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

Commissioner Mayberry stated that in the minutes of the Lufkin Board of Development meeting, which were included in the packet, there is a discrepancy in the figures on the second page. Mayor Bronaugh stated that he would like for the staff to check into this and make the necessary corrections.

Commissioner Simond stated that at the last budget workshop he suggested that another employee be added to the Code Enforcement Department and he was under the impression this would be done, but it was not in the revised budget. Mayor Bronaugh stated that these items will be discussed in the workshop on Wednesday.

In response to question by Mayor Bronaugh, Mrs. Jinkins stated that the revisions to the budget were 1) to lower the taxes because of the tax evaluation being lower, 2) the $181,000 for the sewer increase, and 3) changes to the Civic Center budget and the Tourist and Convention Bureau.

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - HAL LACEY (OWNER)/BILLIE AND DORRIS WILLIAMS (BUYER) - 817 WEST FRANK AVENUE - LOCAL BUSINESS, SPECIAL USE TO LOCAL BUSINESS

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change request by Hal Lacey (Owner) for Billie and Dorris Williams (Buyer) covering property located at 817 West Frank Avenue from Local Business, Special Use to Local Business.

Rita Ellison, City Planner, stated that this property was designated as Local Business, Special Use in 1967, and since that time there have been several different businesses on the property, though a zone change request has never been processed through the City. Ms. Ellison stated that there are no records in the City as to what the "Special Use" is, and in that case, it reverts to Residential Medium. Ms. Ellison stated that in order for a business to go back on the property, the perspective owners need to apply for a zone change for Local Business. Ms. Ellison stated that the Planning and Zoning Commission unanimously recommended the request to the City Commission.

In response to question by Commission Gorden, Ms. Ellison stated that the business will be a square dance apparel shop.

There was no opposition present.

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

Commissioner Mayberry stated that Jimmy Griffith made some good comments about maintaining the Special Use designation, but the minutes did not reflect any response by the Planning and Zoning Commissioners. Ms. Ellison stated that his comments were taken into consideration, but since the area businesses were Local Business and not Special Use, the Commissioners felt that Local Business was appropriate.

6. ORDINANCE - APPROVED - FIRST READING - REGULATION OF CONDUCT IN PUBLIC PARKS

Mayor Bronaugh stated that the next item for consideration was an Ordinance amending an Ordinance for the regulation of conduct in public parks.

Mayor Bronaugh stated that a copy of Penal Ordinance 266, Section 22-75 "Behavior" had been passed out to the Commissioners and that the amendment, if approved, will be added as item "g".

Chief Collins stated that on July 8th, the Police Department had received information that there would be at least two people in Jones Park with shotguns. Chief Collins stated that several shots were fired and fortunately no one was hurt. Chief Collins stated that even if the guns had been found prior to their discharge, the Police Department probably could not have taken any legal action, because they were legal shotguns. Chief

Collins stated that State law does not regulate legal shotguns nor legal rifles; it only prohibits handguns and certain other weapons that are concealable.

Chief Collins stated that as a result of this incident he requested that the City Attorney prepare an Amendment to Section 22-75 to regulate the carrying of firearms of any type into the City parks so that if someone does bring an otherwise legal firearm to the park, the Police Department can regulate their behavior there.

In response to question by Mayor Bronaugh, Chief Collins stated that a person coming into the park in a pickup truck with a gun in a gunrack would be in violation of this provision of the Ordinance.

In response to question by Commissioner Mayberry, City Attorney Flournoy stated that a ticket could be issued for the offense or the individual could be arrested. Chief Collins stated that the weapon could be seized and held for evidence, but once the case is disposed of, the weapon will be released.

Commissioner Simond stated that the Ordinance should not be limited to people in parks, but should also pertain to people on the street with a gun.

In response to question by Commissioner Roper, Chief Collins stated that people driving on the streets through the park would not be subject to this particular provision of the Ordinance.

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

7. ORDINANCE - APPROVED - FIRST READING - DECLARATION OF WRITE-IN CANDIDACY FILED WITH CITY SECRETARY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance adopting a requirement that all write-in candidates for election to City office must file a declaration of write-in candidacy with the City Secretary thirty (30) day prior to election day.

Mayor Bronaugh stated that there is State legislation which requires the write-in candidate to file 30 days prior to an election on the State and County level, but this same legislation has allowed cities to regulate themselves.

Mayor Bronaugh stated that staff had made an inquiry of the Secretary of State and was informed that the City could adopt an Ordinance providing for the 30-day write-in stipulation.

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

8. PUBLIC HEARING DATE - ANNEXATION AND PERMANENT ZONING - FM 58 (CHESTNUT) - BELLOAKS SUBDIVISION - FULLER SPRINGS COMMUNITY

Mayor Bronaugh stated that the next item for consideration was to set the date for a Public Hearing for annexation and permanent zoning as requested by residents for property along FM 58 (Chestnut) south of White House Drive and north of Platt Road, to include the developed section of Belloaks Subdivision, and a section of the Fuller Springs community located south of Bartmess, east of FM 58, and west of Westwood.

Commissioner Bob Bowman stated that he was almost inclined to make a motion that this annexation be postponed until the Public Works Department has completed installation of the sewer on the last annexation in Fuller Springs. Commissioner Bowman stated he has received numerous calls regarding the portion of FM 58 that has not been completed, and he is concerned about the image the City projects by annexing a new area when it has not finished the last annexation which was approved five years ago.

In response to question by Commissioner Gorden, City Attorney Flournoy stated that the time limit on the statute for completion of an annexation is three years.

In response to question by Commissioner Gorden, Mr. Wesch stated that the section of Fuller Springs that is being discussed was annexed five years ago. The Fuller Springs area of Bartmess and Cherry was annexed less than three years ago. Mr. Wesch stated that he has been committed to Rice Drive and the White House Drive area, and building the lift station to serve the entire Fuller Springs area. Mr. Wesch stated that it was necessary to work in the pasture area where the lift station was built prior to the wet season. Mr. Wesch stated that his crew has laid almost 8,000' of pipe. Mr. Wesch stated that the material for completion of the project has been purchased for these two short sections (approximately 1,500' each) along FM 58.

In response to question by Mayor Bronaugh, Mr. Wesch stated that he anticipates completion of the project within the next 90-120 days.

In response to question by Mayor Bronaugh, City Attorney Flournoy stated that once the annexation process begins it must be completed in 90 days.

Mr. Wesch stated that he was recommending that purchase of the materials for the new annexation be included in the Fiscal Year 1992 budget.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that annexation and permanent zoning of FM 58 be tabled for one month. A unanimous affirmative vote was recorded.

9. PUBLIC HEARING DATE - PROPOSED BUDGET

Mayor Bronaugh stated that the next item for consideration was to set the date for a Public Hearing on the proposed budget.

Mayor Bronaugh stated that a budget workshop was scheduled for tomorrow, Wednesday, August 8th.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that Tuesday, August 21st, be set as the date for the Public Hearing on the proposed budget. A unanimous affirmative vote was recorded.

10. REPORT - CITY'S DATA PROCESSING PROGRAM

Mayor Bronaugh stated that the next item for consideration was a report on the City's Data Processing program.

Drew Squyres stated that at the request of the staff Royal Dunlap (Software Services) came in and reviewed the City's data processing system, both hardware and software. Mr. Squyres stated that the study conducted by Mr. Dunlap was primarily based on whether the City needed to hire a fulltime programmer.

Mr. Squyres stated that Mr. Dunlap had given a favorable report on the existing system and stated that while it would be a plus to the City to have a programmer it was his opinion that a data processing manager would be more desirable at this point. Mr. Squyres stated that it was Mr. Dunlap's recommendation that the City continue to use a consultant as needed. Mr. Squyres stated that Mr. Dunlap had also addressed decentralization.

In response to question by Commissioner Roper, Mr. Squyres stated that he had recently been designated as the Data Processing Manager.

In response to question by Commissioner Roper, Mr. Squyres stated that the utilization of personal computers would not be applicable in the Utility Collection Department where there is a large volume of information. Mr. Squyres stated that while the Accounting Department could utilize personal computers in some areas of their operation, the personal computers could not be used in end-of-the-month closings.

Mr. Squyres stated that the advantage of having a consultant is that each program can be personalized for the Department's needs.

Commissioner Mayberry stated that he would like for the consultant to make a presentation to the City Commission when the purchase of a personal computer is considered by a Department, to tell how it will relate to the total program. Mr. Wesch stated that if Mr. Dunlap is called back to give this information, there would be a charge for his time.

Mayor Bronaugh requested that Mr. Squyres consult with Mr. Dunlap and Philip Fenley regarding consultant fees. Commissioner Gorden stated that, in his opinion, Mr. Dunlap could give the information the City Commission is seeking from a management perspective on how to manage the information.

In response to question by Commissioner Simond, Mr. Squyres stated that the City had been utilizing the services of Mr. Fenley since 1982.

Commissioner Simond stated that he would like a comparison of the cost of hiring an in-house programmer and having a consultant come in and do the programming. Commissioner Mayberry stated that he had recently requested a consultant expense sheet from the City Manager, and the information Commissioner Simond is seeking is probably available on this report.

The report by Mr. Dunlap was unanimously accepted by the City Commission.

11. FIRE CODE - APPROVED FOR FIRST READING

Mayor Bronaugh stated that the next item for consideration was the adoption of a Fire Code.

Assistant Fire Chief Murry Brown stated that a letter of recommendation from Fire Marshal Clayton Havard and a list of cities who presently have a Fire Code was included in the Commissioner's packets. Chief Brown stated that the City has already adopted the Standard Building Code and adoption of the Fire Code would compliment the Fire Department working with the Building Official. Chief Brown stated that citizens would have the same opportunity of appealing a decision by the Fire Marshal with the Board of Adjustment and Appeals.

In response to question by Commissioner Gorden, Fire Marshal Havard stated that there is a provision in the Fire Code which addresses fire lanes for new occupancies. Mr. Havard stated that the Ordinance recently adopted by the City pertains to fire lanes for existing businesses and the Fire Chief has the discretion of determining if an existing fire lane is safe or unsafe for the public.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Paul Mayberry that Ordinance be considered on First Reading at next meeting of the City Commission. A unanimous affirmative vote was recorded.

12. BID - APPROVED - REFUSE BAGS - BEMIS COMPANY, INC.

Mayor Bronaugh stated that the next item for consideration was a bid on refuse bags.

Mr. Wesch stated that the low bid for the annual supply of leaf and garbage bags was the Bemis Company, Inc., who is the current supplier. Mr. Wesch stated that $90,000 had been budgeted and the low bid was in the amount of $89,058.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that the low bid of the Bemis Company, Inc. in the amount of $89,058 be accepted as presented. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION

Regular meeting adjourned at 6:03 p.m. for Executive Session. Mayor Bronaugh reconvened regular session at 6:36 p.m.

There were no announcements to be made.

14. COMMENTS

Commissioner Mayberry requested that the City Attorney draft a Resolution in support of the recommendations by TML on the Fire and Police Civil Service law.

Commissioner Simond stated that he had taken 47 pictures of abandoned vehicles and dilapidated houses that were in violation of the Code, in support of his argument of an additional Code Enforcement Officer for the City.

Commissioner Simond passed out an article on recycling.

15. There being no further business for discussion meeting adjourned at 6:45 p.m.

Louis A. Bronaugh

Louis A. Bronaugh, Mayor

ATTEST:

Atha Stokes

Atha Stokes, City Secretary