

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF APRIL, 1990, AT 5:00 P.M.

On the 3rd day of April, 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
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
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Raymond Dunkin, Minister, Unity Baptist Association.

2. Mayor Bronaugh welcomed visitors present.

Mayor Bronaugh stated that the City Commission was privileged to have visitors present from Holland. City Attorney Flournoy introduced Irvin Bernard, Captain of the Police Force in his home town, who is a member of a group study exchange program through the Rotary Club. Mr. Bernard was accompanied by two other gentlemen who were involved in transportation and wholesale trade in The Netherlands.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 20, 1990 were approved on a motion by Commissioner Bob Bowman and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. D.A.R.E. APPLICATION

Mayor Bronaugh stated that the next item was to reconsider the application for funding of the D.A.R.E. Program.

Chief Collins stated that at the direction of the City Commission at last meeting, he had met with the LISD and discussed the possibility of jointly contributing towards the program and asking the TLL Temple Foundation to fund the balance of the program. Chief Collins stated that the agreement at this point is that the City of Lufkin and LISD each contribute \$10,000, and request the Temple Foundation to fund approximately \$26,000 to cover one police officer to teach the D.A.R.E. program through one school year. This will cover salary, benefits, supplies and materials necessary to cover the entire program for one year for one grade (the program will probably start in the 5th grade).

In response to question by Mayor Bronaugh, Chief Collins stated that he had pursued the possibility of obtaining funds through DETCOG and was told that any surplus monies that went back to the state would be used to fund small programs not to exceed \$15,000.

In response to question by Commissioner Mayberry, Chief Collins stated that he is asking for \$10,000 in next year's budget for this program.

Mr. Darnell stated that on behalf of the LISD he was not only pleased to say that they will support this program with their \$10,000 commitment but they have looked at the program very carefully and believe it will be a supplement to their already on-going drug education program. Mr. Darnell stated that, in his opinion, this program will have an impact on the 5th graders, and after this first year there may be a need to expand it.

Chief Collins stated that he will write the grant before September.

Commissioner Mayberry requested that a written agreement be drawn up between the City and LISD. Chief Collins stated that part of the concern of the TLL Temple Foundation was a commitment from the local units of government, and a written agreement to accompany the grant request would be in order to validate that particular point.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that \$10,000 be allocated to the D.A.R.E. program for fiscal year '90-'91, and that permission to submit that grant application to TLL Temple Foundation be granted. A unanimous affirmative vote was recorded.

5. AMENDMENT - APPROVED - CIVIC CENTER BUDGET

Mayor Bronaugh stated that the next item for consideration was an amendment to the Civic Center budget.

Mayor Bronaugh stated that there had been some confusion in that 1% of the Hotel/Motel tax was to be given to help with the Expo Center budget through the Civic Center budget. Mayor Bronaugh stated that the City only had \$24,000 budgeted to the Expo Center, and it will actually need \$40,000.

City Manager Westerholm stated that at a budget workshop last year a representative from the Expo Center presented a proposed budget to the City Commission showing income needed from the Hotel/Motel tax at \$24,000. City Manager Westerholm stated that when the 1% increase was approved in August, the City staff failed to make the change from \$24,000 to \$40,000. City Manager Westerholm stated that he had included a page from the Civic Center Operating Fund budget showing the adjustment from \$24,000 to \$40,000 which will change the ending balance from \$72,177.45 to \$56,177.45, if this change is approved.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Don Boyd that the budget be amended under 'Budgeted Expenditure: Expo Center' from \$24,000 to \$40,000. A unanimous affirmative vote was recorded.

Commissioner Gorden stated that he would like for the City Manager to communicate to the Expo Center that the amount they receive from the 1% Hotel/Motel tax increase may not be exactly \$40,000.

6. PROPOSED ORDINANCE -APARTMENT COMPLEXES - KENZY HALLMARK

Mayor Bronaugh stated that the next item for consideration was a request from Kenzy Hallmark regarding the possibility of an Ordinance to safeguard the health, safety and welfare of apartment complexes and adjacent properties.

Mr. Hallmark stated that he would like to express his appreciation as a citizen for the forum the City has where he has the opportunity to come and express a grievance. Mr. Hallmark stated that he believes that he has exhausted all remedies

available to him short of coming before the City Commission. Mr. Hallmark stated that he has a serious problem that he has been unable to resolve. Mr. Hallmark stated he was appearing before the Commission individually, and also as a member of the Jefferson Street Neighborhood Association. Mr. Hallmark stated that the problem he wishes to address has been the subject matter of nearly every meeting the Association has had.

Mr. Hallmark stated that his problem specifically is that he lives across the street from a sixteen unit apartment complex, which was already existing at this location when he moved to the neighborhood 16 years ago. Mr. Hallmark stated that the complex has had a series of owners, but it is the present owner that he and the neighborhood are having problems with.

Mr. Hallmark stated that he understood the procedure a person goes through to construct an apartment complex in a residential neighborhood. Mr. Hallmark stated that in the beginning that person makes an attempt to see that everything is done right, that the project that goes in fits in the neighborhood, and that it does not unduly impose on the rights of other people in order that some person may make a profit. Mr. Hallmark stated that, however, once the first step has been taken, the agreement abandons those neighbors to allow that property owner to do whatever he wants to once he is in place, and you can't physically remove him. Mr. Hallmark stated that he believes that the City Ordinances are insufficient to solve the problems of landowners or homeowners who end up adjacent to commercial properties who are in the hands of owners who particularly do not care about the value of adjacent property owner's property, or their personal lives, or their sanitation, or their rest at night.

Mr. Hallmark stated that the Police Department can verify the number of arrests made daily and how many loud noises they have to come and abate. Mr. Hallmark stated that the Sanitation Department could verify how much garbage is overflowing at the dumpster and the unsightly items put out that won't fit into the dumpsters. Mr. Hallmark stated that some of the trash is blown over into his yard, and daily he removes beer bottles from the grass.

Mr. Hallmark stated that the good people who move into that apartment complex deserve better than this. Mr. Hallmark stated that there is nothing wrong with low income people, but there is something wrong when an owner of an apartment project lets good low income people suffer because they live in an apartment next door to someone who cares nothing for them, or the property, or the neighbors.

Mr. Hallmark stated that repairs to the building are nil, the looks of the place are horrible, and the lawns go unattended. Mr. Hallmark further stated that little children in the complex have no place to play except in the street. Mr. Hallmark stated that he feared driving into his driveway because small toddlers are allowed to play in the street. Mr. Hallmark stated that the Child Welfare Office has sent someone out on numerous occasions because of the dangerous situations the children are in. The language used by the adults is not fit for the children to hear.

Mr. Hallmark stated that the solution to this problem lies only in the responsibility of responsible businessmen. Mr. Hallmark stated that the owner of the apartment complex operating it for profit is not entitled to ruin his neighborhood or the lives of the good people that he is renting to. Mr. Hallmark stated that by solving his problem, a lot of other people's problems will be solved as well. Mr. Hallmark stated that the City Commission will not be addressing this problem for Kenzy Hallmark alone, but

for everybody else similarly situated, whether now or in the future. Mr. Hallmark stated that probably more importantly, the City Commission will be addressing it for those good people who have no other place to live except to be thrown in a place like this where the owner will not give them the dignity of making the other people behave themselves.

Mr. Hallmark stated that there are no Ordinances on the City books that will address this situation, but there are Ordinances in other towns that do address this problem.

Mr. Hallmark requested that the members of the Jefferson Street Neighborhood Association stand. (There were thirty people in attendance).

Mr. Hallmark stated that he hoped to be invited back to the next meeting when the City Commission sees fit to address this issue.

Mayor Bronaugh recognized Vardeman Johnson, president of the Jefferson Street Neighborhood Association.

Mr. Johnson stated that after thorough investigation, the members of the Jefferson Street Neighborhood Association have found that this problem exceeds their area, and in fact, permeates the whole area of Lufkin. Mr. Johnson stated that it is the responsibility of people who run enterprises to use proper law enforcement procedures to rid themselves of occupants that are not of the character or type they would like to have in their apartments.

Mr. Johnson stated that he represents a contingent of people who feel that they are being put upon by a proprietor, or proprietors, who for whatever reason doesn't feel the necessity to, or the ability to rid themselves of a problem. Mr. Johnson stated he and other members of the Jefferson Street Neighborhood Association are present in support of Mr. Kenzy Hallmark in his request to the City Commission to do whatever they can in the way of establishing procedures and Ordinances that would help them in this area.

Mr. Johnson stated that this problem has been on the agenda of every association meeting they have had since it was first formed fifteen months ago.

Commissioner Simond stated that, in his opinion, when a group of citizens come before the City Commission and complain about their living conditions, the City Commission should do something about it. Commissioner Simond stated that if there are no Ordinances that apply to their particular problem, then an Ordinance needs to be written to enable the Code Enforcement Officer to act. Commissioner Simond further stated that the Code Enforcement Officer cannot enforce all the Ordinances that are presently on the books, and could use some help because it is impossible for him to answer all the calls he receives.

Mayor Bronaugh requested that City Attorney Flournoy look into how other cities handle this type problem and report back to the City Commission.

Mr. Hallmark stated that in his research of the law he found that this problem is generally categorized under "Abatement of Nuisances".

7. ORDINANCE - APPROVED - FIRST READING - ABANDONED AND JUNK
VEHICLES - PUBLIC AND PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was

First Reading of an Ordinance regulating abandoned and junk vehicles on public and private property.

City Attorney Flournoy stated that this Ordinance relates to abandoned and junk vehicles on public and private property and is a compilation of some of the Ordinances that are already in place, and have not been quite as enforceable as they should be. Mr. Flournoy stated that this Ordinance also tracks the new State regulations for these vehicles.

In response to question by Commissioner Simond regarding Section II (B), Mr. Flournoy stated that the vehicles may be stored at a public lot, or some place that is secure, and that he did not try to address that situation. Commissioner Simond stated that the City should provide a place to store these vehicles.

City Manager Westerholm stated that old junked City vehicles are currently being stored at the Sewer Treatment Plant until such time that they are auctioned off.

Commissioner Roper stated that he would like for Section VI (E) to reflect the notice requirement for junk vehicles.

Commissioner Mayberry stated that members of the City Commission should ask themselves before this process goes any further if the enforcement of these Ordinances will be a major goal, and they will be committed so that the Code Enforcement Officer will know that they are supporting him. Commissioner Mayberry stated that the letters that have to go out must be timely and must be followed up, and everything that is done must be done according to the law. Commissioner Mayberry stated that it will take some resources and reporting back to the City Commission so they will know what is going on. Commissioner Mayberry stated that if this is to be a major goal of the City Commission, the City needs to know it.

Commissioner Simond stated that there are thousands of abandoned vehicles in back yards and on public streets and the City has not done anything to remedy the problem. Commissioner Simond stated that the City Judge, who is appointed by the City Commission, should enforce the Ordinances.

In response to question by Commissioner Simond, City Manager Westerholm stated that all Ordinances that carry a penalty are published in the newspaper.

Commissioner Bowman stated that he would concur with the statements made by Commissioner Simond and Mayberry and would add that (1) notices be placed in water bills in bold face type that certain Ordinances have been passed, and that (2) the Mayor use his office to speak out to let the public know that the City Commission is very serious about enforcing these Ordinances.

Mayor Bronaugh stated that there are presently 7 or 8 neighborhood associations, and that the Code Enforcement Officer has met with all of them (except the Jefferson Street Association) to work with them on dilapidated housing, junked vehicles, and cleaning of vacant lots.

City Attorney Flournoy stated that, in his opinion, if the City staff (legal department and Code Enforcement Officer) can get the field work done and the complaints filed, there won't be any problem setting them up in Municipal Court.

Commissioner Boyd stated that there is no way that the Code Enforcement Officer can work all the complaints himself, and that the City Commission should go one step further and get some help for the Code Enforcement Officer.

City Manager Westerholm stated that he wanted clarification of Section VI, and the designation of funds that exceed \$1,000. City Attorney Flournoy stated that he would reword this sentence to reflect that any funds that exceed \$1,000 will be transferred to the General Fund.

Mr. Williams stated that if the money from the collected fines could go back into the Code Enforcement Department they could be used to fund resources, and the Department could do a better job.

Commissioner Mayberry stated that as long as he has been on the Commission the collection of fines has never come up to the estimated revenue as outlined in the budget.

Mr. Williams stated that an Administrative fee could be added to some of the fines, and this money could be used in the Code Enforcement Department.

City Attorney Flournoy stated that an Administrative fee could be charged, or the City Commission could establish a minimum fine in the Ordinances (the maximum fine is \$200).

Commissioner Mayberry stated that Mr. Williams might analyze what resources are needed for the Code Enforcement Department and build his budget from that base rather than depending on financial resources from other areas. Commissioner Mayberry stated that the Commission needs to give some consideration to the Code Enforcement Office at the next budget meeting.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Bob Bowman that Ordinance be approved on First Reading with amendments to Section VII for 10 days notification for junk vehicles, and to Section IV for amounts exceeding \$1,000 to be returned to the General Fund. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - WATER AND SEWER LEAKS - PUBLIC AND PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance regulating water and sewer leaks on public and private property.

Mayor Bronaugh stated that since this area has been considered a critical groundwater storage, he would like for the wording "to conserve the water resources of the area" be added into the caption or the first paragraph of the Ordinance.

Mayor Bronaugh stated that under Section II he would like the ten day notice for a water leak to be changed to a 72-hour notice.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading with the addition of the wording "to conserve the water resources of the area" to the caption or the first paragraph, and a change in Section II from a ten day notice for a water leak to a 72-hour notice. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - DILAPIDATED FENCING - PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance regulating dilapidated fencing on private property.

City Attorney Flournoy stated that the City has not had an

Ordinance that covers dilapidated fencing, and this Ordinance has been drafted to address dangerous, badly dilapidated fencing.

Commissioner Mayberry questioned the wording in Section II regarding the person making the notification to the property owner - the Code Enforcement Officer or the Public Works Director. Commissioner Mayberry stated that he would like to see the wording changed to read "the Code Enforcement Officer or the City Manager or his designee".

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Paul Mayberry that Ordinance be approved on First Reading with change to Section II from "Code Enforcement Officer or the Public Works Director" to "the Code Enforcement Officer or the City Manager or his designee". A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - FIRST READING - WEEDS, BRUSH, RUBBISH, GARBAGE, LITTER, JUNK AND REFUSE - PUBLIC AND PRIVATE PROPERTY

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance regulating weeds, brush, rubbish, garbage, litter, junk and refuse on public and private property.

City Attorney Flournoy stated that this Ordinance is a compilation of other Ordinances and has been rewritten and strengthened in some areas.

Commissioner Simond stated that this Ordinance has not been enforced.

City Attorney Flournoy stated that in many cases the City has to send a crew out to cut the weeds on vacant lots and charge the work to the property owner.

Commissioner Simond stated that his concern is for elderly ladies who live alone and are afraid that someone might be hiding in the tall weeds when a vacant lot adjoins their property.

City Manager Westerholm stated that bills are sent out to those people who are known, but there is a problem with absentee landowners.

Commissioner Mayberry stated that Section VIII of this Ordinance also needs to be rewritten changing "or Public Works Director" to "the City Manager or his designee".

In response to question by Commissioner Bowman, City Attorney Flournoy stated that the City has an Ordinance that deals specifically with bats. Mr. Flournoy stated that he would like to report that on the case he filed suit on recently, the party has gone in and cleaned the building and is making an effort to correct the situation.

Commissioner Simond stated he would not like to see this Ordinance passed if the City does not intend to enforce it.

City Manager Westerholm stated that the City is doing what they can to mow the vacant lots within the capabilities of the number of tractors the City has.

Commissioner Mayberry stated that the City staff needs to estimate how much it will cost each year for this maintenance, and set that amount aside to take care of it.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob Bowman that Ordinance be approved on First

Reading changing "the Public Works director" to "the City Manager or his designee" in Section VIII. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - STANDARD UNSAFE BUILDING ABATEMENT CODE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for the adoption of the Standard Unsafe Building Abatement Code.

City Attorney Flourney stated that the City has basically been operating under the Standard Building Code, but has also been using some of the suggestions and regulations of the Standard Unsafe Building Abatement Code. Mr. Flourney stated that he was recommending adoption of this Ordinance.

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

12. SEWER RATE STUDY REPORT

Mayor Bronaugh stated that the next item for consideration was the sewer rate study report.

City Manager Westerholm stated that a copy of Maury Stiver's report had been included in the City Commission packet. This study was authorized by the City Commission on January 16, 1990 at a cost not to exceed \$3,500.

Mr. Stiver stated that he had used the original sewer rate study of 1984 as a basis for this study. Mr. Stiver stated that the character or the contribution of waste sources into the treatment plant has changed dramatically. Mr. Stiver stated that in 1984 the City instituted an industrial waste program, and industry has made considerable progress in cleaning up their waste. Mr. Stiver stated that there has been a 75-80% reduction in industrial contributions. At one time industry was paying for approximately one-half of the operation of the plant, now they contribute less than one-quarter of the loadings to the plant, which shifts the burden of paying for the treatment.

Mr. Stiver stated that he has reviewed the model that his firm has produced for the sewer treatment plant and is now recommending some adjustments in the rates. Mr. Stiver stated that the recommended residential rates were listed on page 5 of his report.

Mr. Stiver stated that he is recommending that the City include a 2,000 gallon minimum in each customer's monthly bill. Mr. Stiver stated that there appears to be a large number of meters in the City that are inoperative and are not registering.

Mr. Stiver stated that the minimum rate will now be \$4.97 per month, which represents a 16 cents per day cost for waste water service. The minimum charge has been \$2.65.

In response to question by Commissioner Gorden, Mr. Stiver stated that the City presently is recovering 100-103% of their cost.

In response to question by Commissioner Gorden, City Manager Westerholm stated that it has been indicated that the City is behind in replacing the inoperative meters. Mr. Stiver stated this is a common problem with all water departments, and Drew Squyres is aware of it. There are 1,022 meters in the City averaging less than 325 gallons per month, and of these 1,022

meters it is estimated that approximately 500 of them are yard meters.

In response to question by Mayor Bronaugh, Public Works Director Ron Wesch stated that there is no record as to when water meters are installed or changed. Mr. Stiver stated that the City has approximately 12,000 meter connections, and the average life of a meter is 8-10 years. Mr. Stiver stated that the City needs to be replacing 1,000 meters a year. Commissioner Mayberry suggested that these items be budgeted every year.

Mr. Stiver stated that the industries actual bill today will increase slightly by this rate increase - 5 to 25%. Mr. Stiver stated that he was proposing that the residential rates be increased. Commercial rates would be increased proportionally. Industrial is monitored by the City, and they pay for exactly what they discharge.

In response to question by Commissioner Simond, City Manager Westerholm stated that the estimated income for the water and sewer fund is \$1.8 million.

Commissioner Simond stated that he would be somewhat unalterably opposed to raising residential rates and lowering the rate on businesses.

Commissioner Mayberry stated that the City needs some method of sending information to Mr. Stiver so that he can prepare an annual report. Mr. Stiver stated that from 1984 to 1989 there were major changes and shifts in use of the sewer system. Mr. Stiver stated that the proposed rate system should be reviewed periodically, but not less than once a year, and especially whenever major changes in consumption, or if the number and size of consumers occurs.

Mayor Bronaugh requested that City Manager Westerholm make a recommendation based on Mr. Stiver's report at next meeting.

13. BUDGET AMENDMENT - APPROVED - RECYCLING DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was an amendment of the budget to include the Recycling Department.

City Manager Westerholm stated that the projected budget for the Recycling Department is based on Ron Wesch's estimates of where the Department is now through the end of the fiscal year. City Manager Westerholm stated that the budget total is \$49,908.63, with \$39,789.60 projected as the total income for seven months. A possible savings of \$24,025 could be realized by not taking the cardboard to the landfill.

In response to question by City Manager Westerholm, Mr. Wesch stated that the first load was sold at \$40 a ton for a total of \$789.60.

City Manager Westerholm stated that \$50,000 needs to be added to the Sanitation Department, and then set up the income, lower the expense of landfill and make all the adjustments showing the estimated income.

Commissioner Mayberry stated that the landfill budget is already over by \$31,000 for the first 5 months of this budget year. City Manager Westerholm stated that the 17 cents added on by the State Health Department came in after the budget was approved. Mr. Wesch stated that the budget was not amended to take care of this increase.

In response to question by Commissioner Roper, City Manager Westerholm stated that, in his opinion, recycling should be incorporated into the Sanitation Budget and then a separate Recycling budget set up for the new year.

Commissioner Mayberry stated that the expense has already been set up in the operating budget. Commissioner Mayberry stated that the easiest way to set it up would be to take the funds from the landfill expenditure that Mr. Wesch has estimated and put it back into the contingency Fund.

The Commissioners stated that they would like a separate report monthly on the Recycling Department.

City Manager Westerholm stated that he would like to bring back a report showing what has been amended, both to the income and expense section of the Sanitation Department and recycling so the City Commission will know exactly what has been added and what has been taken out, and how it has affected the Contingency Fund.

14. LEASE AGREEMENT - APPROVED - DOWNTOWN PARKING LOT - SOUTHERN PACIFIC RAILROAD

Mayor Bronaugh stated that the next item for consideration was renewal of a lease agreement with Southern Pacific Railroad for the downtown parking lot.

City Manager Westerholm stated that subsequent to the letter he received from Southern Pacific Railroad, he had called to let them know that he felt the increase from \$303 annually to \$600 was exorbitant for one year. City Manager Westerholm stated that he was advised that the railroad wanted a 14% return for the value of the property.

City Manager Westerholm stated that Lufkin Daily News had been informed of this increase by LAD, and has agreed to pay the difference of \$297 annually for employee parking.

Mayor Bronaugh stated that fourteen spaces were being used by Lufkin Daily News employees and four spaces by DETCOG employees when a survey was made earlier this morning. Mayor Bronaugh stated that it is extremely important to have parking downtown.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Danny Roper that the Lease Agreement with Southern Pacific Railroad be renewed with the increase of \$297 being paid by Lufkin Daily News. A unanimous affirmative vote was recorded.

15. BID AUTHORIZATION - APPROVED - COPY MACHINE

Mayor Bronaugh stated that the next item for consideration was authorization to bid on a copy machine to be used in the City Secretary's and City Manager's offices.

City Manager Westerholm stated that the copy machine that is used for the City Commission distribution, and also for the Planning and Zoning distribution, needs to be rebuilt at a cost of \$1,800. City Manager Westerholm stated that consideration has been given to moving this machine up to the P & Z Department and purchasing a new machine to replace it downstairs. City Manager Westerholm stated that there is \$54,000 left in the Personal Property Finance contractual funding and the machine could be purchased with these funds. City Manager Westerholm stated that he was requesting authorization to go out for bids.

City Manager Westerholm stated that the present machine is designed for 5,000 copies per month, and 11,000 copies per month are actually being run through the machine.

David Cochran stated that he hopes to use one of the older IBM machines as a trade-in.

Commissioner Mayberry stated that he did not feel like this type of funding was set up to buy routine capital purchases, but would best be used for the purchase of large equipment such as a fire truck.

Commissioner Bowman stated that he would concur with Commissioner Mayberry, and that, in his opinion, it sets a bad precedent to buy a copy machine under this type of arrangement.

Commissioner Mayberry stated that he would like to see the \$54,000 used to pay back this contractual obligation.

Commissioner Roper stated that when Revenue Sharing was taken out of the City's operating budget and there was a 25% net decrease in sales tax revenue in the early '80's, it became necessary for the City to put off a lot of major capital expenditures, and adjust the budget to those major revenue shortfalls.

Commissioner Roper stated that the City Commission should determine if they want to obligate themselves to spending the \$54,000 that is left over that came in short on the bids. Commissioner Roper stated that there were a number of items that were deleted in the original budget proposal from the Police Office and general administration, etc., and some consideration could be given to these items.

In response to question by Commissioner Bowman, City Manager Westerholm stated that a new copier will cost between \$10-15,000.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond authorizing bids for a copy machine for the City Secretary's office to be paid for with funds from the Personal Property Finance contractual obligations.

The following vote was recorded:

Aye: Commissioner Percy Simond, Commissioner Don Boyd,
Commissioner Jack Gorden, Mayor Louis Bronaugh

Nay: Commissioner Paul Mayberry, Commissioner Danny Roper,
Commissioner Bob Bowman

16. COMMENTS

Commissioner Mayberry questioned why the City would have \$1,000 in the concession stand at the Zoo. City Manager Westerholm stated that Gordon Henley was out of town and would not return until Monday, and he would talk to him on Monday. City Manager Westerholm stated that Mrs. Jenkins has already been out to check on the situation and has reported to him. The money was from the turn stile and the Friends of the Zoo.

Commissioner Boyd stated that he had recently attended a TML meeting in Austin, and passed out a summary of actions taken at that meeting.

In response to question by Commissioner Simond, Chief Snyder stated that the City does not have a Fire Code at this time, but it will have in the near future.

In response to question by Commissioner Simond, City Manager Westerholm stated that he would like to visit privately with Mr. Simond regarding the position of Assistant City Manager.

In response to question by Commissioner Bowman, Mr. Wesch stated that he would check on the progress of the traffic light at Chestnut and the Loop.

In response to question by Commissioner Gorden, Mayor Bronaugh stated that there had been a number of problems regarding the Azalea Fitness Trail, one of which was a deadline for the grant application that was not met. Another grant application can be submitted in six months. Commissioner Gorden stated that he would like to see the Azalea Fitness Trail promoted by the City.

17. There being no further business for consideration, meeting adjourned at 7:50 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary