MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF DECEMBER, 1986, AT 5:00 P.M.

On the 2nd day of December, 1986, 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:

Percy Simond, Jr.	Commissioner, Ward No. 1
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
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Don Boyd	Commissioner, Ward No. 2

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Kenneth Goodell, Minister, St. Paul's Methodist Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of November 18, 1986, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - SPEED ZONE CHANGE - FARM ROAD 1271 (OLD UNION ROAD) AND LARGENT STREET

Mayor Garrison stated that an Ordinance for Speed Zone Change on Farm Road 1271 (Old Union Road) and Largent Street had been passed on First Reading at last meeting and was now before the Commission for Second and Final Reading.

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.

5. ORDINANCE APPROVED - FIRST READING - ZONE CHANGE REQUEST - LARELCO, INC. - 1203 CHESTNUT - LB, C, SU TO C, SU (CONVENIENCE STORE - PER BUILDING AND LAYOUT IN ACCORDANCE WITH PLOT PLAN AS SUBMITTED)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for a Zone Change Request by Larelco, Inc. covering property located at 1203 Chestnut from Local Business, Commercial, Special Use to Commercial, Special Use (Convenience Store - Per building and layout in accordance with plot plan as submitted).

In response to question by Commissioner Pat Foley, City Planner Finan stated that the Local Business, Special Use designation prohibited the erection of the canopy within 25 feet of the right-of-way, and Larelco, Inc. had requested that the Local Business be taken off. City Planner Finan stated that the Zone Change Request had been passed by the Planning and Zoning Commission contingent upon site plan approval.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - RAY BALDWIN - NORTH JOHN REDDITT DRIVE AND FARM ROAD 1194 - RL TO CB

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request by Ray Baldwin covering property located at the intersection of North John Redditt Drive and Farm Road 1194 from Residential Large to Central Business for billboards being erected along the highway at 500 foot intervals.

In response to question by Commissioner Louis Bronaugh, City Planner Finan stated that there had been recent legislation passed regarding billboards through the Highway Beautification Act to control signs in the City limits and the ETJ. City Planner Finan stated that in the past the State allowed a City to amortize the removal of billboards without any cost to the City. City Planner Finan stated that recent legislation now requires a Board to be set up to determine a cost and a City must pay compensation for the removal of any signs. City Planner Finan stated that there is some consideration of Federal legislation that would allow cities to amortize the removal of signs without cost along Federal highways and interstates.

Mayor Garrison stated that the Zone Change Request had been passed unanimously by the Planning and Zoning Commission. There was no opposition present.

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

7. ORDINANCE APPROVED - FIRST READING - ZONE CHANGE REQUEST - JESSIE L. BAKER - 2004 WOOD - RL TO RS

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request for Jessie L. Baker covering property located at 2004 Wood Street from Residential Large to Residential Small.

Mayor Garrison stated that the Zone Change Request was recently heard before the Planning and Zoning Commission and was unanimously approved. There was no opposition present.

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

8. RESOLUTION - APPROVED - INVOICE - MORGAN, O'NEAL, HILL & SUTTON - CERTIFICATES OF OBLIGATION

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of invoice to Morgan, O'Neal, Hill & Sutton for architectural services for the new City Hall expansion.

Commissioner Percy Simond stated that the Commission had requested that drawers be added to the council tables several meetings ago, and this had not been taken care of. Commissioner Simond stated that he would like for City Manager Westerholm to be in touch with Jerry Hill concerning this matter.

Commissioner Jack Gorden stated that he had some questions as to how the situation regarding the change order for the elevators had been resolved, and he would like for City Manager Westerholm to research the minutes regarding same.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Resolution authorizing payment of invoice for Morgan, O'Neal, Hill & Sutton in the amount of $14,632.61 be approved as presented. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - INVOICE - MARTIN ELECTRONICS - CERTIFICATES OF OBLIGATION

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of an invoice for City Hall expansion.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Resolution authorizing payment of invoice to Martin Electronics in the amount of $2,777.30 be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - INVOICE - SOUND TECH - CERTIFICATES OF OBLIGATION

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of invoice from Sound Tech for sound system for new City Hall.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper that Resolution authorizing payment of invoice from Sound Tech in the amount of $5,500.00 be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - CONTRACT - HOOVER BROTHERS - INTERIOR FURNITURE AND FURNISHINGS - NEW CITY HALL

Mayor Garrison stated that the next item for consideration was a Resolution confirming and approving contract with Hoover Brothers for the purchase of interior furnishings to be used in the Council Chambers.

City Manager Westerholm stated that Jerry Hill had written Hoover Brothers regarding the seat heights.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Resolution confirming and approving contract with Hoover Brothers be approved as presented. A unanimous affirmative vote was recorded.

12. INVOICE - APPROVED - DEEP EAST TEXAS SELF INSURANCE - LAW ENFORCEMENT LIABILITY INSURANCE

Mayor Garrison stated that the Commission now had for consideration an invoice from Deep East Texas Self Insurance Fund for law enforcement liability insurance in the amount of $38,610.00.

City Manager Westerholm stated that this was the same coverage as a local firm, but they had offered the City a $100,000 per occurrence/ $500,000 aggregate policy for $27,934.00. City Manager Westerholm stated that $21,000 had been budgeted for the year for law enforcement liability insurance and the balance of $17,620 would have to come out of the Contingency Fund.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the date of the invoice was July, 1986, but because the premium was so high, the City had gone out for bids and the insurance company had financed the amount since that date.

In response to question by Commissioner Simond, Mayor Garrison stated it was his understanding that once the company has issued the policy, it is in effect and the City's liability for the premium is just between the City and the agent. Mayor Garrison stated that the agent is crediting the City with that, and the only thing they can do is cancel the policy for failure to pay the premiums.

In response to question by Commissioner Danny Roper, Assistant City Manager Boudreaux stated that he had written seventeen carriers requesting proposals and only one had responded. Assistant City Manager Boudreaux stated that he had asked the companies to respond based on the current coverage plus provide any alternatives they desired.

In response to question by Commissioner Simond, City Manager Westerholm stated that the reason the invoice had not been paid sooner is because the City had gone out for bids to see if a better bid could be obtained.

Assistant City Manager Boudreaux stated that the City received an increase on the general liability premium yesterday over and above what the City was told it would be because the water plant facility was left off and there would be an additional amount due of $13,000.

In response to question by Commissioner Gorden, Assistant City Manager Boudreaux stated that Texas Municipal League has it's own insurance company. City Manager Westerholm stated that the City receives a 25% discount on Worker's Comp and Texas Municipal League has gone down to a 15% discount.

Commissioner Bronaugh stated that he was interested in the insurance program for the City and had spoken to some local insurance firms and it was his understanding that the City would get better coverage if it stayed with one agency for all its insurance coverage.

Mayor Garrison stated that he would like for the City Attorney to look over the current policy and report back to the Commission on his findings.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that invoice from Deep East Texas Self Insurance in the amount of $38,610 be approved as presented. A unanimous affirmative vote was recorded.

13. INVOICE - APPROVED - BUCHER, WILLIS & RATLIFF - COMPREHENSIVE PLAN

Mayor Garrison stated that the Commission now had for consideration an invoice from Bucher, Willis & Ratliff for work on the Comprehensive Plan.

Commissioner Percy Simond stated that he had been opposed to the Comprehensive Plan from the beginning and wanted to know how the $64,000 Plan would benefit the City other than polarizing people in the City.

In response to question by Commissioner Simond as to how the plan would benefit the City, City Planner Finan stated that it depends on how you look at it. City Planner Finan stated that future ordinances dealing with things like landscaping need to be based on a comprehensive plan. City Planner Finan stated that the plan identifies areas of the city that are inadequate, and it gives industries seeking to locate in Lufkin some idea about the city's projected growth.

In response to question by Commissioner Simond, City Planner Finan stated that he and his staff could have done the Comprehensive Plan but not in the same time frame.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that invoice from Bucher, Willis & Ratliff in the amount of $1,038.51 be approved as presented. A unanimous affirmative vote was recorded.

14. PARK - ACCEPTED BY CITY - FOUR SEASONS SUBDIVISION - ELVEN MC ADAMS

Mayor Garrison stated that the Commission now had for consideration acceptance of a park donated by Elven McAdams in the Four Seasons Subdivision as a future City park.

City Planner Nick Finan stated Planning and Zoning had approved the plat of the subdivision which designated an area for a park, but the City Commission would need to formally accept the park. Mayor Garrison stated that there was a condition that if the area is not utilized as a park, it would revert back to the owner, and would be subject to recall if it's not developed.

Commissioner Jack Gorden stated that he noticed in item #3 of City Planner Finan's memo that the park would serve to buffer residents from growing unsightly wrecker service east of the property. City Attorney Flournoy stated that the wrecker service had been annexed into the City as non-conforming and was not to expand beyond the number of cars kept on the property at the time of annexation, which was three cars. City Attorney Flournoy stated that he had been advised by City Planner Finan that currently there are eleven cars on the property and he was looking into the situation.

Parks & Recreation Director Don Hannabas stated that he had walked over the property with City Planner Finan and that the property would need some clearing of underbrush and was slightly sloping but would be acceptable for use as soccer fields, practice fields or picnic areas. Mr. Hannabas stated that without a neighborhood, it would not be advantageous to develop the site extensively at this time.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that park site in the Four Season's Subdivision be accepted by the City unless it is restricted to a specific time frame. A unanimous affirmative vote was recorded.

15. FUTURE CITY PARK - APPROVED - OLD SEWER TREATMENT PLANT

Mayor Garrison stated that the next item for consideration was the old sewer treatment plant site as a future City park.

Commissioner Louis Bronaugh stated that he would like to compliment Parks and Recreation Director Don Hannabas on the feasibility study he had prepared.

Commissioner Danny Roper stated that he noticed in the letter from Angela Quillin of the Angelina County and Cities Health District she had stated that it was common to use a retired landfill for a park site as long as it has a cover of two feet of good compacted soil. Parks and Recreation Director Don Hannabas stated that he had not included any figures in his report for developing the site.

In response to question by Commissioner Roper, Mr. Hannabas stated that the low spots on the property could be utilized for trails, picnic areas, jogging trails and practice fields.

Mr. Hannabas stated that there are a lot of large concrete culverts on the site that either need to be removed or covered.

Commissioner Pat Foley stated that he, too, was very impressed with Mr. Hannabas' report. Commissioner Foley stated that he was in favor of developing the old sewer treatment plant as a park before any work is done on the Four Season's Park which was approved previous to this item. Commissioner Foley stated that he was not in favor of developing a Farmer's Market or trails for off-road vehicles on the property. Commissioner Foley stated that a scenic park with jogging trails and picnic areas would be ideal for this site, and baseball and soccer fields could be added later. Commissioner Foley stated that he would like to see a master plan of the site before development is actually begun so that the Commission could have some input into the park.

Commissioner Simond stated he would like to reiterate what Commissioner Foley said about the fine work by Mr. Hannabas. Commissioner Simond stated that it is a compliment to City Manager Westerholm and the fine staff he has at City Hall.

Mayor Garrison stated that he had some concern about the park having only one access but perhaps something could be worked out. Mayor Garrison stated that he had been laboring under the impression that this was a valuable tact of land since it was appraised by Roy Sinclair in 1981 at $510,000 and, in his opinion, at that figure it would be better to sell the property and buy a park site in another location. Mayor Garrison stated that since Mr. Hannabas reports that the site is in a flood plain, he doubted it would have that much value. Mayor Garrison stated that when the property was put out for bids, the highest bid had been for $170,000.

In response to question by Commissioner Bronaugh, Mayor Garrison stated that, in his opinion, the City Commission should be involved in the final decision as to the use of the park. Mayor Garrison stated that he would be interested in a plan of development by Mr. Hannabas.

Commissioner Foley stated that he wouldn't be hesitant about approving the park without a back entrance at this time because, in his opinion, most of the traffic will be coming in off the Loop.

Mayor Garrison stated that once the site is declared as a park there are certain restraints and it would seem appropriate that the City Commission simply express an opinion that it is a suitable site for a park and will look at plans for development with a view towards developing it as a park.

Commissioner Jack Gorden stated that the City does not have the funds to develop the park in respect to the many suggestions that have been made, but that the area does have the potential of being a beautiful scenic park for the City of Lufkin. Commissioner Gorden stated the original idea was simply to preserve this site as a park for future development.

City Attorney Flournoy stated that as funds are available, the City might begin to develop part of the site as a Park without dedicating it as such.

In response to question by Commissioner Foley, Mr. Hannabas stated that without surveying the community, he could have some kind of plan on paper rather quickly. Mr. Hannabas stated that if community input is necessary for the development of the park, this could be achieved through on-site and public hearings.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that the old sewer treatment site be declared as a suitable site for development as a future City park, and that Parks and Recreation Director Don Hannabas present the City Commission with a suggested plan of development. A unanimous affirmative vote was recorded.

16. SMOKING ORDINANCE - FINANCIAL REPORT - CHRISTMAS PARTY - WINTERFARE - ROTARY WAFFLE BAKE

Commissioner Simond stated that he had received some calls from people in City Hall who stated that the Smoking Ordinance was not being enforced and that some people were still sitting at their desks smoking.

City Manager Westerholm stated that he was not personally aware of any violations. City Manager Westerholm stated that the designated smoking areas were in the downstairs restrooms and in the east side of the coffee bar. City Manager Westerholm stated that the Ordinance does call for "No Smoking" signs and they will be posted as soon as as the Contractor has completed the building.

Mayor Garrison stated that, in his opinion, this should fall under the jurisdiction of the Code Enforcement Officer, James Fears.

City Manager Westerholm stated that a copy of the Financial Report prepared by Financial Director Rita Jinkins had been passed out prior to the meeting. City Manager Westerholm stated that one of the reports was for the General Fund and one was for the Utility Fund. City Manager Westerholm stated that basically the City's expenses are greater than it's income at this time.

City Manager Westerholm stated that he would like to remind everyone that the Christmas Party would be held Friday at 6:30 P.M. at the Civic Center, and Winterfare would take place Saturday afternoon in downtown Lufkin.

City Attorney Bob Flournoy stated that he would like to remind everyone of the Rotary Waffle Bake to be held Thursday, Friday and Saturday nights at Jr. High West.

17. There being no further business for consideration, meeting adjourned at 6:25 P.M.

Pitser H. Garrison

Pitser H. Garrison - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary