

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF APRIL, 1987, AT 5:00 P.M.

On the 7th day of April, 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
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Nick Finan	City Planner
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Don Boyd	Commissioner, Ward No. 2
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles McIlveene, Minister, First Baptist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

Mayor Garrison recognized Brad Barrentine, a Star Scout, and a member of Troop 121 of the First United Methodist Church. Mayor Garrison stated that Brad was present in pursuit of his studies in the Eagle Scout Program. Mayor Garrison stated that he was pleased that Brad was taking an interest in the community at his age.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that minutes of March 17, 1987 be approved as presented. A unanimous affirmative vote was recorded.

4. CANVASS OF ELECTION APRIL 4, 1987 - CITY OFFICERS ELECTION - LOCAL SALES AND USE TAX INCREASE

Mayor Garrison stated that the City's Regular Election had been held on April 4, 1987, and announced that Election Judges forwarded all materials for review by members of the Commission for the official canvass. The following returns indicating results of the City Election were reviewed for election of Commissioner of Ward 5 and Commissioner of Ward 6, and for or against the local sales and use tax increase.

	<u>Total Number of Votes Received</u>
<u>Commissioner, Ward 5</u>	
Jack Gorden	402
Write-in Votes	22
<u>Commissioner, Ward 6</u>	
Louis Bronaugh	153
Doyal Blackburn	59
<u>Local Sales and Use Tax Increase</u>	
For	934
Against	632

Mayor Garrison stated that the above election results had been reviewed and tabulated, which indicated winners of the election to be -

Jack Gorden, Commissioner Ward 5
Louis Bronaugh, Commissioner Ward 6

and, that the Local Sales and Use Tax Increase had passed by 302 votes.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the above listed results be made official as reported by Election Judges, and that Jack Gorden be declared winner for position of Commissioner of Ward 5, and that Louis Bronaugh be declared winner for position of Commissioner of Ward 6, and that the levy of a one-half percent (1/2%) tax increase prevail. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the Secretary of State's office had suggested that in connection with the levy of the additional one-half percent sales tax, the City Commission pass a Resolution containing particular items of information in order to meet Federal standards.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Resolution reflecting that 934 votes were cast in favor of the local sales and use tax, and that 632 votes were cast against the sales tax increase, and that the sales tax increase had passed by 302 votes. A unanimous affirmative vote was recorded.

5. OATH OF OFFICE ADMINISTERED - COMMISSIONERS WARD 5 AND WARD 6

Oath of Office was administered by Mayor Pitser Garrison to Jack Gorden for Commissioner, Ward 5, and to Louis Bronaugh for Commissioner, Ward 6. Mayor Garrison stated that he would like to formally and officially offer congratulations from himself and members of the Commission to Mr. Gorden and Mr. Bronaugh for their successful elections.

6. ORDINANCE - SECOND READING - APPROVED - ALLEY CLOSING - BETWEEN FRANK AND MANTOOTH EXTENDING FROM KELLY TO THOMPSON

Mayor Garrison stated that the next item for consideration was Second and Final Reading of Ordinance for alley closing covering property which lies between Frank and Mantooth extending from Kelly to Thompson.

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

7. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE REQUEST - MARCOS RODRIGUEZ - BERRY ROAD NEAR INTERSECTION OF STATE HIGHWAY 94 AND JOHN REDDITT DRIVE - RL TO RS

Mayor Garrison stated that the next item for consideration was Second and Final Reading of Ordinance for Zone Change Request by Marcos Rodriguez covering property located on Berry Road near the intersection of State Highway 94 and John Redditt Drive from Residential Large to Residential Small.

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

8. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE REQUEST - DARYL GILBERT - 100 EVERETT - RM TO C, SU (GUN REPAIR)

Mayor Garrison stated that the next item for consideration was Second and Final Reading of Ordinance for Zone Change Request by Daryl Gilbert covering property located at 100 Everett from Residential Medium to Commercial, Special Use (Gun Repair).

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

9a. ORDINANCE - SECOND READING - APPROVED - ALLEY CLOSING - BETWEEN LUFKIN AVENUE AND MYRNA EXTENDING FROM CHURCH TO WARD

Mayor Garrison stated that the Commission would now consider Second and Final Reading of Ordinance for alley closing covering property located between Lufkin Avenue and Myrna Street extending from Church to Ward as requested by surrounding residents.

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

9b. ORDINANCE - FIRST READING - APPROVED - ZONING OF ALLEY - BETWEEN LUFKIN AVENUE AND MYRNA EXTENDING FROM CHURCH TO WARD - RS AND C

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of zoning of alley covering property located between Lufkin Avenue and Myrna extending from Church to Ward as Residential Small and Commercial.

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

10. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE REQUEST - VERNON HORTON - BETWEEN CHURCH AND WARD ON LUFKIN AVENUE - RS TO C

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Zone Change Request by Vernon Horton covering property located between Church and Ward on Lufkin Avenue from Residential Small to Commercial.

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

11. SPECIAL WARRANTY DEED - ESTATE OF MARY MC FARLAND MASON - JOHN ROSS KAY

Mayor Garrison stated that the Commission now had for consideration authorization of Special Warranty Deed as requested by John Ross Kay.

Mayor Garrison stated that the City had been requested by the estate of Mary McFarland Mason to execute a deed covering some property that was owned by the estate of Mrs. Mason, and it was a complex situation involving several tracts of land. Mayor Garrison stated that he had asked Mr. John Ross Kay to present a certificate to the City reflecting the payment of the taxes that would justify the City in deeding the property back to Mrs. Mason's estate.

John Kay stated that in 1983 suit was brought against the estate of Mary McFarland Mason, deceased. Mr. Kay stated that the suit covered 75 tracts of land and included an .85 acre tract located in the A. Varilla Survey. Mr. Kay stated that because of a misdescription of

the estate's property located in that survey, the inclusion of the .85 acre tract was in error.

Mr. Kay stated that this was compounded by the estate's representative signing an Installment Payout Agreement and an Agreed Judgment in the year the suit was instituted and both of these instruments included the subject tract.

Mr. Kay stated he was certifying to the City Commission that the taxes on the property had been paid in full and that Tax Certificates were included in handout material from the City, County and School District through the tax year of 1986.

Mr. Kay stated that he did not have a Metes and Bounds description of the property, but that the property was identified as .850 acres of Tract 692, A. Varilla Survey.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden authorizing Mayor Garrison to execute the Special Warranty Deed back to the Mary McFarland Mason estate. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - ABOLITION - FULLER SPRINGS WATER DISTRICT

Mayor Garrison stated that the next item for consideration was a Resolution approving the abolition of the Fuller Springs Water Supply District.

Mayor Garrison stated that the Resolution, as he understands it, is simply informational to the County Commissioners Court, which, in effect, is the body that will actually dissolve the water supply district.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that all the debts of the water supply district have been paid, and that their office was closed March 16th and their employees are now working for the City.

Commissioner Foley requested that the City Manager provide information to the Commission as to how much actual cash was brought over to the City from the water supply district. City Manager Westerholm agreed to provide this information.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Resolution approving the abolition of the Fuller Springs Water Supply District be approved as presented. A unanimous affirmative vote was recorded.

13. MINORITY BUSINESS POLICY, DISCUSSED

Mayor Garrison stated that it had been proposed to the City Commission that consideration be given to a policy involving encouragement and assistance to local minority businesses who would be interested in performing work for the City. Mayor Garrison stated that the City staff had received a copy of an Ordinance from the City of Houston that addresses this problem. Mayor Garrison stated that the Ordinance not only related to minority groups, but for women in business as well. Mayor Garrison stated that perhaps using the Ordinances which have been utilized in other cities as a model, an ordinance could be formulated for the City of Lufkin.

In response to question by Commissioner Foley, City Manager Westerholm stated that the non-regulated contract is one that does not come under the bidding procedures of the City. City Manager Westerholm stated that the City Charter requires that everything over \$2,000 has to come before the City Commission, and everything over \$1,000 has to go

through the sealed bid process. City Manager Westerholm stated that the non-regulated contracts are the ones that they have reference to - those contracts that are under the figure that are not required to be bid either through those processes or through a Federal Contract where the Federal Law applies.

City Manager Westerholm stated that under the Policy, a goal is set that if 10% of work goes to minority businesses this year, then the goal is increased for the next year.

City Manager Westerholm stated that the model ordinance provides that if at least three minority business enterprises are available to bid on a contract, then they would be given the exclusive right to bid on the non-regulated contract.

Commissioner Foley stated that the City should insure that all the bidding processes are fair and that each and every contractor should have an equal opportunity to compete for City contracts. Commissioner Foley stated that he would have a problem with eliminating certain groups.

Mayor Garrison suggested that the City Attorney write up an Ordinance addressing the particular procedures of the City for the Commission to study and discuss.

14. TELEPHONE SOLICITATION - DISCUSSED

Mayor Garrison stated that the next item for consideration was regulating solicitation by telephone.

Commissioner Percy Simond stated that he would like for the Commission to also take under consideration door-to-door solicitation. Commissioner Simond stated that door-to-door solicitors should be required to register at City Hall and pay a fee.

City Attorney Bob Flourney stated that the City already has an itinerant vendor ordinance on the books. City Manager Westerholm stated that the City Police regularly check itinerant vendors to confirm their sales tax permits and other permits required by the City.

City Attorney Flourney stated that citizens need to be aware of City laws to regulate solicitors. City Attorney Flourney stated that vendors in the City for less than 90 days are required to register with the City Secretary.

Mayor Garrison stated that the City Attorney could prepare a sample solicitation ordinance, and also provide copies of other cities' ordinances for consideration at the next Commission meeting.

15. AMENDMENT - APPROVED - BUDGET ITEMS DELETED

Mayor Garrison stated that the next item for consideration was an amendment to the budget for items suggested for deletion because of revenue shortfall.

Commissioner Simond stated that he would like to see the five police cars, streets, and street re-surfacing left in the budget. Commissioner Simond stated that he noticed in an earlier report where radar units for the police cars were possible items for deletion. Commissioner Simond stated that the radar units are 10 to 12 years old. City Attorney Flourney stated that the units are sent off periodically to be checked, and are checked daily before they are set up and used. Commissioner Pat Foley stated that the units are checked with a tuning fork.

City Manager Westerholm stated that it is already past the time when the police package is available for police cars and will not be available until August.

Mayor Garrison stated that, in his opinion, the City Manager and the City staff are in a better position to see where savings can be effected. Mayor Garrison stated that if the budget comes up short, some items will have to be cut out, and it will be a matter of choosing which items to cut, and, in his opinion, the City Manager and the staff could best make the decision of which items to hold in abeyance.

In response to question by Commissioner Gorden, City Manager Westerholm stated that the financial report for March would be ready in two days, and at that time it will be possible to determine what effect the shortfall has had on the budget.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley approving the City Manager's plan for deletion of budget items due to revenue shortfall. A unanimous affirmative vote was recorded.

Commissioner Foley stated that he would like for the City Manager to report to the City Commission on a month-to-month basis when and if any of the proposed budget cuts are implemented, and recommendations for any other cuts he deems necessary.

16. PAPER RECYCLING - SECOND STREET WIDENING - OFFICE OF MAYOR - TML REGION 16 MEETING - ANGELINA COUNTY DAY MEETING

Commissioner Danny Roper stated that Roger Smith was present at tonight's meeting, and that Mr. Smith was proposing a paper recycling business for the City to participate in. Commissioner Roper stated that the City could assist in the business and not gain money, but wouldn't lose any money either. Commissioner Roper stated that the Commission should look at this proposal from the standpoint of a new business trying to get started in our City, and from the standpoint of tax revenue and potential employment. Commissioner Roper stated that he would recommend that Mr. Smith come back before the Commission as a regular agenda item since the Commissioners would probably like to review his proposal in depth.

Commissioner Percy Simond stated that he was concerned about the dangerous situation on First and Second Streets where the streets are very narrow and people are careless about opening car door into the traffic.

Mayor Garrison stated that the proposed Comprehensive Plan addresses widening of some City streets.

Commissioner Simond stated that the Mayor is the most important elected official in the City, and should be well advised regarding agenda items.

Commissioner Simond stated that he would propose that the Mayor not be allowed a vote in the proceedings unless there is a tie. Commissioner Simond stated that the Mayor should have the power of veto. Commissioner Simond stated that, in his opinion, the Mayor should have more flexibility in operating the City than what Lufkin allows him to have. Commissioner Simond stated that there is more to being Mayor than signing proclamations.

Mayor Garrison stated that, in his opinion, he did not see any disadvantages in the way the City is run now. Mayor Garrison stated that the vote of each Commission is a vote from their particular ward and the vote of the Mayor represents the City as a whole.

Commissioner Simond stated that his proposal would enhance the Mayor's position.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that regular meeting of April 21st be changed to April 28th at 3:00 P.M., and that the first item of business will be a discussion of the Comprehensive Master Plan. A unanimous affirmative vote was recorded.

Commissioner Louis Bronaugh stated that TML Region 16 will hold its quarterly meeting at Crown Colony Country Club at 6:30 P.M., April 23rd.

City Manager Westerholm stated that he would like to remind members of the Commission of the Angelina County Day meeting in Austin on April 21st.

17. There being no further business for consideration, meeting adjourned at 6:45 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary