

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF MARCH, 1990, AT 5:00 P.M.

On the 6th day of March, 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. Joe Metzmeier, Minister, Word of Life Church.

2. Mayor Bronaugh welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of Workshop Meeting of February 20, 1990 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd with corrections to page 2, paragraph 8, rewording the last sentence to read: "City Manager Westerholm did admit that the expenditures for the fiscal year did exceed the amount that had been budgeted".

A unanimous affirmative vote was recorded.

Minutes of the regular meeting of February 20, 1990 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Danny Roper. A unanimous affirmative vote was recorded.

Minutes of Special meeting of February 28, 1990 were approved on a motion by Commissioner Paul Mayberry and seconded by Commissioner Bob Bowman. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - DOUGLAS A. KARPEN - LARGENT STREET AND WHITE AVENUE - RESIDENTIAL MEDIUM, RESIDENTIAL LARGE TO RESIDENTIAL MEDIUM, RESIDENTIAL LARGE, SPECIAL USE (PARKING FOR 24 SPACES AND STORAGE BUILDING IN ACCORDANCE WITH SITE PLAN AND MINUTES OF JANUARY 22, 1990 PLANNING AND ZONING COMMISSION MINUTES)

Mayor Bronaugh stated that the next item for consideration was Second Reading of Ordinance for Zone Change as requested by Douglas A. Karpen covering property at the northwest corner of Largent Street and White Avenue from Residential Medium, Residential Large to Residential Medium, Residential Large, Special Use (Parking for 24 spaces and storage building in accordance with site plan and minutes of January 22, 1990 Planning and Zoning Commission Minutes).

Attorney Don Duran was present to represent the Zone Change request.

There was no opposition present.

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

5. INVESTMENT POLICY - APPROVED

Mayor Bronaugh stated that the next item for consideration was adoption of proposed investment policy for the City of Lufkin.

City Manager Westerholm stated that corrections made to the first draft are under item "A", and the final draft with changes requested at last meeting are under item "B". These changes include reporting to the City Commission:

Quarterly Reports: The Director of Finance shall submit quarterly to the City Commission an investment report that summarizes current strategies and possible risks and an explanation of recent results by investment category. The report shall disclose the quarter's total investment return and compare the return with budgetary expectations when applicable.

Annual Report: Within sixty (60) days of the end of the fiscal year, the Director of Finance shall present an annual report on the investment program activity to the Lufkin City Commission. The annual report shall include twelve (12) month performance information, and shall suggest improvements that might be made in the investment program.

City Manager Westerholm stated that Richard Long of First Southwest was present at tonight's meeting, and he had passed out a copy of "An Act Relating to the Investment and Deposit of Public Funds" for each of the Commissioners prior to the meeting.

City Manager Westerholm stated that the purpose of the Investment Policy was to comply with the Public Funds Investment Act of 1987, Section 5. WRITTEN POLICIES (a) Investment shall be made in accordance with written policies approved by the governing body.

In response to question by Commissioner Simond, Mr. Long stated that the Public Funds Investment Act allows the City access to a larger variety of investments, and the City staff has selected a very conservative, safe investment option, which basically allows for US Treasury securities, Treasury bills, and Treasury notes issued by the Federal government, or securities issued by one of the Federal agencies. None of the investments would be deposited in a foreign account.

Mr. Long stated that the staff has chosen to invest in rated tax exempt securities which would be the State of Texas, or another cities bonds. Mr. Long stated that the type of securities that the City Staff has chosen as eligible securities for the portfolio are the same types of securities that would be considered eligible as collateral against a deposit at a bank.

In response to question by Commissioner Simond, City Manager Westerholm stated that basically all the City investments are in US Treasury bills, C. D.'s, and insured savings.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Bob Bowman to approve the Investment Policy as presented. A unanimous affirmative vote was recorded.

6. GROUP HOSPITALIZATION PLAN

Mayor Bronaugh stated that the next item for consideration was the City's group hospitalization plan.

Mayor Bronaugh stated that on December 19, 1989 this Commission passed a Resolution to go forward with methods of reducing the City's medical care costs as far as the hospitalization and its premiums were concerned for employees and their dependents.

Mayor Bronaugh stated that at that meeting there were five items which were voted on, and #3 was to set up a Preferred Provider Organization (PPO), and revise the schedule of benefits to offer the employees an incentive to use it. Mayor Bronaugh stated that there were some who would rather not proceed with the PPO Plan. Mayor Bronaugh stated that because the Commission could not vote in a Workshop session it was placed on the agenda for discussion at this meeting.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Danny Roper to delete item #3 from the list of 5 proposed ways to cut hospitalization costs as outlined at the December 19, 1989 meeting. A unanimous affirmative vote was recorded.

Commissioner Mayberry stated that he would suggest that a Workshop be held in the future to discuss cost containment for the City's hospitalization plan.

In response to question by Commissioner Bowman, City Manager Westerholm stated that Mr. Littel had projected that a PPO for the City could have effected an estimated \$200,000 savings last year.

Mayor Bronaugh stated that the City had left Blue Cross/Blue Shield because of the escalating costs two year ago. Mayor Bronaugh stated that the proposal the City chose was with the realization that the Company would adjust the figures after the first year's experience.

Commissioner Roper stated that insurance is a very complex issue and a tremendous amount of money is spent out of the budget for insurance. Commissioner Roper suggested that two months in advance of the renewal, the Commission discuss the possibilities of a paid consultant to help analyze these proposals.

Mayor Bronaugh stated that Lufkin has an excellent medical community, both hospitals and physicians. Mayor Bronaugh stated that Lufkin's prices are much less than Houston, Nacogdoches and surrounding areas and even if the PPO was adopted, it would not reduce the physician's prices because they were already low.

Commissioner Bowman requested that the City Manager furnish the Commissioners the anticipated cost for the hospitalization plan prior to the Workshop.

Commissioner Mayberry suggested adjusting the premium on a 6-months basis instead of waiting until the end of the year to try to get some figures along with the administrator, and perhaps some expenses could be off-set. Commissioner Mayberry stated that the City will have 6 months history and can vote to not continue on if the Commission finds the Plan has been exceeded.

Mayor Bronaugh stated that the Workshop on March 12th is for the

budget, but the Commission can get some preliminary figures for the hospitalization plan at that time.

In response to question by Commissioner Simond, City Manager Westerholm stated that the City has an agreement with Memorial Medical Center similar to what the industries have. City Manager Westerholm stated that Memorial Medical Center is willing to join the PPO.

Mayor Bronaugh stated that Woodland Heights has a different program and the Commission will be looking at it in the Workshop.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - GLORIA STRINGER - 423 MOODY - RESIDENTIAL SMALL TO RESIDENTIAL SMALL, SPECIAL USE (ACCOUNTING OFFICE)

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for a Zone Change request by Gloria Stringer covering property located at 423 Moody from Residential Small to Residential Small, Special Use (Accounting Office).

Ms. Stringer stated that she owns a small house in an older neighborhood and would like to use part of it for an accounting office. Ms. Stringer stated that she will put up a small sign advertising this service.

There was no opposition present.

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

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - JACK T. HOPSON (SELLER) - JERRY D. GREEN (BUYER) - LOOP 287 AND LUFKIN AVENUE - RESIDENTIAL LARGE TO COMMERCIAL

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance for Zone Change request by Jack T. Hopson (Seller) and Jerry D. Green (Buyer) covering property located at the northeast corner of Loop 287 and Lufkin Avenue from Residential Large to Commercial.

Attorney Joe Register stated that Mr. Green will be putting in a van rental lot at this location. Mr. Register stated that the property is presently a vacant lot and subject to sell upon approval of the Zone Change.

There was no opposition present.

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

9. RESOLUTION - APPROVED - LOCAL AGREEMENT - LUFKIN POLICE DEPARTMENT/DISTRICT ATTORNEY - FORFEITED CONTRABAND

Mayor Bronaugh stated that the next item for consideration was a Resolution approving a Local Agreement between the Lufkin Police Department and the District Attorney of Angelina County regarding disposition of forfeited contraband seized under Chapter 59 of the Texas Code of Criminal Procedure.

City Attorney Flournoy stated that this Resolution authorizes the Police Chief to enter into the Agreement, and is basically a "housekeeping item", with proceeds under this Agreement divided 70% for the City and 30% for the District Attorney's office. Chief Collins stated that the money is to be used for law enforcement purposes.

City Manager Westerholm stated that the City Attorney has recommended that the City have a written agreement with the District Attorney's office concerning the disposition of forfeited contraband, under the Drug Enforcement Program, approved by the City Commission.

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

10. AUTHORIZATION - APPROVED - DEEP EAST TEXAS NARCOTICS
TRAFFICKING TASK FORCE

Mayor Bronaugh stated that the next item for consideration was authorization to participate in the Deep East Texas Narcotics Trafficking Task Force.

City Manager Westerholm stated that he had received a new letter today from Chief Collins which contains a fourth option.

Chief Collins stated that the original information from the Task Force stated that they were firm on the salary figure for the agents who would be in the Task Force. Chief Collins stated that this created some problems since Lufkin is the only City under Civil Service Law. Chief Collins stated that he could not see any way that the City could participate with their original interpretation. Chief Collins stated that they have since changed their opinion as to what they can do as far as pay and have told him that if Lufkin still wishes to be a member of the Task Force, they will accept the City's membership based on current salaries for LPD's officers and will make the difference between the other agents pay and the city's agents pay up in overtime pay. This will allow the City to be in compliance with Civil Service Law. Chief Collins stated under the Civil Service Law officers in the same class all have to be paid the same salary and in addition to that, they can draw all the overtime pay they can earn. Chief Collins stated that the Task Force is saying, "You put your agent in at your current salary, and we will make sure that he makes enough overtime pay to bring him up to what the Task Force salary will be". Chief Collins stated that this will all be documented so that it will be reflected in the City's records each pay period. Chief Collins stated that he now recommends that LPD join the Task Force under those conditions.

In response to question by Mayor Bronaugh, Chief Collins stated that the City's cost will be \$5,000 for this year that will be mitigated somewhat by a grant that is pending with the TLL Temple Foundation. Chief Collins stated that the LPD will receive approximately \$29,000 for the agents salary and benefits.

In response to question by Commissioner Boyd, Chief Collins stated that the City must renew their membership every year. Chief Collins stated that for the past year the City has not had an agent in the Task Force.

Chief Collins stated that if the City Commission decides to continue their membership for another year in the Task Force, he would request that the Commission increase the Department's manpower by one authorized position so that the Task Force agent can be added. Chief Collins stated that if the Task Force should ever become inoperative, the LPD would drop back to the present manpower.

In response to question by Commissioner Gorden, Chief Collins stated that the City has never had an authorized agent in the Task Force. Chief Collins stated an agent from Lufkin had been

authorized for the first year and his salary and all expenses were paid with the promise that the City would be fully refunded the second year. When the grant was renewed the second year, the Task Force received less money than the year before and could not reimburse the City for its agent's salary so he was pulled out of the program. Chief Collins stated that the City was still a member of the Task Force, and the Task Force still worked the City and County because the \$1500 membership had been paid, but there was not a person who served as an agent from the City. Chief Collins stated that because of this past situation, the City is now eligible for 100% funding of an agent's salary.

Chief Collins stated that if this request is approved all the documents, which were included in the packet, will have to be signed and sent to Austin by March 15th.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond authorizing the Lufkin Police Department to participate in the Deep East Texas Narcotics Task Force and the Department's manpower be increased by one authorized position. A unanimous affirmative vote was recorded.

11. RECOVER AND REPAIR ENTERSOULES (R.A.R.E.)

Mayor Bronaugh stated that the next item for consideration was a request for the operation of R.A.R.E. (Recover and Repair Entersoules).

Mayor Bronaugh recognized Lorraine King and Joe Walton in representation of the R.A.R.E. program.

Ms. King stated that R.A.R.E. will be a community based, licensed co-educational facility that is designed to meet basic needs of chemically dependent blacks ages 18 and older. Ms. King stated in addition to major programs for the chemically dependent there will be an extended day treatment at a half-way house.

Ms. King stated that R.A.R.E. also operates a program serving chemically dependent pregnant females.

Mr. Walton, who will be Ms. King's assistant and the Associate Director, stated that in addition to helping people overcome their chemical dependency, the counselors also deal with them on a basis of repairing lack of self-esteem, poor economics and such other problems. Mr. Walton stated that their goal is to help these chemically dependent people feel good about themselves and to help them get back into society.

Ms. King stated that she has located a building that she will be able to change into a half-way house.

Ms. King stated that she will make application to the Federal government, the United Way, and other foundations which are interested in this type program for funding.

The City Commission expressed their wishes for a successful operation of this program.

12. RELEASE/ACCEPTANCE - TABLED - DRAINAGE EASEMENT - SOUTHRIDGE ADDITION I

Mayor Bronaugh stated that the next item for consideration was release and acceptance of new drainage easement in Southridge Addition I.

Colin Bond, owner of the property, was not present.

In response to question by Mayor Bronaugh, City Manager Westerhold stated that the request is to alter a drainage swale so that a house can be constructed on the property.

Mayor Bronaugh stated that he would like for everyone to keep in mind the problems that the City incurred when the creek was altered on Markus Street.

City Manager Westerholm stated that the City Engineer has recommended approval of the request.

City Attorney Flournoy stated that this is not an unusual request, and as long as the engineer is satisfied it should be all right.

Mayor Bronaugh stated that this item would be rescheduled for next meeting of the Commission.

13. TRACTOR - APPROVED - TEXAS PROPERTY SALVAGE - PARKS DEPARTMENT

Mayor Bronaugh stated that the next item for consideration was the purchase of a Texas Property Salvage tractor to be used in the Parks Department.

City Manager Westerholm stated that Mr. Hannabas will be using funds from his equipment maintenance budget for this purchase if it is approved by the Commission.

Commissioner Mayberry stated that there are some risks involved in purchasing salvage property. Mr. Hannabas stated that M. D. Scarborough and Billy Ratcliff have inspected the tractor and it appears that all that is needed is a new battery and one hydraulic line replaced. Mr. Hannabas stated that he will not put a lot of money into this equipment.

Motion was made by Commissioner Paul Mayberry and seconded by Commissioner Don Boyd to approve the purchase of the Texas Property Salvage tractor for the Parks Department. A unanimous affirmative vote was recorded.

14. BID - APPROVED - LITTER AND GARBAGE REMOVAL FROM PARKS - LUFKIN WORKSHOP AND OPPORTUNITY CENTER

Mayor Bronaugh stated that the next item for consideration was a bid for litter and garbage removal from City Parks.

Mr. Hannabas stated that last year he deleted the right-of-way maintenance from the bid, and has not included it in this year's bid.

Mr. Hannabas stated that he is recommending the low bid of Lufkin Workshop and Opportunity Center in the amount of \$7,870. The budgeted amount was \$8,000.

Mr. Hannabas stated that Mr. Nicholson had obviously under bid for the cleaning of Morris Frank Park, but says he will stand by his bid of \$25 per day.

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden to accept the low bid of Lufkin Workshop and Opportunity Center for litter and garbage removal from City parks. A unanimous affirmative vote was recorded.

15. EXECUTIVE SESSION

Mayor Bronaugh recessed meeting at 6:13 p.m. to enter into Executive Session. Regular session reconvened at 6:37 p.m. and

Mayor Bronaugh stated that appointments to two boards had been discussed and a legal matter.

City Attorney Flournoy stated that Bryan Maxey has filed a lawsuit against the City. Mr. Flournoy stated that the lawsuit in Harris County has now been dismissed in favor of the City. Mr. Flournoy stated that Mr. Maxey's most recent lawsuit has been filed in Angelina County and the City will be filing an answer right away. Mr. Flournoy stated that the City is considering cross-action against Mr. Maxey for harassment.

16. APPOINTMENTS - APPROVED - EXAMINING SUPERVISING BOARD OF ELECTRICIANS - WILLIAM H. SCOTT - PLUMBING APPEALS AND ADVISORY BOARD - JAMES TEMPLETON

Motion was made by Commissioner Bob Bowman and seconded by Commissioner Jack Gorden that William H. Scott be reappointed to the Examining and Supervising Board of Electricians and James Templeton be reappointed to the Plumbing Appeals and Advisory Board. A unanimous affirmative vote was recorded.

17. COMMENTS - RAILROAD CROSSINGS - POLICE DEPARTMENT - TRASH/ABANDONED CARS

In response to question by Commissioner Boyd, Mr. Wesch stated that he has not heard from Mr. Hancock regarding the railroad crossings.

In response to question by Commissioner Boyd on the status of police officers, Chief Collins stated that the Police Department interviewed one applicant today and made a decision on him and has one other applicant to interview, and if he is hired it will bring them up to quota.

In response to question by Commissioner Boyd, Chief Collins stated that all officers are responsible for serving their own warrants and currently there are 1,100 active warrants. Commissioner Boyd stated that the City of Diboll is working with the constables to serve warrants and suggested that the LPD look into this approach.

Commissioner Simond stated that he would like to see the City continue with the demolition of dilapidated houses. Commissioner Simond stated that he is also concerned about trash on the streets in North Lufkin that is not being picked up. Commissioner Simond stated that there is an abandoned car at 707 Highland that has been parked at this location for two years.

Commissioner Simond stated that he meets twice a month with a group who are concerned about the neighborhood, and would like to know why the Jones Park parking lot has not been enlarged yet.

Commissioner Bowman concurred with Commissioner Simond in regard to the concern of trash in the City. Commissioner Bowman suggested that the City may need a "trash policeman" to drive around the City and report this type of thing.

City Attorney Flournoy stated that he is presently working on a more comprehensive Ordinance which would address all of these problems. Mr. Flournoy stated that he is working with Kenneth Williams and Stacy George in drafting the Ordinance.

Commissioner Simond stated that he would like for employees who drive City vehicles, to call in on their radios and report trash that needs to be picked up.


Mayor Bronaugh stated that, in his opinion, the City does have a responsibility, but it is also the responsibility of individuals

to keep the City clean. Mayor Bronaugh stated that AB/C or the Chamber could designate a clean up day and the City could participate by providing dumpsters. Mayor Bronaugh stated that the City is not allowed to go on people's property and clean up.

City Manager Westerholm stated that the City does not have any place to store old junk cars.

Kenneth Williams stated that the owner of the abandoned car on Highland Street has been notified that he has 48 hours to move this vehicle.

18. There being no further business for consideration, meeting adjourned at 7:00 p.m.


Louis A. Bronaugh, Mayor

ATTEST:


Atha Stokes, City Secretary