MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF MAY, 1984, AT 7:30 P.M.

On the 1st day of May, 1984, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden, Jr.	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present and,

Louis Bronaugh	Commissioner, Ward No. 6

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. George Pence, Headmaster of St. Cyprian's Episcopal School, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

   Minutes of regular meeting of April 17, 1984, were approved on motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Zone Change - Approved - Second Reading - Memorial Hospital RL,SU (Hospital) to LB,SU (Professional Offices)

   Mayor Garrison stated that zone change request by Memorial Hospital covering property located at the Southwest corner of Franklin Street and Ellis Avenue from Residential Large, Special Use (Hospital) to Local Business, Special Use (Doctors Offices), had been approved on first reading at last meeting of this Commission. Mayor Garrison further stated that it was requested at last meeting that additional information concerning possible solutions to the drainage problems on Franklin Street and on the creek between Frank and Cordelia, running parallel to Marcus, had been requested. Mayor Garrison stated that in the past property owners in the area being considered for storm sewer installation had participated in the cost, and a 25 foot easement for drainage would be needed from Franklin to Cordelia Street. Mayor Garrison further stated that erosion had gone into the Bon Ton Addition. Mayor Garrison stated that because this is a major drainage area, the City would require participation from the property owners to the extent that the pipe crosses their property and enhances same through the improvements. Mayor Garrison stated that it has been estimated that the total cost of the material to construct the storm sewer would be approximately $52,000, and, of that amount, the City would share in one-third of the cost which would leave $35,134 for the property owners in the area to divide. Mayor Garrison stated that the City staff would recommend that two-thirds of the cost be under-written by the residents in the Tanglewood Addition in the amount of $23,143, and one-third by property owners in the Bon Ton Addition in the amount of $10,136. Mayor Garrison stated that a 36 inch storm sewer is proposed along Franklin Street and it would be increased to 42 inches with the hospital assuming the cost for the additional size of the pipe.

   City Manager Westerholm stated that the proposal had not been discussed with the property owners in the area, pending City Commission approval.

In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that an easement for drainage did not exist at this time, but in the future, Franklin Street would have to be lowered by 18 inches from Newsom Street South, and the storm sewer would be installed at the correct depth to meet future renovation.

Mayor Garrison recognized Horace Cardwell, Administrator of Memorial Hospital, who stated that because complaints had been received about the narrowness of Franklin street, Memorial Hospital would buy the materials and pay the labor for the City of Lufkin to curb, gutter, and pave Franklin Street from Newsom to Ellis with a 28 foot back to back curb and gutter street.

Mayor Garrison recognized Harry Castleberry, property owner in the area, who stated that the plan as proposed by the City Staff was not acceptable to him because property owners on each side of the drainage structure would be required to pay for improvements at different rates. City Manager Westerholm stated that basically the creek has always been in the Tanglewood Addition.

Mr. Castleberry stated that every citizen in the City of Lufkin has water fall on their property and to require the people who live at the bottom of the hill to pay to correct the drainage problem is not fair. Mr. Castleberry stated that he was prepared to file suit at the Courthouse and that the drainage problem existed throughout the City and will increase as the City continues to grow. Mr. Castleberry stated that he would like to propose a simple solution that one (1) dollar be added to each water bill to fund a future master drainage plan and allow everyone to contribute without damage to anyone or require every property owner to control run-off on their property. Mayor Garrison stated that the law does not allow each property owner to attempt to control run-off from their property by trying to curtail it. Mr. Castleberry stated that the City at the present time does not have an adequate plan to handle drainage.

Mayor Garrison recognized Ed Wagoner, property owner in the area, who stated that there were engineering problems raised at last discussion of this zone change and that he had had correspondence with a field specialist from A & M University, who stated that run-off would be increased by 40 percent in the area being discussed resulting in a corresponding increase in the amount of erosion. Mr. Wagoner stated that he understood the storm sewer under Jefferson and Marcus would be closed-off when construction was begun on the on the hospital property and the people owning property on the east end of the ditch would receive more water than ever before. Mr. Wagoner stated that he would like to examine figures on the plan proposed by City Staff which indicated how much each individual property owner would have to pay, and he agreed with Mr. Castleberry's proposal which would assist in the development of a master drainage plan.

Mayor Garrison stated that the price to the property owners would depend on the amount of street frontage the property contained and City Manager Westerholm should meet with property owners to present the plan for their consideration. Mayor Garrison further stated that an easement would be needed by the City to intall the drainage pipe and if an easement was not given the City has the right to condemn the property to provide the easement.

In an answer to question by property owners, City Manager Westerholm stated that the pipe would be installed underground and covered over for use by the property owner, but would include a swale on top of the ground to allow excess storm water to flow and prevent flooding of the property owner's home.

Commissioner Pat Foley stated that he would be willing to commit the City to a plan similar to what the City Manager had proposed, and City Staff should meet with citizens in the area to obtain input on the proposal.

obligation to get the water flowing and provide help in areas where an erosion problem is being experienced.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that cleaning out the ditch would only add to the erosion problem.

Mayor Garrison stated that the reason the drainage problem is being discussed in connection with the Memorial Hospital zone change is to inform property owners in the area that the City is interested in rectifying the drainage problem. There was no opposition present in regard to the zone change application.

Commissioner Lynn Malone stated construction on the property would create additional drainage problems in the area if the zone change were approved.

Mayor Garrison stated that the plan for proposed construction on the property would be considered again by the Planning and Zoning Commission.

Commissioner Percy Simond stated that the storm sewer should be completed before the Hospital began building on their property.

Memorial Hospital Administrator, Horace Cardwell, stated that the street through the proposed development would be completed as soon as possible because the Family Practice Clinic would be constructed first while construction of the proposed offices would begin in approximately two years.

City Manager Westerholm stated that the storm sewer would be budgeted for October 1, 1985, fiscal year if approved by the City Commission.

In response to question by property owners in the area, City Manager Westerholm stated that drainage from the new street would be routed via curb and gutter into storm sewer at Ellis Street.

Motion was made by Commissioner Pat Foley, seconded by Commissioner Don Boyd, that zone change be approved on second reading with provisions included for the curb and gutter and widening of Franklin Street as proposed by Memorial Hospital. The following vote was recorded with Mayor Garrison recusing from vote: Aye: Commissioners Boyd, Simond, Foley, Gorden. Nay: Commissioner Malone.

Mayor Garrison declared motion approved by vote of four (4) to one (1) and zone change approved on second and final reading as amended. Mayor Garrison stated that he had recused from vote because he serves as member of the Hospital Board which did not really disqualify him, but he would prefer not to participate in the vote.

5. <u>Zone Change - Approved - Second Reading - Lovie C. Lane RM to RM,SU (Daycare)</u>

Mayor Garrison stated that zone change request by Lovie C. Lane covering property located on Rowe Street between Culverhouse and Cain Street from Residential Medium to Residential Medium, Special Use (Daycare Center) had been approved on first reading of last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6. <u>Zone Change - Approved - Second Reading - Lloyd C. Callahan RL to C</u>

Mayor Garrison stated that zone change by Lloyd C. Callahan covering property located at and behind 1910 South First Street between Janeway and South John Redditt Drive from Residential Large to Commercial had been approved on first reading at last meeting of the Commission. There was no opposition present.

Motion was made be Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on second and final reading as presented. A unanimous vote was recorded.

7. Ordinance - Approved - Second Reading - "Reinvestment Zone" Tax Abatement Program - Page Perry

Mayor Garrison stated that request from Page Perry for participation in Tax Abatement Program through a "Reinvestment Zone" covering property located in block 12 of the Original Town of Lufkin being lots 1,2,3, and 4 and the west one-half of block 5 had been considered at last meeting of this Commission and approved on first reading.

Commissioner Lynn Malone stated that he was opposed to the designation of the "Reinvestment Zone" based on the work that had been completed by Mr. Perry.

Commissioner Jack Gorden stated that Mr. Perry wuld not benefit from the program until additional renovation work had been completed.

City Manager Westerholm stated that the work that had been complete by Mr. Perry had not changed the value of his property and additional work would be required before the Tax Abatement Program would become effective. City Manager Westerholm further stated that Mr. Perry must furnish proof of renovations that would be included in a contract between him and the City of Lufkin, but the work would have to qualify for the Tax Abatement Program. City Manager Westerholm stated that the designation of a "Reinvestment Zone" on Mr. Perry's property allows him the opportunity to qualify for the Tax Abatement Program,

Commissioner Don Boyd stated that he understood the "Reinvestment Zone" designation would give Mr. Perry permission to become eligible.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Ordinance designating "Reinvestment Zone" be approved on second and final reading as presented. The following vote was recorded: Aye: Mayor Garrison, Commissioners Gorden, Foley, Simond. Nay: Commissioners Boyd, Malone. Mayor declared motion approved by a vote of four (4) to two (2).

8. City Planning and Zoning Commission - Increase in Members - Tabled

Mayor Garrison stated that consideration of increasing the number of City Planning and Zoning Commission members had been tabled at last meeting of this Commission to allow information to be obtain regarding the attendance records of the members and the item was now ready for consideration.

Commissioner Percy Simond stated that he would like to see the number of members increased from seven (7) to nine (9), and he was surprised by the attendance records. Commissioner Simond further stated that if the number of Commissioners was not increased the Commission should be composed of persons that would attend each meeting. Commissioner Simond further stated that he was not adamant on increasing the number to nine (9) and would like to present an alternate proposal.

Mayor Garrison stated that in view of the attendance record, and increase in the number of members at the present time might seem like a criticism from the City Commission. Mayor Garrison further stated that the Planning and Zoning Commission have By-laws that state: "In the event any member of the Commission or its Committees shall be absent from three (3) consecutive regular meetings without having been excused for such absences, such member shall automatically cease to be a qualified member...."

Mayor Garrison stated that the City Manager could be authorized to talk with the property owners and obtain their input.

Commissioner Pat Foley stated that he felt whatever was done in this incident would set a precedent for the future. Commissioner Jack Gorden stated that the historical data related to this drainage problem indicated moral responsibility for the City, but there is not a similar situation involving the rerouting of a creek to a man-made creek on private property. Commissioner Jack Gorden stated that this unique situation would not set a precedent for the City.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the estimated figure of $52,000 would provide material for the storm sewer and the labor would be done by City employees with City equipment.

Commissioner Percy Simond stated that even if the action taken by the City Commission was precedent setting, the drainage problem has been existing for thirty years and this situation should be given priority. Commissioner Simond stated that $52,000 is not a large amount of money for a City, but if other areas requested the same service, they might have to wait until another fiscal year. Commissioner Simond further stated that he had driven through this area and some of the homes could be washed into the drain in a heavy rain.

Mayor Garrison stated that he acknowledged this situation needed consideration and City Manager Westerholm was trying to obtain participation by the property owners. Mayor Garrison stated that a developer had caused the problem in the area, not the City, by rerouting the surface drainage. Mayor Garrison stated that he agreed this was a problem that needed to be addressed and he was inclined to do so if the City Commission wanted to incur the entire expense.

Commissioner Don Boyd stated that a compromise should be worked out between the citizens of the area and the City of Lufkin.

Sara Clark, property owner in the area, stated that the developer of the property should have a responsibility and she had requested that construction of the ditch be stopped at the time of construction.

Mayor Garrison stated that he wanted the City Manager to meet with the property owners and decide how to correct the problem. In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the problem should be adequately corrected now to prevent future problems.

Commissioner Lynn Malone stated that he understood it was a serious problem and he wondered how priorities would be established in the future.

Mayor Garrison stated that at the present time, the City makes a conscious effort to examine construction by developers and carefully supervises the work. Mayor Garrison further stated that money might be found to begin working with the drainage problem and preliminary mapping of the City had begun.

Motion was made by Commissioner Percy Simond, seconded by Commissioner Pat Foley that City Manager Westerholm and City Staff should meet with citizens involved to discuss figures and plans being proposed by the City of Lufkin, and submit information to the City Commission at next meeting. A unanimous affirmative vote was recorded.

In response to question by Commissioner Jack Gorden, Mayor Garrison stated that the City has the right to condemn property and levy costs for drainage work which could be handled similar to a paving lien in subject property but the property owners and the City Staff should attempt to reach a fair understanding which involves the question of how far the City can expend their funds.

Mayor Garrison stated that while the City had no legal responsibility in the drainage problem, the City did have a moral

Commissioner Pat Foley stated that he did not understand the article in the Lufkin Daily News the way Commissioner Malone did and the present Planning and Zoning Commission is doing a good job and he was proud of their work. Commissioner Foley further stated that since he had been serving on the Commission, no problems were created because of lack of a quorum on that Commission. Commissioner Pat Foley stated that the Planning and Zoning Commission did a good job of checking all data and providing facts on proposed zone changes before the City Commission considers same. Commissioner Pat Foley further stated that the main concern in appointment of members should be whether they were qualified to deal with zone change problems and if they were concerned with the problems faced on the board. Commissioners Pat Foley stated that the absentee problem could be handled by the City Commission as the present members are considered for re-appointment.

Commissioner Percy Simond stated that the Planning and Zoning Commission was doing a good job but just because they live in the more affluent wards does not mean they are more qualified. Commissioner Pat Foley stated that where a Commissioner lives should not be the most important consideration and Commissioner Percy Simond had pointed out a problem in the Planning and Zoning Commission that should be corrected.

Commissioner Percy Simond stated that the consideration for increasing the number on the Planning and Zoning Commission should be tabled until the next meeting.

Commissioner Lynn Malone stated that he disagreed. Motion was made by Commissioner Lynn Malone and seconded by Commissioner Percy Simond that two members be added to the Planning and Zoning Commission. The following vote was recorded: Aye: Commissioners Malone, Simond, and Boyd. Nay: Mayor Garrison, Commissioners Gorden, Foley. Mayor Garrison declared motion failed by a vote of three (3) to three (3).

Motion was made by Commissioner Percy Simond and seconded by Commissioner Lynn Malone that when the present Planning and Zoning Commission members are considered for re-appointment, each City Commissioner should appoint one member regardless of the ward in which he resides.

Mayor Garrison stated that he was concerned about who would make the first appointment when a vacancy occurred.

Commissioner Percy Simond stated that he would withdraw his motion and consideration of same would be given at next meeting of this Commission.

9. <u>Zone Change - Approved - First Reading - Barbara Liepman RM to RM,SU (Daycare Center)</u>

Mayor Garrison stated that zone change request by Barbara Liepman covering property located at 1409 Atkinson Drive between Herty and Trenton Streets from Residential Medium to Residential Medium, Special Use (Daycare Center) had been recommended to the City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

In response to question by Commissioner Lynn Malone, Mrs. Liepman stated that she had an engineering drawing of the proposed driveway that would be constructed on the property before operation of the daycare center began and drawing was passed for view.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that zone change be approved on first reading as presented. A unanimous affirmative vote was recorded.

10. <u>Zone Change - Approved - First Reading - Vernon Hearnsberger RM to NR</u>

Mayor Garrison stated that zone change request by Vernon Hearnsberger covering property located on North Timberland Drive between Forest Park Boulevard and Duncan Street from Residential

Medium to Neighborhood Retail had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change be approved on first reading as presented. A unanimous affirmative vote was recorded.

11. Zone Change - Approved - First Reading - Robert, Dennis, and Mary Lazarine - RL to LB

Mayor Garrison stated that zone change request by Robert, Dennis and Mary Lazarine covering property located at 1609 and 1611 South Chestnut Drive between South Medford and Diana Street from Residential Large to Local Business had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Commissioner Pat Foley stated that he understood the property would have no ingress or egress from Wallace Street and that the zone change would end 200 feet short of Wallace Street.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on first reading as presented. A unanimous affirmative vote was recorded.

12. Zone Change - Approved - First Reading - A. & Virginia Garlington RL to LB

Mayor Garrison stated that zone change request from A. & Virginia Garlington covering property located on the corner of South Medford Drive and South Chestnut between Wallace and Diana from Residential Large to Local Business had been recommended to the City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on first reading as presented. A unanimous affirmative vote was recorded.

13. Zone Change - Tabled - First Reading - Keith Casey - RL to C

Mayor Garrison stated that zone change request by Keith Casey covering property located at 1108 South First Street between East Menefee and South Raguet from Residential Large to Commercial had been considered by the Planning and Zoning Commission and the zone change had been dinied by a vote of three (3) to one (1) due to objections from property owners in the area. Mayor Garrison stated that the propronent of the zone change had elected to proceed to City Commission realizing that six (6) affirmative would be necessary to overrule denial of the Planning and Zoning Commission. Mayor Garrison recognized Bill Ricks, Attorney for Keith Casey, who stated that he would prefer this tiem be tabled until next meeting of this Commission to have the full seven members of the City Commission in attendance. Mr. Ricks stated that he understood that he had to have six (6) affirmative votes due to denial by the Planning and Zoning Commission and with only six members present tonight he would be at a decided disadvantage.

Mayor Garrison stated that Mr. Ricks had contacted him by telephone at 2:30 this afternoon requesting that he be allowed to withdraw due to the absence of Commissioner Bronaugh, and he had informed Mr. Ricks that he did not have the authority to remove the zone change request from the agenda, that the entire City Commission would have to make that decision.

R. L. Cunningham, property owner in the area, stated that he served as a representative of the property owners, and the zone change should be settled at this meeting because if the item was tabled the property owners would have to make an additional trip to the City Commission. Mr. Cunningham stated that he could see Mr. Rick's problem, but the zone change request had been pending for quite a while.

Mayor Garrison further stated that discussion of the attendance on the Planning and Zoning Commission will result in the members resolving to attend all meetings or offer their resignation.

Commissioner Percy Simond stated that his alternate proposal was that each City Commissioner appoint one (1) member to the Planning and Zoning Commission with the Mayor appointing three (3) members after the present terms expire. Commissioner Simond stated that he was concerned that all citizens of the City of Lufkin were not represented by the Planning and Zoning Commission. Mayor Garrison stated that under the present Ordinance the appointment of Planning and Zoning Commissioners would have to be by the entire City Commission not by one Commissioner.

Commissioner Lynn Malone stated that there was an imbalance in the wards represented on the Planning and Zoning Commission and the expansion would provide an opportunity for more citizens to serve. Commissioner Malone further stated that citizens who could attend the meetings should be considered for appointment and the present Planning and Zoning Commissioners evidently have a lack of interest. Commissioner Malone further stated that a position on the Planning and Zoning Commission should be considered an honor and an obligation when accepted and if the present members did not believe this, they should resign. Commissioner Malone stated that he would like to see more non-professional people on the Planning and Zoning Commission to avoid conflict with the meeting dates.

Mayor Garrison stated that he had been observing the Planning and Zoning Commission for a long time and they had done a very outstanding job. Mayor Garrison further stated that five (5) people can do just as good a job recommending zone changes as seven (7).

Commissioner Percy Simond stated that the City Commission should have more power of appointments to the board, and while some wards have no representation, there are three members employed by local foundries, one from Texas Foundry and two from Lufkin Industries. Commissioner Simond stated that he doubted any government board had representation from every ward.

Mayor Garrison stated that when the terms of present members expire, consideration should be given to appointments from an unrepresented ward. Mayor Garrison further stated that a resolution to the Planning and Zoning Commission might be considered requesting them to re-examine their attendance records and enforcement of their By-laws. Mayor Garrison stated that their By-laws had not been enforced because there is a stipulation that absences are to be officially noticed by the Commission. Mayor Garrison stated that he believed the Planning and Zoning Commissioners would take a new interest in being present at all meetings or resign if they felt they could not be present.

Commissioner Percy Simond stated that his main concern was that more people in the City of Lufkin should be offered the opportunity to participate in City government.

Mayor Garrison stated that in regard to the proposal made by Commissioner Percy Simond he would be reluctant to appoint three (3) members but would like to take the entire proposal under consideration.

Commissioner Lynn Malone stated that he was not criticizing the performance of the present Planning and Zoning Commission but was commenting on statements made in The Lufkin Daily News by the present members. Commissioner Pat Foley stated that often all comments are not included in the newspaper.

Mayor Garrison stated that the City Commission should re-charge the Planning and Zoning Commissioners with their responsibility.

Commissioner Percy Simond stated that in fairness to the applicant, the discussion on same should be postponed until all seven members are present. Commissioner Pat Foley stated that the next meeting might also have only six members present. Mr. Ricks stated that he would stipulate that even if there were only six members present at the next meeting, he would consent to a vote.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that zone change application be tabled until next meeting of this Commission. The following vote recorded: Aye: Mayor Garrison, Commissioners Boyd, Simond, Foley, Gorden. Nay: Commissioner Malone. Mayor Garrison declared motion approved by a vote of five (5) to one (1).

14. Resolution - Approved - Criminal Justice Grant - Narcotics Task Force

Mayor Garrison stated that the City Commission had a Resolution for consideration which would authorize the submission of an application for Criminal Justice Grant to operate a narcotics task force through the Lufkin Police Department.

City Manager Westerholm stated that the Deep East Texas Regional Organized Crime Task Force is a fully funded continuing grant project providing funds for inter-agency cooperation in criminal investigation of organized crime, narcotics, and dangerous drugs and the grant covers all operation expenses of the participating officers. City Manager Westerholm further stated that the commitment of the City of Lufkin would be to continue the salaries of the existing officers who perform in the task force. City Manager Westerholm further stated that the total amount of the grant would be $147,479.00 to begin February 1, 1985, for a period of twelve months.

Mayor Garrison recognized Ron Willis, from the Deep East Texas Regional Council of Governments, who stated that the grant would fund a twelve county region to fight organized crime. Mr. Willis stated that the Governor's office will not allow the administration of the grant by anyone other than a City or a County agency and the grant will cover the cost of transportation, meals, and money to buy information for undercover policemen who operate outside of thier own City. Mr. Willis stated that one entity has to be grantee of the federal money in order for the government to track the physical responsibility, and Chief Latham would have authority to authorize the expenditures under the Grant.

Mayor Garrison stated that he understood from reading the Grant that money would be spent to pay people for information, and he was concerned about how the City of Lufkin could be sure that the money was actually used for that purpose. Mr. Willis stated that there is a tracking procedure for every dollar that is spent and each dollar has to be tied to a particular investigation. Mr. Willis further stated that there is an element of trust between the Chief and his officers.

Captain David Kirkland stated that the most money that was used at any one time in the past three years was $750, and if the amount requested is larger, the criminal would be arrested when the money was received to provide immediate recovery. Captain Kirkland further stated that all money is controlled through signed receipts and statements, and if drugs are bought with the money, the drugs are stored in the Police Department vault.

Ron Willis stated that the only serious problem is when a confidential informant is paid and the identity is not available. Mr. Willis further stated that most of the grant money is used for travel and expenses of the undercover policeman.

Commissioner Don Boyd stated that program has been a big help to the areas involved and very successful. Commissioner Boyd further stated that Lufkin Undercover Officers are known in the City of Lufkin which makes it necessary for them to work in other cities.

Mr. Willis stated that Chief Latham is responsible for being sure that the money is disbursed according to State guidelines.

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

15. Bid - Approved - Sewer Plant - Duct Repair - Kerr's Sheet Metal

Mayor Garrison stated that bids had been received for repair to the duct system at the sewer plant and that the staff had recommended the low bid of Kerr's Sheet Metal in the amount of $3,258 be approved as the lowest and best bid. Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid be approved as presented. A unanimous affirmative vote was recorded.

16. Community Development Block Grant Application - Consultants Approved - Kindle Stone and Associates

Mayor Garrison stated that proposals had been received for consultants to prepare the 1984 Community Development Block Grant Application for the City of Lufkin and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the application for the Community Development Block Grant must be submitted by June 20, 1984, and because the City has not been awarded a grant in several years, proposals were requested for preparing the grant application from various consultants for City Commission consideration.

Mayor Garrison stated that he was reluctant to expend funds to have the grant application written. Commissioner Pat Foley stated that the City of Lufkin needs to change their procedures because of unsuccessful attempts in the past. Commissioner Don Boyd stated that the City of Lufkin was told last year at a meeting concerning Community Development Block Grants that consultants are needed to obtain a grant and the City's application had been rejected for the past three years.

City Manager Westerholm stated that the cost of writing the grant would be between $2,000 and $3,000. City Manager Westerholm stated that the proposal by Barber, Brannan, and Traylor provided that there would be no cost to the City if the grant was not received, and no engineering costs unless the grant was approved but the City would be required to use this firm for the next three years. City Manager Westerholm further stated that the engineering fees are payable with grant money.

Billy Sims, representative of Kindle, Stone and Associates stated that when a grant is obtained, the City can negotiate the contract for engineering which would limit the engineering cost for a particular project. Mr. Sims further stated that the engineering fee is established in the grant. Mr. Sims stated that the proposals are not contracts but a means for the City of Lufkin to compare fees because engineers would be unable to quote a price without knowing what the job would include. Mr. Sims stated that the engineering fee is normally fixed by agreement between the City and the engineering firm.

Commissioner Pat Foley stated that he understood the proposals, if accepted, would be only for the grant writing at this time.

Jimmy Goodwin, representative of Goodwin-Lassiter Engineering, stated that he understood the proposal is only for writing of the grant application and if awarded the City would go into the design phase which would be opened again to other engineering firms for proposals, and not locked into his firm for the engineering if they successfully obtained a grant for the City of Lufkin.

Assistant City Manager, Brian Boudreaux, stated that he had tied the engineering and the grant application together because there would not be time for the City Commission to decide on an engineer and submit the application on time.

Mayor Garrison stated that he could determine from the list of proposals submitted that three individuals had received all of their grant training from DETCOG.

Commissioner Lynn Malone stated that Kindle, Stone and Associates has the best record.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that in view of the prices, the firm of Kindle, Stone and Associates be approved with the engineering fee to be negotiated after grant approval.

Commissioner Percy Simond stated that he could not participate in the vote on this item becuase he serves on the review committee for the Community Development Block Grants for this region.

A unanimous affirmative vote was recorded with Commissioner Percy Simond recusing from vote.

17. Bids - Ambulance - Authorization to Advertise - Approved

Mayor Garrison stated that request for authorization to advertise for bids for the purchase of a new ambulance for the Lufkin Fire Department had been received by the City Commission and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that new ambulances were not purchased in the current fiscal year and the Fire Department had been experiencing some mechanical trouble in the emergency ambulance service and a new modular unit should be considered for purchase.

Fire Chief, Billy Stephens, stated that once an ambulance has reached a certain mileage they are subject to breakdown and not safe for ambulance trips to Houston. Mayor Garrison stated that he would like to have a report on which ambulances are not reliable for first line service and why. City Manager Westerholm stated that the back-up ambulances would be reliable enough for transfers but not for true emergencies over long distances.

Fire Chief, Billy Stephens, stated that last week a new engine was being installed in ambulance #3 when an energency call came in and the ambulance that answered the evergency run had mechanical trouble as well as an additional unit, all in the same day.

Motion was made by Commissioner Pat Foley, seconded by Commissioner Don Boyd that authorization to advertise for bids on a new ambulance be approved. A unanimous affirmative vote was recorded.

18. Morris Frank Park Press Boxes - Commitment Requested - Withdrawn

Mayor Garrison stated that information had been received that the consideration of press boxes at Morris Frank Park had been withdrawn by Bill Windsor, President of the Lufkin Youth Baseball Association.

19. Election - Mayor pro tem - Tabled

Mayor Garrison stated that the Mayor pro tem, E. C. Wareing, had not returned to the City Commission after the election and floor was open for consideration of appointment of a member as the new Mayor pro tem.

Commissioner Lynn Malone nominated Commissioner Don Boyd.

Commissioner Jack Gorden nominated Commissioner Pat Foley.

Commissioner Percy Simond stated that consideration of the appointment to Mayor pro tem should be delayed until the entire City Commission could be present.

Mayor Garrison stated that he had reviewed previous records and that in the past the senior member of the City Commission had been appointed as the Mayor pro tem. Mayor Garrison stated that

Commissioner Gorden had begun to speak and Commissioner Lynn Malone had his hand in the air which would necessitate a judgement call as to which nomination would be acknowledged first. Mayor Garrison stated that it might be advisable to wait until the full Commission was present.

It was a consensus of opinion that the item be tabled until next meeting of this Commission.

20. Signing of Contract - Sarah Clark - Drainage Problem

Commissioner Pat Foley stated that Mrs. Sarah Clark had indicated that she had an easement signed by a representative of the City of Lufkin and he was concerned about who was authorized to make agreements between the City and citizens. Commissioner Pat Foley stated that he was under the impression that a contract could not be entered into without City Commission approval.

City Attorney, Bob Fournoy, stated that if the amount of the contract is less than $2,000, it could be done without City Commission approval.

Mayor Garrison suggested that City Manager Westerholm provide City Attorney, Bob Flournoy, with a copy of Mrs. Clark's easement agreement for his consideration.

Commissioner Pat Foley stated that he understood the agreement had been approved by the Former Public Works Director and he felt that a Department Head should not obligate the City through any contracts.

21. There being no further business for consideration, meeting adjourned at 10:25 P.M.

Pitser H. Garrison

Pitser H. Garrison, Mayor

ATTEST:

CITY OF LUFKIN TEXAS

Ann Griffin

Ann Griffin, City Secretary