MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF OCTOBER, 1992 AT 5:00 P.M.

On the 20th day of October, 1992 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
Larry Kegler	Commissioner, Ward No. 3
Bob Bowman	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Tucker Weems	Commissioner, Ward No. 6

being present when the following business was transacted.

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

2. Mayor Bronaugh welcomed visitors present. Mayor Bronaugh recognized Georgia Hunt with the Chamber of Commerce, John Rhodes, President of Leadership Lufkin, and members of the 1992-93 class of Leadership Lufkin.

3. **APPROVAL OF MINUTES**

Minutes of Regular Meeting of October 6, 1992, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. **RESOLUTION - APPROVED - MARGIE KIRKLAND - POET LAUREATE**

Mayor Bronaugh presented a Resolution to Margie Kirkland designating her as Lufkin's poet laureate.

Mayor Bronaugh read an excerpt from the City Commission minutes of June 1, 1976, where Commissioner E. G. Pittman made a motion that Mrs. Kirkland be designated Lufkin's Poet Laureate for the Bicentennial Year, seconded by Commissioner Ed Wareing, and signed by Mayor Pitser Garrison.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that Margie Kirkland be designated as Lufkin's Poet Laureate. A unanimous affirmative vote was recorded.

5. **ORDINANCE - APPROVED - SECOND READING - JACK W. HAYS - ZONE CHANGE - RESIDENTIAL LARGE TO COMMERCIAL - LANE DRIVE/1701 FEAGIN DRIVE**

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance for approval of a change of zoning from Residential Large to Commercial on 5.328 acres of land located on the west side of Lane Drive, and immediately north of the A-1 Storage Facility located at 1701 Feagin Drive, as requested by Jack W. Hays.

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

6. **AGREEMENT - APPROVED - ENGINEERING SERVICES - PARK SYSTEM IMPROVEMENTS - AZALEA FITNESS TRAIL/GRACE RICHARDSON PARK - EGA**

Mayor Bronaugh stated that the next item for consideration was an Agreement with Everett Griffith, Jr. & Associates, Inc. for engineering services for construction of park system improvements for the Azalea Fitness Trail and Grace Richardson Park.

City Manager Maclin stated that the City had been successful in receiving a grant this past August from the Texas Parks & Wildlife in matching funds to develop the fitness trail and park. City Manager Maclin stated now that notification of the grant award has been received, the next step in the process will be to complete a few minor details for contractual arrangements with the Texas Parks & Wildlife. This would also be the time to employ the services of an engineering firm to provide the design specification surveying into plans and specifications for bid purposes. City Manager Maclin stated that throughout this application process, EGA & Associates has worked with the City of Lufkin through the Parks & Recreation Department and other community groups that were interested in this project. The firm of EGA & Associates has provided a lot of assistance in terms of design plans, and cost estimates, including considerable assistance in the grant application process. City Manager Maclin stated that during this time they have not been compensated for their time or services. City Manager Maclin stated that now that the grant has been awarded, it would be appropriate to go ahead and officially award a contract to EGA to provide the services necessary to complete the project.

In response to question by Mayor Bronaugh, City Manager Maclin stated that the estimated time of completion is two years from this coming January.

In response to question by Commissioner Bowman, City Manager Maclin stated that including property values, as well as all the facilities, the cost of the project would be between $850,000 and $950,000. City Manager Maclin stated that no tax revenue would be used, but the project would be financed through in-kind, property match, a grant from the TLL Temple Foundation, and some monies through the Grace Dunn Richardson Trust.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Agreement with Everett Griffith, Jr. & Associates, Inc. for engineering services for construction of park system improvements for the Azalea Fitness Trail and Grace Richardson Park be approved, as presented. A unanimous affirmative vote was recorded.

7. **FORFEITED FUNDS BUDGET - APPROVED - POLICE DEPARTMENT - FY 1992-93**

Mayor Bronaugh stated that the next item for consideration was approval of the Police Departments forfeited funds budget for fiscal year 1992-93.

City Manager Maclin stated that a list of the proposed items suggested for purchase out of the 1992-93 forfeited funds budget had been included in the Commissioners packets. Also included was some information showing that some of the forfeited funds had been used to fund the KYSSED Club Program through the high school.

Chief Collins stated that the list of items was being submitted in compliance with the State law that requires that the Police Department submit a plan to the City Commission of how the forfeited assets are to be spent. Chief Collins stated that at the end of the fiscal year, a copy of the audit report is submitted to the Governor and the State Attorney General showing that a budget was prepared, and that funds were spent in accordance with the budget. Chief Collins stated that at this time there is approximately $52,000 cash in the account. Chief Collins stated that there is also a seized account that he expects the Police Department's share to be $32,000, which will become available during this fiscal year.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that the Police Department's forfeited funds budget for FY 1992-93 be approved as presented. A unanimous affirmative vote was recorded.

8. **QUARTERLY DELINQUENT WRITE-OFFS - APPROVED - AMBULANCE DEPARTMENT**

Mayor Bronaugh stated that the next item for consideration was quarterly delinquent write-offs for the Ambulance Department.

City Manager Maclin stated that this is a routine procedure for the quarterly write-offs for Ambulance accounts. City Manager Maclin stated that there are 230 accounts in the amount of $45,368 that the City will be submitting to the collection agency.

In response to question by Commissioner Gorden, Asst. City Manager Mayfield stated that the City is currently collecting at a rate of 63.06% in house, and that the accounts being turned over to the collection agency continues to drop.

In response to question by Commissioner Bowman, Mr. Mayfield stated that currently the budget amount for the County is $138,000, which is a contracted amount. Mr. Mayfield stated that last year the City worked with the County in an effort for them to structure the contract so they could make their payment within the City's fiscal year. Mr. Mayfield stated that the County wanted to stay within their fiscal year, which is January to December. Mr. Mayfield stated that the impact that it has on the City is that at the close of business on September 30, it will show a little more than $138,000 collected from the County. Commissioner Bowman stated that the City has always provided this service to the County at a loss. Mr. Mayfield stated that the loss is roughly 40%. Mr. Mayfield stated that what the staff will be exploring in January will be that actual cost of providing this service to the County, and showing them that they are being subsidized. Commissioner Bowman stated that he would like to see some effort made for the City, to at least break even, on ambulance costs to the County.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that quarterly delinquent write-offs for the Ambulance Department be approved as presented. A unanimous affirmative vote was recorded.

9. **BIDS - APPROVED - GLOCK PISTOLS - POLICE DEPARTMENT - TEXAS STATE DISTRIBUTORS**

Mayor Bronaugh stated that the next item for consideration was bids for Glock pistols to be used in the Police Department.

City Manager Maclin stated that staff recommendation is to award the low bid of Texas State Distributors in the amount of $17,876.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Larry Kegler to approve the bid of Texas State Distributors in the amount of $17,876 as submitted. A unanimous affirmative vote was recorded.

10. **BIDS - APPROVED - FIRE TRUCK - FIRE DEPARTMENT - CASCO INDUSTRIES**

Mayor Bronaugh stated that the next item for consideration was bids for a fire truck to be used in the Fire Department.

City Manager Maclin stated that staff recommendation is to award the bid of Casco Industries, which meets the bid specifications, in the amount of $119,748. City Manager Maclin stated that the fire truck will be purchased on a 5-year note with an interest rate of 5.85%.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that bid of Casco Industries in the amount of $119,748 be approved as submitted. A unanimous affirmative vote was recorded.

11. **EXECUTIVE SESSION**

Mayor Bronaugh recessed regular session at 5:43 p.m. to enter into Executive Session. Regular session was reconvened at 6:38 p.m. Mayor Bronaugh stated that the Commission had discussed personnel matters and appointments to Boards and Commissions.

Mayor Bronaugh stated that at the last City Commission Executive Session the Commission had discussed an appointment to the Planning and Zoning Commission, and the Commissioners were now ready to act on that appointment.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that R. L. Kuyendall be appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

12. **APPOINTMENT- APPROVED - CIVIL SERVICE COMMISSION**

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Larry Kegler that Rod Pittman be reappointed to the Civil Service Commission for a three-year term. A unanimous affirmative vote was recorded.

13. **APPOINTMENTS - APPROVED - TAXI CAB COMMITTEE**

Motion was made by Commissioner Don Boyd and seconded by Commissioner Tucker Weems that Max Powers, Bill Philmon and Benny Moye be reappointed to the Taxi Cab Committee for a three-year term. A unanimous affirmative vote was recorded.

14. **APPOINTMENT - APPROVED - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS**

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob Bowman that Eugene McClain be reappointed to the Examining & Supervising Board of Electricians for a three-year term. A unanimous affirmative vote was recorded.

15. **COMMENTS**

Commissioner Simond stated that at last meeting he had mentioned changing the name of City Commissioner to City Councilman, and was told by the City Attorney that it would take a Charter Change to do so. Commissioner Simond stated that a Committee could be appointed to consider the change, and the change could be on the ballot for the May election. Mayor Bronaugh stated that this could be an item for a future agenda.
In response to question by Commissioner Bowman regarding the Cable Bill that was recently overriden in Congress, City Manager Maclin stated that a copy of the new Bill had been passed out to each Commissioner prior to the meeting. City Manager Maclin stated that he had included a copy of a presentation made at the TML Convention in Houston with some comments by an attorney in Washington, D. C. who is a member of a law firm and has served as a consultant to several Texas cities in terms of francshing and renegotiation of transfers relating to cable TV law. City Manager Maclin stated that instead of the cities getting back some of the authority they had before the 1984 Telecommunications Act, basically the power that has been changed has been given back to the FCC. However, there is a "petition phase" where Lufkin can petition to the FCC to become a regulator as a City Commission. City Manager Maclin stated that the indication from the attorney was this will be an extremely difficult, and a not too optimistic process in terms of the net result. City

Manager Maclin stated that the bulk of the regulation is to minimize situations where there is no competition by placing some regulations on cable companies, who are serving cities with no other competition in order to keep their prices reasonably comparable to other cities who do have competition.

Commissioner Bowman stated that it is his understanding that the Commission could grant more than one franchise in the City of Lufkin. Mayor Bronaugh stated that the Commission has had this authority previously but was unable to get another company to compete.
City Manager Maclin reminded Commissioners of the DETCOG meeting on Thursday in Newton.

City Manager Maclin stated that immediately following the City Commission meeting the Bond Election Committee would be meeting at 7:00 p.m. in the Council Chambers.

16. There being no further business for consideration, meeting adjourned at 6:50 p.m.

Louis A. Bronaugh - Mayor

ATTEST:

Atha Stokes - City Secretary