

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF DECEMBER, 1987, AT 5:00 P.M.

On the 1st day of December, 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
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Charles McIlveene, Minister, First Baptist Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of meeting November 17, 1987 were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ALLEY CLOSING - O. R. DUE ESTHER BOULEVARD AND DORIS DRIVE OFF BETTY DRIVE

Mayor Garrison stated that the first item for consideration was Second Reading of an Ordinance for Alley Closing between Esther Boulevard and Doris Drive off Betty Drive as requested by O. R. Due.

There was no opposition present.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Pat Foley that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that Mr. Due has objected to the amount of payment for the alley. Mr. Due stated that over a year ago Tax Assessor Collector Roy Sinclair had appraised this same property for \$30 less than the figure that the City is now asking.

Mayor Garrison stated that the City is obligated to require Mr. Due to pay the fair market appraised value of the alley.

Mr. Due stated that he would pay the amount the City is requesting.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - JENNY AND JIMMY HORTON - DENMAN AND CHARLTON - RS TO C

Mayor Garrison stated that the next item for consideration was Second Reading of an Ordinance for Zone Change Request by Jenny and Jimmy Horton covering property located at the corner of Denman and Charlton from Residential Small to Commercial.

There was no opposition present.

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

6. ORDINANCE - APPROVED - SECOND READING - PRE-CONSTRUCTION PERIOD AGREEMENT - LAKE EASTEX PROJECT - ANRA

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance authorizing execution of Pre-construction Period Agreement for the Lake Eastex Project with ANRA.

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

7. ORDINANCE - APPROVED - SECOND READING - POLICE CLASSIFICATION PLAN

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance adopting a Police Classification Plan as recommended by the Civil Service Commission.

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

8. ORDINANCE - APPROVED - SECOND READING - REPEALING CHAPTER 9 OF CODE OF ORDINANCES - REPEALING PERSONNEL RULES FOR EMPLOYEES OF FIRE AND POLICE DEPARTMENTS FOR THE CITY OF LUFKIN, TEXAS, 1961

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance Repealing Chapter 9 of the Code of Ordinances and Repealing the Personnel Rules for Employees of the Fire and Police Departments of the City of Lufkin, Texas, 1961, as recommended by the Civil Service Commission.

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

9. ORDINANCE - APPROVED - SECOND READING - SETTING ELECTION DATE - SALARY INCREASE - POLICE OFFICERS ASSOCIATION

Mayor Garrison stated that the next item for consideration was Second Reading of Ordinance setting the election date regarding application for salary increase by the Police Officer's Association. Mayor Garrison stated that the election had been set for January 16th.

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

10. PROPOSAL - APPROVED - HERTY PARK - EVERETT GRIFFITH AND ASSOCIATES

Mayor Garrison stated that at the last meeting of the Commission proposals were considered from several engineering firms for the design and other engineering services for Herty Park that the City is in the process of building. Mayor Garrison stated that at the last meeting there were only six members present and the vote was 3 to 3 on whether or not the Commission would select a firm that was not the low bid. Mayor Garrison stated that the proposals are back before the Commission for consideration.

City Manager Westerholm stated that a letter from Goodwin-Lassiter had been received today stating that their proposal was for \$8,800 and that additional costs would be waived unless there was additional work called for other than what is in the proposal.

Mayor Garrison stated that there was some question raised at the last meeting on whether or not the proposal by Everett Griffith and Associates was the lowest cost proposed. Mayor Garrison stated that there were some questions on the proposals from Goodwin-Lassiter which appeared to be the low proposal on whether or not other charges would make it higher than any of the other proposals. Mayor Garrison stated that a letter from the Parks Department had been received which clarifies that no additional cost will be charged other than the \$8,800 unless work other than that proposed in the contract was requested of them.

Commissioner Percy Simond stated that, in his opinion, building a park is not a monumental task requiring an engineer and the park could be built by City employees using City equipment. Commissioner Simond stated that someone had requested that the City Manager prepare a report of the cost of the work performed by other engineers. Commissioner Simond stated that he noticed that Everett Griffith and Associates, over the last three years, had been paid \$426,000 in fees and only \$31,000 in fees to Goodwin-Lassiter, and only \$2,000 of that was done with approval of the City Commission.

City Manager Westerholm stated that the Parks and Wildlife Department requires that plans for the park be prepared by a registered engineer.

Commissioner Louis Bronaugh stated that he had requested the report by City Manager Westerholm at last meeting. Commissioner Bronaugh stated that, in the original proposal, the Commission had requested that the staff review the proposals and make a recommendation to the Commission, and they made a recommendation of the proposal of Everett Griffith and Associates in the amount of \$9,200. Commissioner Bronaugh stated that the Goodwin-Lassiter proposal was for \$8,800, but included a paragraph plus other costs. Commissioner Bronaugh stated that he had made the motion that the Commission accept the proposal of Everett Griffith and Associates recommended by the staff and would like to make that recommendation again. Commissioner Bronaugh stated that, in his opinion, the Commission could not come back after the proposals have all been opened and consider them and let the firms change their proposals so that it would be less than another one.

Mayor Garrison stated that he had not interpreted the second sentence in Goodwin-Lassiter's proposal as being over and above \$8,800.

Commissioner Don Boyd stated that the paragraph read "project expenses including printing costs, travel expenses, long distance telephone, and other direct project expenses would be billed according to the attached fee schedule."

Mayor Garrison stated that, in his opinion, where everything else is equal, the Commission needs to choose the lowest cost that's available to the City. Mayor Garrison stated that where there was some question of whether or not the clause Commissioner Boyd thought added cost to it, the letter stated that they waived any possibility of that. Mayor Garrison stated that it will discourage people from making proposals if the work is not given to the one making the best proposal.

Commissioner Simond stated that the Commission had requested Goodwin-Lassiter to make an explanation of their cost and they did not come back and underbid their original proposal. Commissioner Simond stated that their letter of explanation should suffice in his opinion.

Commissioner Boyd stated that this is not a firm proposal because a proposal has to be negotiated. Commissioner Boyd stated that the City Manager could negotiate with this firm and after negotiations, the cost might be more or it might be less.

Motion was made by Commissioner Percy Simond that the proposal of Goodwin-Lassiter be accepted as the low proposal.

Mayor Garrison declared that motion died for lack of a second.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper to accept the City staff's recommendation of the firm of Everett Griffith and Associates, not to exceed \$9,200 and instructing the engineering firm to bill for work that they do and the final bill reflect only work done for the City. The following vote was recorded: Aye - Commissioners Louis Bronaugh, Danny Roper, Pat Foley, Jack Gorden, Don Boyd. Nay - Commissioner Simond and Mayor Garrison.

Mayor Garrison declared motion carried by a vote of 5 to 2.

Mayor Garrison stated that he had voted no because it was not the lowest cost involved.

#### 11. DOG ORDINANCE REVISION - APPROVED

Mayor Garrison stated that the Commission now had for consideration a revision to the Dog Ordinance prepared by the City Attorney in light of the comments that have been made to the Commission by people who have been having difficulty with dogs and other animals in the community.

City Attorney Flournoy stated that this ordinance is a little more comprehensive than some of the points that have been brought up. Mr. Flournoy stated that the primary changes in this proposal and the ordinance the City presently has is that the Animal Control Department feels that the City needs a registration of dogs. City Attorney Flournoy stated that, in addition to being vaccinated for rabies, registration has been provided for. City Attorney Flournoy stated that the ordinance also provides that dogs will be kept under restraint and if they are not on a leash or behind a fence, they would be in violation. City Attorney Flournoy stated that if a dog is in your front yard and it's not behind a fence or on a restraint, the Animal Control officers have no way of knowing if the dog is at large or if the dog is your dog. Mr. Flournoy stated that the ordinance has been strengthened in some ways by clarifying and strengthening the rabies provisions in the present ordinance. Mr. Flournoy stated that the vicious dog portion of it will permit the City, under certain circumstances, to euthanize a dog if in fact it is dangerous and vicious. Mr. Flournoy stated that some changes had also been made in the areas where there are dog or cat bites and how to handle those. Mr. Flournoy stated that the length of time for impoundment has been decreased and the pick-up fee for dogs has been increased. Mr. Flournoy stated that pick-up fees for horses has been increased to \$25.00 because it requires the use of a horse trailer.

Mr. Flournoy stated that there was a provision in the ordinance that animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. Mr. Flournoy stated that if the injured animal is treated and/or impounded, the owner of such animal shall be liable for all expenses of the treatment and/or impoundment.

In response to question by Mayor Garrison, City Attorney Flournoy stated that this ordinance does give the City the authority to go on

the property of a person who owns a dog that has been determined as vicious and take possession of the dog.

Mayor Garrison stated that in Section 24 of the Ordinance it states that "it shall be unlawful for any person, including the owner, to keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor or sanitary conditions becomes offensive to a reasonable and prudent person of ordinary taste and sensibilities, or which constitutes or becomes a health hazard as determined by the Animal Control officer", and he did not know whether it was appropriate in an ordinance to place that responsibility on an Animal Control officer.

Mr. Flournoy stated that he could take a further look at this section and might be able to amplify it a little. Mr. Flournoy stated that one of the other things that would be important and perhaps a point of concern to quite a few people is that a provision has been made in the ordinance that anyone who keeps more than three dogs or three cats over a certain age will be considered to have a kennel and they must be licensed and follow certain guidelines for maintaining those kennels.

Mr. Flournoy stated that, additionally, provisions had been made in Section 43 about dog pens or kennels providing that the dog pen or kennel will be located 75 feet away from any other dwelling. Mr. Flournoy stated that provisions had been made for certain area requirement for cows and horses, and if you have a hog, it can be no more than one hog per acre.

Commissioner Bronaugh stated that if someone has more than three dogs, which will require them to get a kennel license, it will also come under the zoning laws. Mr. Flournoy stated that it would require Special Use, which would give the City more control.

Commissioner Danny Roper stated that he was concerned with the statement in Section 29 which states that "if such dog is not redeemed within three days after reasonable effort has been made to locate the owner, it shall be considered abandoned and may be placed for adoption or the dog may be humanely euthanized", and he hoped the City would be very prudent in euthanizing a licensed animal that could be a valuable animal, and three days is a rather short time.

Mr. Flournoy stated that it would be easier to use more discretion if the animal is licensed because you can determine who the animal belongs to.

In response to question by City Attorney Flournoy, Animal Control Officer Kathy Clark stated that in 1979 there was a registration of dogs which was part of the leash law, but it did not last long.

In response to question by Commissioner Foley, Ms. Clark stated that there is a number on the rabies tags which would identify the dog, and that most of the veterinarians keep good records, but that there are one or two that she has been unable to get a good response from. Ms. Clark stated that out of 147 dogs picked up recently, only two had on rabies tags.

In response to question by Commissioner Bronaugh, Ms. Clark stated that she would not be able to locate an owner if a dog did not have a rabies tag on. Ms. Clark stated that people claiming their dogs when they are picked up are required to pay for a rabies vaccination. Ms. Clark stated that they are given a receipt from the City to present to the veterinarian for the rabies shot. Ms. Clark stated that she has a stack of receipts that she has not been billed for so evidently these people have not followed through with the rabies vaccination.

In response to question by Commissioner Bronaugh, Ms. Clark stated that there will have to be public awareness in order for people to have their dogs licensed. Ms. Clark stated that if she gets a call on a dog who is licensed, she will not always have to impound the dog, but will be able to call the dispatcher to find out where the animal lives and then take the animal home and issue a citation. Ms. Clark stated registration will allow her to identify the veterinarian in the event the dog needs medical attention, and in the case of a dog bite, she can go to the registrations and identify the dog by color and species.

In response to question by Commissioner Bronaugh, Ms. Clark stated that the amount of the fine for an individual who has not had his dog vaccinated is determined by the municipal judge.

In response to question by Commissioner Boyd, Ms. Clark stated that when she came to work at the Animal Shelter, they were taking in a little over 3,000 animals and the Animal Shelter has already taken in 7,000 this year. Ms. Clark stated that the prices were set as such to encourage people to have their animals spayed or neutered and to discourage reproducing unwanted animals that come into the shelter.

In response to question by Commissioner Boyd, City Attorney Flournoy stated that a provision had been added in the ordinance under Section 38 dealing with confinement during estrus.

Commissioner Bronaugh stated that he noticed that registration of a dog by a person 65 years or older will be \$3.00, and, in his opinion, it appears that the book work involved would cost more than the fee. Ms. Clark stated that a person 65 years or older will be entitled to an annual credit of \$2.00 for one dog and if the animal is spayed or neutered, the cost will be reduced to \$1.00. Ms. Clark stated that if the license is obtained through a veterinarian, the \$1.00 administrative cost will stay with the veterinarian. Ms. Clark stated that if the dog is unspayed or unneutered, the City will receive \$2.00 for the registration.

Commissioner Bronaugh stated that he had problems with the registration because of the fact that the animals are being registered through vaccination. Commissioner Bronaugh stated that, in his opinion, there would not be enough money involved in the registration to pay for itself.

In response question by Mayor Garrison, Ms. Clark stated that the estimated dog population in Lufkin is 7,526.3 dogs and the cat population is approximately 3,655.

In response to question by Commissioner Roper, Ms. Clark stated that it will not be the policy of the Animal Control Office to pick up dogs from yards that are loose, but the owner will be sent a warning or letter of violation that they do need to be restrained behind a fenced yard or on a leash. Ms. Clark stated that after a letter of violation has been received by the owner, and the dog continues to run loose, a complaint will be filed by the Animal Control officer.

In response to question by Commissioner Roper, Mr. Flournoy stated that under Penalty for Conviction, the fine applied to any type of complaint.

Commissioner Bronaugh stated that under the definition of Vicious Animal, it states "any animal that commits an unprovoked attack upon a person or other animal on public or private property, or that attacks, threatens to attack or terrorizes a person on public property or property of another", and he would like to know if this applies to guard dogs. Mr. Flournoy stated that it would not apply

to guard dogs, but the ordinance did not make a specific reference to guard dogs. Mr. Flourney stated that the City of Tyler addresses the issue of guard dogs and also makes provision for the type of signs to be posted if a guard dog is maintained.

In response to question by Commissioner Simond, Mr. Flourney stated that if a person maintains an animal that fits the definition of a vicious animal, under the requirements of the state law, the person will have to put up a \$100,000 bond and keep the dog in restraint. Mr. Flourney stated that the City can also file on a person for being in violation of Section 26, and can also impound the animal.

In response to question by Commissioner Simond regarding the immediate problem of people being molested by dogs, Mr. Flourney stated that one of the dog owners is in jail now and the other person has apparently gone to Louisiana. Mr. Flourney stated that some of the dogs were moved according to the agreement County Investigator Terry Clark had worked out with them. Mr. Flourney stated that one of the problems is trying to operate partly under the State law, which simply says that a person has 60 days to restrain the dog and 60 days to put up a \$100,000 bond.

Mayor Garrison stated that he would like to see the ordinance passed as an emergency ordinance on First Reading. Mr. Flourney stated that there may very well be a necessity for doing so.

In response to question by Commissioner Bronaugh, Mayor Garrison stated that this ordinance will supercede the old ordinance. Commissioner Bronaugh stated that he had problems with passing the ordinance this quick without some time for study. Commissioner Bronaugh stated that, in his opinion, the area veterinarians need to be heard from.

Commissioner Bronaugh stated that, in his opinion, the present ordinance takes care of these peoples' problems and the City has not taken care of the ordinance.

Mr. Flourney stated that the man on Moffett Road brought the dog back and has now been filed on under the present ordinance. Mr. Flourney stated that the man is presently in jail on some of the other charges that are outstanding. Mr. Flourney stated that the City's position will be that if a person is in violation, they will be picked up and put in jail.

In response to question by Mayor Garrison, Mr. Flourney stated that the new ordinance helped just by being able to require that all animals be under restraint, by giving the City the authority to dispose of some of the animals if they fit certain categories, and it will enable the City to require larger minimum fines on animal violations.

Ms. Rosie Lightfoot stated that she would like to know if the new law would apply to people who are considered indigent.

Mr. Flourney stated that the Supreme Court says that a person cannot be confined for an offense that does not carry a jail sentence. Mr. Flourney stated that the City can only go as far as the law will allow them to. Mr. Flourney stated that Mr. Giles' son is in jail and it isn't felt that he is indigent.

In response to question by Ms. Lightfoot, Mr. Flourney stated that the Municipal Court Judge will determine if a person is indigent or not. Mr. Flourney stated that Mr. Giles is disabled and does not work and those are the things that are looked at when determining if a person is indigent. Mr. Flourney stated that there is no ordinance he can write that will change what the Supreme Courts have said.

Ms. Lightfoot stated that, in her opinion, no progress has been made in this situation. She further stated that when Mr. Giles was released from jail, he came home and let the dogs out again.

Mr. Flournoy stated that the Municipal Judge will hold an indigency trial on Mr. Giles to make a determination if he is indigent or not. Mr. Flournoy stated that regardless of the results of the hearing, the ordinance still gives the City authority to pick up the animal and keep the animal until the complaints are taken care of.

In response to question by Commissioner Gorden, Ms. Clark stated that the Rabies Eradication Law does not say that the dog has to wear the collar and tag, but rather that the owner has to show proof of vaccination.

Commissioner Bronaugh stated that, in his opinion, Ms. Clark could use some help in order to enforce the Ordinance.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd adopting Ordinance on an emergency basis with the provision that 90 days be allowed for licensing and that the City Attorney make revisions to problem areas and re-submit to City Commission at next meeting.

The following vote was recorded: Aye - Commissioners Gorden, Foley, Boyd, Simond and Mayor Garrison. Nay - Commissioners Roper and Bronaugh.

Mayor Garrison declared motion carried by a vote of 5 to 2.

12. ORDINANCE - APPROVED - FIRST READING - WILSON MC KEWEN REHABILITATION CENTER - 1015 MOORE - LB TO LB, SU (DETMHMR)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Wilson McKewen Rehabilitation Center covering property located at 1015 Moore from LB to LB, SU (DETMHMR). Mayor Garrison stated that this request had been heard before the Planning and Zoning Commission and had been unanimously passed.

There was no opposition present.

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

13. AMENDMENT - APPROVED - PARKING ORDINANCE - THIRD STREET BETWEEN BURKE AND SHEPHERD

Mayor Garrison stated that the next item for consideration was First Reading of amendment to Parking Ordinance regarding parking time limits on Third Street between Burke and Shepherd.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented.

Commissioner Foley stated that Third Street is narrow, and, in his opinion, parking should be eliminated altogether. Commissioner Foley stated that when cars are parked along the curb, you have to drive over the line to keep from hitting them.

City Manager Westerholm stated that parking along Third Street is convenient for those people who need to come into City Hall. City



Manager Westerholm stated that it is possible that the center line could be moved.

A unanimous affirmative vote was recorded.

14. RESOLUTION - APPROVED - GRANT APPLICATION - 1987 COMMUNITY DEVELOPMENT PROGRAM

Mayor Garrison stated that the next item for consideration was a Resolution authorizing submission of a 1987 Texas Community Development Program Grant application.

Mayor Garrison stated that the grant application is for water system improvements in North Lufkin. City Manager stated that the amount of the grant is \$256,816, and the application stipulates that the City will contribute \$64,205 in cash as a match.

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

15. PROPOSAL - APPROVED - "TITLE NINE" ECONOMIC STRATEGY STUDY

Mayor Garrison stated that the next item for consideration was proposals to conduct a "Title Nine" Economic Strategy Study. Mayor Garrison stated that a grant in the amount of \$48,750 has been offered by the EDA with the Chamber of Commerce matching on a 25% basis (\$16,250).

Bob Brown representing the Chamber of Commerce stated that there will be no cost to the City. Mr. Brown stated that 35 proposals were sent out and six completed proposals were received and had been analyzed. Mr. Brown stated that he was present at tonight's meeting to recommend that the firm of Fantus Company be awarded the proposal.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the recommendation of the Chamber of Commerce that the bid from Fantus Company be accepted as presented. A unanimous affirmative vote was recorded.

16. PROPOSALS - TABLED - PARTIAL SELF-INSURED GROUP HOSPITALIZATION

Mayor Garrison stated that the next item for consideration was proposals for partial self-insured group hospitalization study.

Commissioner Foley stated that he has not reviewed the proposals in depth and considering the importance of the item he would like more time for review.

Commissioner Roper stated that this matter is of such complexity that, in his opinion, the Commission should consider a workshop.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that item be tabled until next meeting and that a workshop be held at 4:00 P.M. prior to the meeting. A unanimous affirmative vote was recorded.

17. BID - APPROVED - TYPEWRITERS - PARKS DEPARTMENT - PERSONNEL - ACCOUNTING - PLANNING DEPARTMENT - IBM

Mayor Garrison stated that at last meeting the Commission had mistakenly accepted the low bid for all the typewriters. Mayor Garrison stated that it had been brought to his attention that the recommendation was that four of the typewriters to be used in the Parks Department, Personnel, Accounting and the Planning Department were not the low bid.

City Manager Westerholm stated that Purchasing Agent David Cochran had recommended the IBM Wheelwriter Three from Triad because of the exceptionally low price for this typewriter.

Motion was made by Commissioner Pat Foley and seconded By Commissioner Don Boyd to accept the recommendation of the staff for four IBM Wheelwriter typewriters from Triad. A unanimous affirmative vote was recorded.

18. CHANGE ORDER NO. 3 - APPROVED - WASTEWATER TREATMENT PLANT -  
CHANGE ORDER NO. 4 - APPROVED - CEDAR CREEK INTERCEPTOR -  
EVERETT GRIFFITH AND ASSOCIATES

Mayor Garrison stated that the Commission now had for consideration Changer Order No. 3 on the Wastewater Treatment Plant and Change Order No. 4 on the Cedar Creek Interceptor.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that performing the work in accordance with the Davis Bacon Act was part of the contract.

Mr. Percy Simond stated that he would like to compliment Mr. Griffith on the net decrease of \$22,351.75 to the contract for the Wastewater Treatment Plant.

In response to question by Mayor Garrison, Mr. Griffith stated that the total cost for the project will be approximately \$20,000 under the contract price.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Change Order No. 3 for the Wastewater Treatment Plant and Change Order No. 4 for the Cedar Creek Interceptor be approved as presented. A unanimous affirmative vote was recorded.

19a. BID - APPROVED - BACKHOE - WATER AND SEWER DEPARTMENT -  
JOHN DEERE

Mayor Garrison stated that the Commission now had for consideration bids for a backhoe to be used in the Water and Sewer Department.

City Manager Westerholm stated that a low bid had been received from John Deere in the amount of \$31,815.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that bid from John Deere in the amount of \$31,815 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

19b. BID - APPROVED - COMPUTER PRINTERS - PERSONNEL DEPARTMENT -  
PURCHASING DEPARTMENT - IBM

Mayor Garrison stated that the Commission now had for consideration bids on computer printers to be used in the Personnel, Purchasing and Police Departments.

City Manager Westerholm stated that Purchasing Agent David Cochran was recommending the bids from IBM for printers to be used in the Personnel and Purchasing Department. City Manager Westerholm stated that, at this time, Mr. Cochran was recommending that the purchase of a printer for the Police Department be postponed.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that bids from IBM for computer printers to be used in the Personnel Department in the amount of \$6160 and the Purchasing

Department in the amount of \$689 be accepted as the lowest and best bids. A unanimous affirmative vote was recorded.

20. PUBLIC SALE/CITY HALL CERTIFICATES OF OBLIGATION - CONTRACT RENEWAL - APPROVED - FIRST SOUTHWEST COMPANY

Mayor Garrison stated that the Commission now had for consideration public sale of the City Hall Certificates of Obligation and contract renewal with First Southwest Company. Mayor Garrison stated that, in his opinion, the contract renewal should be approved before the sale of the Certificates of Obligation.

City Manager Westerholm stated that Mr. Bill Newman, Senior Vice-President of First Southwest Company was present at tonight's meeting to answer any questions the Commissioners might have.

In response to question by Commissioner Foley, City Attorney Bob Flournoy stated that he had reviewed the Financial Advisory Agreement.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that professional services contract with First Southwest Company be renewed and that authorization to proceed with the bond sale be granted. A unanimous affirmative vote was recorded.

In response to question by Commissioner Jack Gorden, Mr. Newman stated that the municipal bond market is presently in good shape and in the last six weeks has come down from a 9 to a 7.81 on a 20-year "A" rated credit.

In response to question by Commissioner Gorden, Mr. Newman stated that in the event the City sells under \$10 million dollars in debt within a fiscal year, the bond is a qualified tax exempt bond and there is a lower interest rate because there are more bidders.

In response to question by Commissioner Gorden, Mr. Newman stated that it was customary for the bond counsel to say that it is a qualified tax exempt bond.

In response to question by Commissioner Gorden, Mr. Newman stated that he had been told by City Manager Westerholm that the City did not expect to sell over \$10 million dollars of the bonds.

21. CIVIL SERVICE COMMISSION - APPOINTMENT - APPROVED - E. G. (ROD) PITTMAN

Mayor Garrison stated that the term of Mr. Rod Pittman had expired on November 17th. Mayor Garrison stated that he had been advised by Mr. Boudreaux that Mr. Pittman was interested in serving another term. Mayor Garrison stated that he was surprised to learn that the Mayor would make that appointment subject to the approval of the City Commission. Mayor Garrison stated that the current law states the Civil Service Commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality. Mayor Garrison stated that he would propose that the Commission re-appoint Mr. Rod Pittman to the Civil Service Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley to ratify the appointment of E. G. (Rod) Pittman to the Civil Service Commission. A unanimous affirmative vote was recorded.

22. FIRE DEPARTMENT GARAGE - CITY HALL ANNEX

Commissioner Percy Simond stated that he had just learned that City

Management has moved personnel from the Lufkin Avenue garage to the new City Garage.

City Manager Westerholm stated that the building is still being occupied at \$700 per month. City Manager Westerholm stated that there is an educational training room for the Fire Department in this building and that it is also used to store medical supplies and other items.

In response to question by Commissioner Simond, Murry Brown stated that the building was leaking, but only in the part that was used as the shop.

Commissioner Simond stated that he was sure that City Manager Westerholm had made the right decision in moving the personnel to the other garage, but, in his opinion, the Commission should have been notified.

City Manager Westerholm stated that some of the Fire Department vehicles were now being stored in the garage.

Chief Snyder stated that there are also two offices in this building, one for the training officer and one for the safety officer.

Commissioner Simond stated that he was very impressed with the City garage that had been built by City employees. Commissioner Simond stated that, in his opinion, instead of paying \$700 for the garage on Lufkin Avenue, it would be better to build a nice building.

Mayor Garrison stated that if the City is not able to sell the City Hall Annex, perhaps it could be used by the Fire Department.

In response to question by Commissioner Bronaugh, City Manager Westerholm stated that when the building was leased it came before the City Commission. Mayor Garrison and Commissioner Foley stated, that, in their opinion, they did not remember it coming before the City Commission.

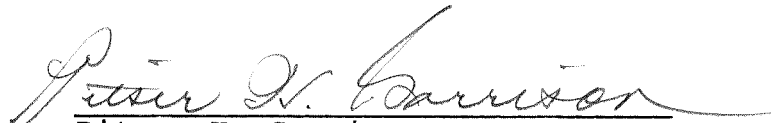
Commissioner Simond stated that he remembered being contacted personally by the City Manager.

Commissioner Foley stated that he was not contacted regarding the leasing of the building.

Commissioner Simond stated that, at the time, he thought it was a good idea to have a garage across the street from the Fire and Police Departments, but it will be a waste of time and personnel for the firemen and policemen to have to go to the new garage.

Mayor Garrison stated that the City Manager could prepare a report for the Commission on what the building is being used for.

23. There being no further business for consideration, meeting adjourned at 7:30 P.M.

  
Pitser H. Garrison, Mayor

ATTEST:

  
Atha Stokes, City Secretary

DATE 12/1/87

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