

Minutes of the regular city council meeting Monday, December 10, 2007 at 5:15 P.M. at the Diboll City Hall.

Present

Bill Brown	Mayor
Don Hendrick	Councilman
Ricky Conner	Councilman
Bryan Wilson	Councilman
Fred Mitchell	Councilman

Absent

Gandy Stubblefield

Also Present

Kenneth Williams	City Manager
Tina Cavazos	City Secretary
Elvia Garza	Finance Director
Doug McCoy	Public Water Director
Brent Hawkins	School Superintendent
Andrea Swor	
John Pouland	
Levi Ellison	
Gary Jones	Street Superintendent
Kent Havard	Police Chief
Pastor Frazier	

**1. Call to order.**

Mayor Bill Brown called the meeting to order.

**2. Invocation.**

Pastor Frazier gave the invocation.

**3. Approve November 13, 2007 city council meeting minutes.**

Bryan Wilson made the motion to approve the city council minutes of November 13, 2007 and Ricky Conner seconded with unanimous affirmative votes being recorded.

**4. Discuss and possibly approve advertising for bids to repair and paint the Safety Center building.**

Mr. Williams said that during the budget workshop the city had approved 15 thousand to go to repair on the building. Kent Havard said that the building was in bad shape with nails coming out, rotten boards, and needs a paint job. The council all discussed different kinds of material to repair the safety building with. Kent Havard asked to advertise for bids on two different kinds of material. Don Hendrick made the motion to advertise for bids on two different types of material and Ricky Conner seconded with unanimous affirmative votes being recorded.

**5. Hear and discuss The Texas Local Government Code Chapter 43 concerning**

**Municipal annexation.**

Mr. Williams presented a power point presentation to the council on municipal annexation considerations. Mr. Williams went over goals and objectives of annexation and why Diboll should consider active annexation. Mr. Williams also said our sign says 10 miles to Lufkin but it is actually two miles from city limit to Lufkin. Mr. Williams said if we sit around Lufkin will be on top of us before we know it. Mr. Williams went over the pros and cons for adopting an active annexation policy and the difference from General Law City to a Home Rule City.

**6. Hear and discuss The Texas Local Government Code Chapter 9 concerning Home Rule Municipalities.**

Mr. Williams presented a power point also on Chapter 9 Home Rule Municipality. Mr. Williams went over the requirements of adopting or amending a Home Rule Charter, Method of Adoption of Home Rule-Used most often, and the procedures. Mr. Williams also went over the pros and cons of Adoption of Home Rule Procedures. Fred Mitchell asked if the city was ready. Mr. Williams said we have some steps we need to look at. Ricky Conner said to get all the information together and presented to the council. Mayor Brown agreed also on getting as much information together and put it on the next council meeting.

**7. Discuss and possibly take action on energy saving plan by Johnson Controls.**

Jessie Thompson addressed the city council with a presentation on integrated energy solutions. Mr. Thompson went over performance contracting, method of financing, benefits of PC to the City, types of improvements this project could include and who performs these types of projects. Don Hendrick asked what other cities have you work with. Mr. Thompson answered Houston, Tyler, and Dallas. Mr. Thompson said I do not know if there is a project here or what kind of opportunities you might have until we do some walk throughs. Mr. Thompson said we could come back and say there is nothing there and the good thing is you get your primary audit out of this and it is yours. Bryan Wilson made the motion to go with the primary audit and seconded by Don Hendrick with unanimous affirmative votes being recorded.

**8. Consider official request by Brookshire Brothers LTD. For a variances to the City of Diboll ordinance 06-04 section 4 to consider the Sale of Alcohol Beverages near School.**

Mr. Jack Gabriel, Chief Operating Officer of Brother Brothers presented to the council some of their policies and how they take care of them. They have inside house health department inspection and inside audit. Mr. Gabriel said we have strong policies on illegal drug abuse in our entire stores. Mr. Gabriel said we have a class that all employees have to take for the sale of alcohol beverages. Bryan Wilson asked what age does the employee have to be in order to sale alcohol beverages and Mr. Gabriel said 18 years but the supervisor only duty has to be 21 years and older. Mr. Gabriel said that you could go to any store in Lufkin and you will not find any neon sign or vulgar pictures. Mr. Gabriel said they would not have the beer and wine where the children would have to pass it we

keep it isolated and if you have been to any of our other stores you know what I mean. Mayor Brown asked to keep posters off windows or billboards about beer or wine. Bryan Wilson said his concern was the loading of the alcohol being in the back where the children could see it. Mr. Gabriel said they will be sure to have delivery on alcohol through the front doors. Don Hendrick said I have a lot of concerns; I have had a lot of calls from concerned citizens. Councilman Hendrick said of course I do not drink. Councilman Hendrick said he just wanted on record that he was against having alcohol at Brookshire Brothers because it being too close to the school. Mayor Brown asked if anyone else had anything to say just step up to the microphone. No one spoke up. Mayor Brown said he was against Alcohol from the beginning but the people voted and they won. Ricky Conner made the motion to grant a variance for the sale of Alcohol to Brookshire Brothers and Bryan Wilson seconded and Fred Mitchell against and Don Hendricks against. Mayor Bill Brown broke the tie and voted for the variance.

**9. Consider and possibly approve credit card revisions.**

Elvia Garza said the city has issued First Bank & Trust credit cards to some supervisors and this is use for travel and training. Mrs. Garza said we would like to make a few changes and the Bank requires the council approval. First the Civic Center Director does not have a credit card at this time and we would like to issue him one at a \$1000.00 limits. The City Manager has one for \$2000.00 and would like to move it up to \$3000.00. Finance Director and City Secretary has one each for \$1000.00 and would like to up it to \$2000.00 because the supervisor that do not have one uses ours to reserve there Hotel and schools. Don Hendrick made the motion to approve credit card revisions and Ricky Conner seconded with unanimous affirmative votes being recorded.

**10. Financial review.**

Elvia Garza said that by this time of the year most departments are at 1/12 of there budget and most are only at 1/8 so departments are doing great. Court is doing great on revenue. Mrs. Garza said that the auditors would be here the first week of January and we should have a good end of the year report by the end of January.

**11. Executive Session:**

Mayor Brown called the council into executive session at this time to discuss TMRS retirement plan.

Mayor Brown called the council back into open session, no decisions were made and no votes were cast. Minutes of the executive session meeting are kept in a lock box in the city's vault.

**12. Public Forum.**

There being none.

**13. City Manager Comments.**

There being none.

**14. Council Comments.**

There being none.

**15. There being no further business Don Hendrick made the motion to adjourn and Fred Mitchell seconded with a unanimous affirmative vote being recorded the meeting adjourned at 7:08 p.m.**

---

Bill Brown, Mayor

**Attest:**

---

Tina Cavazos, City Secretary