MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF OCTOBER, 1991 AT 5:00 P.M.

On the 15th 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
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
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Percy Simond	Commissioner, Ward No. 1
Ron Wesch	Asst. City Mgr./Public Works

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Harold Edwards, Minister, Church of the Living God.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of Called Meeting of September 30 and Regular Meeting of October 1, 1991 were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden, with corrections to item #4 of the Regular Meeting Minutes showing that Commissioner Bowman recused himself from voting on the Special Use Permit request by R. H. Duncan and KLSB-TV. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND 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.

There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper 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 Second and Final Reading as presented. Motion carried with five affirmative votes. Commissioner Bob Bowman recused himself from voting.

5. AMENDMENT - APPROVED - ORDINANCE - SECOND READING - POLICE CLASSIFICATION PLAN

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

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Amendment to the Ordinance for the Police Department Classification Plan be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

6. ORDINANCES - APPROVED - SECOND READING - TMRS - UPDATED SERVICE CREDIT/INCREASE IN RETIREMENT ANNUITIES - IN-SERVICE DEATH BENEFITS FOR EMPLOYEES

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinances adopting new TMRS provisions for updated service credit and increase in retirement annuities, and in-service death benefits for employees.

In response to question by Commissioner Mayberry, City Manager Maclin stated that there is no cost to the City for the new TMRS provisions.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman that Ordinances approving updated service credit and in-service death benefits for employees be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

7. REQUEST - APPROVED - FIRST SOUTHWEST COMPANY - BID - CITY OF LUFKIN, TEXAS PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES 1991 - OCTOBER 15, 1991

Mayor Bronaugh stated that the next item for consideration was a request from First Southwest Company to bid on "City of Lufkin, Texas, Public Property Finance Contractual Obligations, Series 1991", dated October 15, 1991.

Mike Byrd stated that First Southwest Company has historically bid on the obligations that were competitively offered by the City of Lufkin and he was requesting that the City Commission allow the First Southwest Company to bid on this offering.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Jack Gorden to give consent to First Southwest Company to bid on the City of Lufkin, Texas Public Property Finance Contractual Obligations, Series 1991, dated October 15, 1991. A unanimous affirmative vote was recorded.

Mr. Byrd stated that he was presenting a $10,900 good faith check to the City which represents 2% of the issue size, and is a requirement of bidding. Mr. Byrd stated that the check stands good for all the bidders that he will open, and if the City chooses to award the bid, then they will retain the check uncashed until such time as the actual delivery of the money. Mr. Byrd stated that at that time the City will get the full amount and the good faith check will be returned to the winning bidder.

Mr. Byrd stated that the Official Statement and Notice of Sale has been widely distributed and published in the Texas Bond Reporter and sent to approximately 200 potential bidders within the State of Texas. Mr. Byrd stated that all local financial institutions and retail investment houses had also been notified of the sale.

Mr. Byrd stated that the Contractual Obligations were rated by Moody's Investors Service and they confirmed the City's investment grade rating of BAA. Mr. Byrd stated that Moody's had conveyed to him that they are pleased to see certain changes they perceive happening within the City of Lufkin.

The following is a tabulation of the bids:

BIDDER	EFFECTIVE INTEREST RATE
A. G. Edwards & Sons, Inc.	5.177425
Bank One, Securities	5.463029
Barre & Company	5.5490
First City Texas-Houston	5.3750
Eppler, Guerin & Turner, Inc.	5.794679
First Southwest Company	5.65133
NCNB Capital Markets	5.809890
Paine Webber, Inc.	5.847205
Rauscher Pierce Refsnes, Inc.	5.8038
Service Asset Managements	5.379025

Mr. Byrd stated that A. E. Edwards & Sons, Inc. was the low bidder and he would advise the City of Lufkin to accept the bid of A. E. Edwards & Sons, Inc.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that the bid of A. E. Edwards & Sons, Inc. for an interest rate of 5.177425 be accepted as submitted. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - AUTHORIZING EXECUTION & DELIVERY OF "CITY OF LUFKIN, TEXAS, PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES 1991

Mayor Bronaugh stated that the next item for consideration was an Ordinance approving and authorizing the execution and delivery of "City of Lufkin, Texas, Public Property Finance Contractual Obligations, Series 1991".

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that Ordinance authorizing execution and delivery of "City of Lufkin, Texas, Public Property Finance Contractual Obligations, Series 1991", be approved and adopted effective October 15, 1991. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - "PAYING AGENT/REGISTRAR AGREEMENT" - "CITY OF LUFKIN, TEXAS, PUBLIC PROPERTY FINANCE CONTRACTUAL OBLIGATIONS, SERIES 1991"

Mayor Bronaugh stated that the next item for consideration was a Resolution approving and authorizing the execution of a "Paying Agent/Registrar Agreement" in relation to the "City of Lufkin, Texas, Public Property Finance Contractual Obligations, Series 1991".

Mr. Byrd stated that in the past the City has used First City Texas for financing its bond issues and he was recommending that the City award the Paying Agent/Registrar to First City Texas.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Paul Mayberry that Resolution approving and authorizing First City Texas as the Paying Agent/Registrar in relation to the "City of Lufkin, Texas, Public Property Finance Contractual Obligations, Series 1991" be approved as presented. A unanimous affirmative vote was recorded.

10. APPOINTMENT - APPROVED - NEIGHBORHOOD IMPROVEMENT COMMITTEE

Mayor Bronaugh stated that the next item for consideration was an appointment of a member to the Neighborhood Improvement Committee.

City Manager Maclin stated that a copy of a letter from Rufus Duncan, Jr., Chairman of the Neighborhood Improvement Committee, recommending Jay Jackson of State Farm Insurance to replace a member who resigned was included in the Commissioner's packets.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Jay Jackson of State Farm Insurance be appointed to serve on the Neighborhood Improvement Committee. A unanimous affirmative vote was recorded.

Mayor Bronaugh expressed his appreciation to Mr. Duncan for the work the Committee is doing under his leadership.

11. AMENDMENT - APPROVED - NEIGHBORHOOD REHABILITATION PROGRAM - PARTICIPANT'S HOMEOWNERS INSURANCE

Mayor Bronaugh stated that the next item for consideration was an amendment to use funds from the Neighborhood Rehabilitation Program to pay program participant's homeowners insurance.

City Manager Maclin stated that a copy of the minutes from the Neighborhood Improvement Committee meeting, whereby the Committee is unanimously recommending to the City Commission to make this adjustment by allowing the insurance to be paid out of the grant funds, had been included in the Commissioner's packets.

City Manager Maclin stated that this has been somewhat of a limitation for some of the applicants in terms of meeting eligibility requirements. City Manager Maclin stated that in essence the insurance premium, estimated to be between $250 and $400, would be taken off the top of the $12,500 allotted for each home. City Manager Maclin stated that this appears to be a way of helping the applicants meet the eligibility requirements. City Manager Maclin stated that this is a one-time situation and any future grants awarded to the City will be reconsidered on a case-by-case basis as opposed to this becoming something that will automatically be done on every future housing rehabilitation grant. City Manager Maclin stated that this procedure is allowable by the Texas Department of Community Affairs and certainly shows an effort on the local part to try and get qualified eligible applicants to participate in the program.

In response to question by Commissioner Boyd, City Manager Maclin stated that insurance is required on the home for a period of five years, and this amendment is only for the first year's coverage of homeowners insurance.

In response to question by Commissioner Mayberry, City Manager Maclin stated that it has been a little difficult getting applicants for the program because of having to meet all of the HUD criteria--hardship, justification of need, income requirements, ownership of the home, etc. City Manager Maclin stated that the grant program applies only to home ownership and does not apply to rental units. City Manager Maclin stated that the Committee, the Community Development, and Code Enforcement Officer have done an outstanding job of education saturation of the neighborhood that is in the target area, to include knocking on doors and providing assistance through the Inez Tims Apartments with filling out applications.

Mr. Williams stated that at this time there are 15 applicants. Mr. Williams stated that, in his opinion, the homeowners are apprehensive because of the lien that is placed on the property. In response to question by Commissioner Roper, City Manager Maclin stated that the City has a lien on the property and can exercise that lien if the property owner does not have the home insured for the full five year period.

In response to question by Commissioner Gorden, City Manager Maclin stated that the lien on the property is for the value of the improvements and it is to insure compliance to the regulations and once the five years is over the lien is released. Rufus Duncan, Chairman of the Neighborhood Improvement Committee, stated that the lien keeps the homeowner from having the house rehabilitated and then selling it for personal profit.

In response to question by Commissioner Roper, City Manager Maclin stated that if all the funds are not utilized on this project the next step would be to redefine the area in order to utilize the total funding allotment of $250,000. City Manager Maclin stated that the City would go back to the Texas Department of Community Affairs and request an enlargement of the target area to take in more area and create more potential applicants.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that amendment to use funds from the Neighborhood Rehabilitation Program to pay program participant's homeowners insurance be approved as presented. A unanimous affirmative vote was recorded.

12. AUTHORIZATION - APPROVED - PROPOSALS - REDISTRICTING SERVICES

Mayor Bronaugh stated that the next item for consideration was authorization of acceptance of proposals for redistricting services.

City Manager Maclin stated that the Commission had discussed redistricting last spring in anticipation of receiving the census data. City Manager Maclin stated that a small portion of census data has been received from DETCOG, but the City has not received census data by census tract. City Manager Maclin stated that this information has become available to the designated census data bureau agencies and the closest one to Lufkin would be Stephen F. Austin State University. City Manager Maclin stated that at a Redistricting Committee meeting prior to the last City Commission meeting it was determined to go ahead and seek proposals. City Manager Maclin stated that a letter from the consultant that has been providing the redistricting services to Angelina County has been placed on the table for each of the Commissioners. City Manager Maclin stated that he had requested that the consultant draft a letter stating generically what is needed and required from a standpoint of redistricting services. City Manager Maclin stated that at the committee meeting the City Attorney had suggested that the City advertise for proposals and at the earliest date possible make a selection of a consultant to provide redistricting services for the City Commission to approve to begin the activity of redistricting.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that the City Manager be authorized to seek proposals for redistricting. A unanimous affirmative vote was recorded.

In response to question by Commissioner Bowman as to the cost of the redistricting services, City Manager Maclin stated that it is hoped that there might be some advantages for those that have already done some work in Angelina County and that there could be some overlap that could be reflected in the proposal fees.

In response to question by Commissioner Mayberry, City Manager Maclin stated that some funds had been budgeted for this service.

13. QUARTERLY WRITE-OFF - APPROVED - EMS BILLINGS

Mayor Bronaugh stated that the next item for consideration was quarterly write-offs of EMS billings over 120 days past due in accordance with City Policy.

Asst. City Manager Darryl Mayfield stated that the write-offs in the amount of $55,164.22 are for the period from July through September, 1991.

In response to question by Commissioner Gorden, Chief Snyder stated that currently the City has collected $4,037.77 from TRW, and total collections have been $6,634.25.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd that quarterly write-offs of EMS billings over 120 days past due in the amount of $55,164.22 be approved as presented. A unanimous affirmative vote was recorded.

14. JANITORIAL SERVICES CONTRACT - EXTENDED - WALTER A. SMITH ENTERPRISES

Mayor Bronaugh stated that the next item for consideration was extension of janitorial services contract with Walter A. Smith Enterprises.

City Manager Maclin stated that a memo from the Asst. City Manager of Finance, a contractual proposal letter, a copy of the check list for services, and a copy of last year's contract had been included in the Commissioner's packets. City Manager Maclin stated that when the contract was bid last year it was a one-year contract with a one-year renewal that could be renewed at the same price for an additional 12-months. City Manager Maclin stated that there have been some problems in terms of compliance with the contract and staff had visited with Mr. Smith in regards to these problems which brought about the letter of agreement that was included in the packet. City Manager Maclin stated that the agreement gives the City the ability to provide a fiscal penalty for failure to correct the areas that are in deficiency with the contract in a fine or a daily fee items for failure to comply, and a 10% forfeiture. City Manager Maclin stated that this is a tangible way for the City to insure compliance with the contractor and for the contractor to suffer financial penalty should they not comply with the contract.

City Manager Maclin stated that staff is also proposing a twice-a-day cleaning service for the Police Department. City Manager Maclin stated that currently there is once a day cleaning service with 24-hour usage of the Police Department on three different shifts. City Manager Maclin stated that once-a-day service has proven to be inadequate. City Manager Maclin stated that staff requested that Mr. Smith give a quote changing from once-a-day cleaning to twice-a-day cleaning with the same specifications. City Manager Maclin stated that this resulted in a $7,500 annual addition to the contract. City Manager Maclin stated that with the $7,500 added in, the contract would now total to $31,000. City Manager Maclin stated that this figure is still under the second lowest bid the City had last year when the service was bid out, not counting the twice-a-day cleaning in the Police Department. City Manager Maclin stated that there are adequate funds in the 1991-92 budget to cover this amount ($31,000).

City Manager Maclin stated that janitorial bids are very difficult because there are problems that are hard to address.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the carpet is cleaned twice a year, one section at a time. In response to question by Mayor Bronaugh, City Manager Maclin stated that the City has never exercised the window cleaning option of the contract. Mayor Bronaugh stated that the windows have not been cleaned since moving into the building, and serious consideration should be given to window cleaning. City Manager Maclin stated that staff would get a separate proposal for window cleaning on an annual basis.

In response to question by Commissioner Mayberry, City Manager Maclin stated that an appeals process has been provided in item B (2) whereby the contractor can explain extenuating circumstances. City Manager Maclin stated that the janitorial services in the Police Department and in City Hall have been monitored very close for the past six months and the contractor admitted, when questioned, that there were times when his work force was not as studious as other times. City Manager Maclin stated that staff tried to point a correlation between supervision and quality of job to Mr. Smith, and he agreed with that correlation. City Manager Maclin stated that staff feels that they have identified part of what the problem has been in terms of some of the deficiencies and have tried to address the problem in a manner that is fair to both parties.

Commissioner Gorden stated that, in his opinion, shampooing the carpet twice a year is not enough, and suggested that the carpet be steam cleaned once a month. City Manager Maclin stated that he will see that the suggestion by Commissioner Gorden is addressed.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that janitorial services contract with Walter A. Smith Enterprises be extended for one year. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - UNIFORMS - FIRE DEPARTMENT - MARTIN UNIFORMS

Mayor Bronaugh stated that the next item for consideration was bids for uniforms for the Fire Department.

City Manager Maclin stated that two of the uniform companies listed on the tabulation sheet did not meet specifications. City Manager Maclin stated that staff is recommending the low qualified bid of Martin Uniforms in the amount of $12,254. In response to question, City Manager Maclin stated that this amount was within the budgeted allotment for uniforms.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Martin Uniforms in the amount of $12,254 be accepted as submitted. A unanimous affirmative vote was recorded.

15b. BID - APPROVED - ELECTRONIC GATE OPENER - CITY WAREHOUSE - LONE STAR FENCE

Mayor Bronaugh stated that the next item for consideration was bids for an electronic gate opener for the City warehouse.

City Manager Maclin stated that the motor had gone out on this 15-year old piece of equipment, and that this was not an anticipated expense.

City Manager Maclin stated that three bids had been received and he was recommending the bid of Lone Star Fence Company in the amount of $2,350. City Manager Maclin stated that this is not a budgeted item and he is recommending that this amount be paid out of the Contingency Fund.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that bid of Lone Star Fence Company in the amount of $2,350 be accepted as submitted and that this amount be taken from the Contingency Fund. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION

Mayor Bronaugh recessed regular session to enter into Executive Session at 5:55 p.m. Regular session reconvened at 6:25 p.m.

and Mayor Bronaugh stated that legal matters and an appointment to the Air Conditioning, Mechanical, Refrigeration and Heating Board had been discussed.

17. APPOINTMENT - APPROVED - AIR CONDITIONING, MECHANICAL, REFRIGERATION AND HEATING BOARD - ELTON FENLEY

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that Elton Fenley be reappointed to the Air Conditioning, Mechanical, Refrigeration and Heating Board. A unanimous affirmative vote was recorded.

18. COMMENTS

Commissioner Boyd complimented Municipal Court personnel on the Municipal Court report.

Commissioner Roper complimented Gordon and Charlotte Henley, the Public Works Department, and everyone who helped to make the Friends of the Zoo evening a success.

Mayor Bronaugh invited Commissioners to attend the ground breaking services for the new Business Building at Angelina College on Thursday at 2:30 p.m.

In response to question by Commissioner Bowman, City Manager Maclin stated that a proposed layout of downtown parking, which will be on a trial basis, had been included in the Commissioner's packet under FYI. City Manager Maclin stated that this layout was unanimously recommended by Main Street-Lufkin (formerly LADDC). City Manager Maclin stated that the purpose was two-fold: 1) to instigate a turnover of parking in front of retail areas and, 2) to relax parking restrictions in non-retail areas that would provide more employee parking close to the employee's work place. City Manager Maclin stated that if the changes prove to be successful through December, he will be bringing back a recommendation to the City Commission for an Ordinance to reflect these changes.

Mayor Bronaugh reminded Commissioners that DETCOG would be meeting Thursday in Newton.

19. There being no further business for consideration, meeting adjourned at 6:30 p.m.

Louis A. Bronaugh

Louis A. Bronaugh, Mayor

ATTEST:

Atha Stokes

Atha Stokes, City Secretary