MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JANUARY, 1987, AT 5:00 P.M.

On the 20th day of January, 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
Don Boyd	Commissioner, Ward No. 2
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
Ron Wesch	Public Works Director
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Brance Moyer, Minister, First Church of the Nazarene, Lufkin.

2. Mayor Garrison welcomed visitors present.

Mr. Ernie Smith, representing the Texas Forest Service, presented a Certificate and a flag to Mayor Garrison in honor of the City of Lufkin again being designated as Tree City, U.S.A. Mr. Smith stated that this was the third consecutive year that Lufkin had been chosen for this award.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 6, 1987, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT ZONE - 114 E. LUFKIN AVENUE

Mayor Garrison stated that the Commission now had for consideration First Reading of an Ordinance for Tax Abatement/Reinvestment Zone for Rick Roederer covering property located at 114 E. Lufkin Ave.

Mayor Garrison stated that a Public Hearing had been held at the last meeting of the Commission and there had been no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be passed on First Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - LOVIE C. LANE - 504 W. FRANK - NR TO NR, SU (DAYCARE)

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance for Zone Change by Lovie C. Lane covering property located at 504 W. Frank from NR to NR, SU (Daycare).

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - JERRY AND LINDA PAYNE - RAGUET & HENDERSON - RL TO C

Mayor Garrison stated that the Commission now had for consideration Second Reading of an Ordinance for a Zone Change Request by Jerry and Linda Payne covering property located at the corner of Raguet and Henderson from Residential Large to Commercial.

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

7. ORDINANCE - APPROVED - ELECTION - APRIL 4, 1987

Mayor Garrison stated that the Commission now had for consideration an Ordinance designating April 4, 1987, as a regular City election. Mayor Garrison stated that the terms of Jack Gorden, Commissioner of Ward 5, and Louis Bronaugh, Commissioner of Ward 6 would soon be expiring and an election would be held in these wards.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - FIRST READING - SPECIAL CITY ELECTION - LOCAL SALES AND USE TAX

Mayor Garrison stated that the next item for consideration was approval of an Election Order declaring a Special City Election for increasing sales tax by one-half cent with funds dedicated to lowering property tax.

Mayor Garrison stated that this election is somewhat unique and the first of its kind to be authorized by the last session of the legislature. Mayor Garrison stated that it has been proposed by the legislature that if the City elects to do so, through an election to be called on a regular election day, that an additional 1/2 of 1% sales tax can be imposed on sales within the limits of the City subject to the fact that those funds will be dedicated to a reduction in the total ad valorem tax figure of the City.

City Attorney Bob Flournoy stated that the actual amount of ad valorem tax collected would be reduced by the estimated amount of sales tax income.

Mayor Garrison stated that the Commission is not recommending for or against the tax increase, but would give the voters of Lufkin the opportunity to choose.

Commissioner Foley stated that, in his opinion, the sales tax is a more appropriate way of taxing citizens for services.

Mayor Garrison stated that one of the good points is that taxes on people's homes would be reduced approximately 50% of the current level and that City tax on businesses would be reduced approximately 50%. Mayor Garrison stated that, in his opinion, it would encourage businesses to stay within the City limits where they are getting that kind of tax reduction.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that 3% is the maximum that taxes can be increased for General Fund budget maintenance and operation.

Commissioner Percy Simond stated that he would be interested in how the ballot would be worded for the tax increase. Mayor Garrison stated that the wording for the ballot was on the Ordinance which was included in the packet.

Mayor Garrison stated that, in his opinion, the Ordinance should state the purpose of the sales tax as opposed to merely referring to it by the Article number, since the public would need a lawyer to interpret same. City Attorney Flournoy stated that he would rewrite that part of the Ordinance before the next meeting.

In response to question by Commissioner Bronaugh, Mayor Garrison stated that the excess collected will go for debt service of the City, which would be bond debt service or Certificates of Obligation.

Commissioner Jack Gorden stated that the article by Bob Bullock states that there may be changes to this new local sales tax law in the next session of the Texas Legislature - even before the law as presently written goes into effect, and in his opinion, the Commission needs to study the law before an election is called.

City Manager Westerholm stated that if the election is postponed until August, it would mean having the expense of two elections in one year.

Commissioner Gorden stated that City elections traditionally have such light turnouts, and in his opinion, it would be a good idea to have one polling place. Commissioner Bronaugh stated that since residents of Wards 5 and 6 will be voting in their respective wards, it would be confusing for the other four wards to vote at one place. Mayor Garrison stated that, in his opinion, more people would turn out if they could vote in their own ward.

Commissioner Boyd stated that, in his opinion, it would be better to have the election in April so that the City would not incur the expense of two elections, and also, a lot of people are on vacation in August.

In response to question by Commissioner Roper, City Manager Westerholm stated that the Legislature may remove the 3% restriction.

Commissioner Gorden stated that since Lufkin is known as a shopping center for this area, he wondered what effect the raised tax would have on shoppers from the surrounding counties. Mayor Garrison stated that it was his opinion that nearly every City would be adopting the increase.

Commissioner Foley stated that some interesting questions had been raised, but he was in favor of passing the Ordinance on First Reading and having the City Manager gather additional information to present at the next meeting.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

Mayor Garrison recognized Bill Little who stated that the Commission might like to know that the Legislature in this session might consider covering a broader range of goods and services, which will increase the total amount of dollars coming in, even though they say they are going to be lowering the tax.

Mayor Garrison stated that this will apply to whatever the sales tax is, and if it is expanded and develops more sales tax income, the ad valorem tax would be reduced accordingly.

Mr. Little stated that sales tax starting in 1987 will not be deductible from the Federal Income Tax but property tax will be deductible.

9. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE AND STEPHENS - CITY HALL CONSTRUCTION AND EXPANSION

Mayor Garrison stated that the next item for consideration was a Resolution authorizing Certificates of Obligation for payment of an invoice from Tribble and Stephens for City Hall construction and expansion.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Resolution authorizing payment of invoice in the amount of $58,965.00 from Tribble and Stephens be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - MORGAN O'NEAL, HILL & SUTTON - ARCHITECTURAL SERVICES

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing payment of invoice from Morgan, O'Neal, Hill and Sutton for architectural services for the City Hall construction and expansion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that Resolution authorizing payment of invoice in the amount of $29,202.23 from Morgan, O'Neal, Hill and Sutton be approved as presented. A unanimous affirmative vote was recorded.

In response to question by Commissioner Simond, Jerry Hill stated he has had no further communication with the manufacturer of the seats in the Council Chambers, but they had not been paid for either.

Commissioner Simond stated that the drawer which had been installed at his place at the Council Table was not satisfactory, and he would like to suggest a smaller drawer be installed to the side.

11. RESOLUTION - APPROVED - THE GALLERY - CITY HALL POSTERS AND FRAMES

Mayor Garrison stated that the Commission now had for consideration a Resolution relating to the purchase of posters and frames for the new City Hall.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Resolution be approved as presented. A unanimous affirmative vote was recorded.

11a. RESOLUTION - APPROVED - THE GALLERY - CITY HALL POSTERS AND FRAMES

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of an invoice from The Gallery for posters and frames for the new City Hall.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh that Resolution authorizing payment of invoice in the amount of $3,320.78 to The Gallery be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - TABLED - CERTIFICATES OF OBLIGATION - SOUND TECH

Mayor Garrison stated that the Commission now had for consideration a

Resolution authorizing payment of an invoice from Sound Tech for the sound system for the Council Chambers in the new City Hall.

Commissioner Pat Foley stated that he was of the opinion that the equipment the City has received does not meet the specs.

Commissioner Foley stated that he had taken the liberty of gathering some information from a consultant from out-of-state and he indicated that while the microphones were of equal quality to those in the specifications, some of the other equipment was not. Commissioner Foley stated that he had requested some information on the sound system last year, and it had been presented to him just prior to this meeting, and he had not had time to review same. Commissioner Foley stated at this point he was of the opinion that the sound equipment installed does not meet the specs.

Jerry Hill stated that there are two (2) items that are different than shown on the specs, and that when you get into sound equipment there will be some small variances in the design.

Jerry Hill stated that the amplifier was different, but was larger in wattage than the specs called for. Mr. Hill stated that the specs called for eighteen plugs and this system had sixteen.

In response to question by Commissioner Foley, Mr. Hill stated that the equalizer was not the same as in the specs but was built into the microphone system.

Commissioner Foley stated that he had been informed that if the Council ever uses a projector in the projection room, wiring will have to be disconnected in order to get the projector hooked up.

Mr. Hill stated that the system is a module system and can be expanded to accommodate a tape deck and various other items.

Mr. Hill stated that he would invite Commissioner Foley to come to his office to review the shop drawings, and would answer any questions he might have. Mr. Hill stated that the present system in the Council Chambers was the same system as the system in the New York City Hall and various other City Halls throughout the country.

Mr. Hill stated that, in his opinion, the City Secretary should be the only one with a key to the projection room because the system was presently set for quality performance and could be tampered with if the door was not kept locked.

In response to question by Commissioner Bronaugh, Mr. Hill stated that the equipment received to be used by the City Secretary was not a recorder as specified but could be changed.

Commissioner Jack Gorden stated that he had been told by Dan Hill of the Lufkin Daily News that he could not hear from the media station. Mr. Hill stated that he would check into the situation.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that no action be taken on the Resolution authorizing payment of invoice from Sound Tech and that the invoice be rescheduled for the next meeting of this Commission. A unanimous affirmative vote was recorded.

13. CHANGE ORDER NO. 6 - APPROVED - TRIBBLE & STEPHENS - CITY HALL CONSTRUCTION AND EXPANSION

Mayor Garrison stated that the Commission now had for consideration Change Order No. 6 to the Contract with Tribble & Stephens. Mayor Garrison stated that the Change Order is for the installation of siding around the old building to match the siding of the new City Hall.

In response to question by Commissioner Simond, Jerry Hill stated that the interior work in the Police Department would be completed by the end of the month and then a punch list would be run on the building. Mr. Hill stated that the building should be completed by the third week in February.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Change Order No. 6 in the amount of $40,609.00 be approved as presented. A unanimous affirmative vote was recorded.

14. CHANGE ORDER NO. 7 - APPROVED - TRIBBLE & STEPHENS - CITY HALL CONSTRUCTION AND EXPANSION

Mayor Garrison stated that the Commission now had for consideration Change Order No. 7 to the Contract with Tribble & Stephens for City Hall construction and expansion.

Commissioner Pat Foley stated that item 47 on the Change Order was different than the original plan. Jerry Hill stated that Acting Chief David Kirkland had requested a monitoring and recording system in the jail area so that jail cells could be monitored from the control switch.

Commissioner Foley stated that, in his opinion, the air conditioning units on top of the Police Department building were unsightly and perhaps they could be screened off from public view. Jerry Hill stated that this had not been provided for in the original Contract, but he would see what could be done about same.

Commissioner Simond stated that if a Change Order would be needed to take care of this problem, perhaps the City could pay. Jerry Hill stated that he would like to remind the Commission that the City will have an $8,000 credit, and perhaps even a larger amount when credit is received on some minor changes that were made.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Change Order NO. 7 in the amount of $44,107.00 be approved as presented.

15. INVOICE - APPROVED - ALEXANDER & ROGERS - AUDIT REPORT

Mayor Garrison stated that the Commission now had for consideration an invoice from Alexander & Rogers in the amount of $17,268.00 for work done on the audit from the previous year.

City Manager Westerholm stated that he was very pleased that there had been a savings of $7,000 on the audit, since personnel in the Finance Department had performed some of the work.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that invoice from Alexander & Rogers in the amount of $17,268.00 be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Gorden stated that he would like to see the $7,000 savings on this audit dedicated to the Contingency Fund. Commissioner Foley stated that he would like to see a formal policy accepted that any time there is a savings, it will automatically go into the Contingency Fund. City Manager Harvey Westerholm acknowledged the statement made by Commissioner Pat Foley.

16. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - WASTEWATER TREATMENT PLANT IMPROVEMENTS - CEDAR CREEK INTERCEPTOR

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associates for work on the Wastewater Treatment Plant and the Cedar Creek Interceptor.

Motion was made by Pat Foley and seconded by Louis Bronaugh that invoice from Everett Griffith and Associates in the amount of $8,710.50 be approved as presented. A unanimous affirmative vote was recorded.

17. EXECUTIVE SESSION

Mayor Garrison stated that the Commission would now go into Executive Session to discuss appointments to various boards and a report from the City attorney. Mayor Garrison recessed formal open meeting of City Commission at 6:20 P.M. Mayor Garrison reconvened meeting of City Commission at 6:52 P.M. and made announcements to those present regarding results of the Executive Session.

18. APPOINTMENTS - APPROVED - ZONING BOARD OF ADJUSTMENT AND APPEALS TAXI CAB COMMITTEE

Mayor Garrison stated that the term of two members of the Zoning Board of Adjustment & Appeals, Thomas Moore and Fenner Roth, had expired in June.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Percy Simond that Thomas Moore and Fenner Roth be reappointed to the Zoning Board of Adjustment & Appeals subject to their acceptance of the position. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the terms of the three members of the Taxi Cab Committee, Max Powers, Bill Philmon, and L. V. Charles, had expired in October.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Max Powers, Bill Philmon, and L. V. Charles be reappointed to the Taxi Cab Committee. A unanimous affirmative vote was recorded.

19. PURCHASING AGENT - POLICE DEPARTMENT - PERSONNEL DEPARTMENT - CITY HALL DEPARTMENTS CLOSED/LUNCH HOUR - PRODUCTIVITY PROGRAM - LEGISLATIVE SEMINAR, AUSTIN

Commissioner Don Boyd stated that at the beginning of the fiscal year, October 1st, a Purchasing Department had been established and he would like to see a report to determine how much money was actually being saved.

Commissioner Boyd stated that there were three black applicants who took and passed the last police examination, and in his opinion, it would cost the City less to hire the applicants who were already certified as opposed to hiring an applicant who had to be trained.

Assistant City Manager Brian Boudreaux stated that under Civil Service law, an eligibility list is established by test scores.

Commissioner Boyd stated that he had received a number of calls from people who stated that when they went to the Personnel Department to request an application, the personnel in that department seemed reluctant to give them an application. Commissioner Boyd stated he had also been told by these applicants that they were not called for an interview.

Assistant City Manager Brian Boudreaux stated that each Department head determines who they will interview.

Commissioner Boyd stated that he was also concerned that the Personnel Department was closed during the lunch hour.

City Manager Westerholm stated that he would make arrangements to keep those departments open during the lunch hour which gave out applications or issued permits.

Commissioner Boyd stated that, in his opinion, the City staff should be available to the public and willing to serve them in the best way possible. Commissioner Boyd stated that for people who work, the lunch hour is the only time they have to transact personal business.

Commissioner Pat Foley stated that he would like to see a productivity report on each department to see how well the City's tax dollars are being spent. Commissioner Foley requested that the City Manager present a report to the Commission within thirty (30) days.

City Manager Westerholm stated that there will be a legislative seminar sponsored by TML in Austin, February 2nd, at the Marriott Hotel, and he hoped all of the members of the Commission would be able to attend.

20. There being no further business for consideration, meeting adjourned at 7:10 P.M.

Pitser H. Garrison, Mayor

ATTEST:

Atha Stokes, City Secretary