

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF DECEMBER, 1977, AT 7:30 P.M.

On the 6th day of December, 1977, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Herman Hendrix, Pastor of Calvary Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Comm. Jack McMullen made motion that minutes of regular meeting of November 15, 1977, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. City Board of Development-Commendation Presented Lester Adkison

Mayor Garrison stated that Mr. Lester Adkison was present and the City Commission desired to present him a commendation award for his services as a member of the City Board of Development from 1973 to present. Mayor Garrison then recognized Mr. Adkison who was presented a special commendation in the form of a resolution and a service award for his outstanding services with the City Board of Development during this period. Mr. Adkison thanked members of Commission for this recognition and his opportunity to serve the City of Lufkin.

5. Open Hearing-Annexation & Permanent Zoning-Crown Colony Subdivision, Sec. IV

Mayor Garrison officially opened hearing for annexation and permanent zoning request by Sabine Investment Company concerning Section IV development of the Crown Colony Subdivision located East of U. S. Highway 59 South, across from Angelina Junior College, South of Crown Colony Subdivision Section III.

Mayor Garrison recognized Mr. Ray Faircloth who was present representing this request. Mr. Faircloth stated that he was prepared to answer any questions members of Commission may have with respect to application for annexation and permanent zoning. Mayor Garrison stated that members of Commission had received plats which outlined this area and same had been advertised in the local paper. There was no opposition present and no discussion developed. Mayor Garrison officially closed hearing.

Comm. E. C. Wareing made motion that this annexation and permanent zoning request be set for first reading of ordinance at next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Southern Standard Building Code-Portable Ground Signs-Recommendation for Proposed Ordinance

Mayor Garrison requested that City Manager Westerholm review information requested from last regular meeting concerning Article 23.01-2 of the Building Code concerning portable ground signs.

City Manager Westerholm stated that the City Commission had previously discussed the control of portable ground signs at a meeting in 1970 and applicant who had made this request later withdrew same. City Manager Westerholm stated that the Building Code included the control of these

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portable ground signs by a permitting process and same was before this Commission to determine whether or not permitting of these signs should be required.

Discussion developed with respect to individual opinions concerning control of these signs. City Attorney Flournoy reported that the Texas Highway Department regulated signs on state highways that were inside City Limits. City Attorney Flournoy also stated it was his opinion that portable ground signs did not fit into any of the City ordinances as explained in the zoning regulation.

Mayor Garrison recognized Mr. Tommy Thompson who stated that Mr. Tommy Hughes was also present representing the sale of these portable ground signs in the city of Lufkin. Mr. Thompson stated that he had petitions from 59 businessmen along Timberland Drive who supported the use of these portable ground signs. Mr. Thompson stated it was his personal opinion that adequate set backs should be provided so as not to obstruct any view from the ROW.

City Manager Westerholm explained that the Standard Building Code presently provided placement of these signs 12 inches behind property line and placement was not the significant question. Mr. Thompson stated that he had not previously sold these signs for billboard use, but understood that some of these signs had been reused for this purpose without his knowledge.

City Attorney Flournoy suggested that members of Commission consider a comprehensive ordinance referring to all signs under one ordinance. It was the unanimous agreement of the Commission that the City Manager and City Attorney consider a proposed ordinance for inclusion of all sign control under one ordinance at next regular meeting.

7. Zone Change Approved 1st Reading-Geraldine Bradford from RS to D District

Mayor Garrison stated that zone change application by Geraldine Bradford from RS to D District covering property located at Northeast corner of intersection of Andrews & Locke Streets, fronting on Locke Street, being Lot 15, Block 3 of J. S. Moore Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. W.O. Ricks, Jr., made motion that zone change application by Geraldine Bradford from RS to D District be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading-Chestnut Baptist Church from RL to RL District, Special Use (Erection of Church Sign)

Mayor Garrison stated that zone change application by Chestnut Baptist Church from RL to RL District, Special Use (Erection of Church Sign), covering church property fronting on Chestnut Street, South of Loop 287 intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Chestnut Baptist Church from RL to RL District, Special Use (Erection of Church Sign), be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Marcus Polk-Request for Extension of Sewer Service Denied-Herty

Mayor Garrison recognized Mr. Marcus Polk representing his request for extension of sewer service on his property recently purchased in the Herty area. Mr. Polk stated that he owned property on McHale Street in this area and desired to have a sewer tap. Mr. Polk stated that he purchased this property prior to realizing same was outside the corporate limits. Mr. Polk also stated that property owners in this area had received sewer prior to the time the City had implemented the policy for extension of sewer services outside City Limits. Mr. Polk stated that he had attempted to annex this property and same was presently under consideration, but he desired to expedite his application at no cost to the City.

Discussion developed with regard to this request and Mayor Garrison explained the policy of the City to consider the recommendation of the City Planning and Zoning Commission on any annexation request prior to final approval. Mr. Polk was also reminded of the City's present policy with respect to extension of sewer outside the City Limits and extension of same would set a precedent to which the Commission must extend to all individuals under similar circumstances.

Mr. Polk stated that an adequate sewer system in this area installed on his property would not work effectively due to soil conditions. Mr. Polk also explained that property owners in this area had acquired sewer both prior to the time the policy was established for sewer extensions outside the City Limits and also through a special contract on one tract in this area.

Comm. Pat Foley requested that City Manager Westerholm furnish information to the City Commission with respect to how many individuals received sewer from this special contract extension.

Comm. W. O. Ricks, Jr., made motion that Mr. Polk's request for extension of sewer service on his property in the Herty area be denied. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison expressed to Mr. Polk his opinion that the annexation of this area would solve the problem which presently existed. Mr. Polk then inquired if members of Commission would consider expediting his request following decision of the City Planning and Zoning Commission. Mayor Garrison explained that it would not be possible for the Commission to provide any special privileges until action had been finally completed by both the City Planning and Zoning Commission and the City Commission.

10. Bids Awarded-Sanitation & Water Distribution Depts.-Refuse Trucks-Water Line & Fittings

City Manager Westerholm made reference to bid tabulations furnished members of Commission for the purpose of front and rear loading diesel refuse trucks in the Sanitation Department. Members of Commission reviewed the following bid tabulation which specified the low bids recommended by the City staff:

<u>Company</u>	<u>FL Chassis</u>	<u>RL Chassis</u>	<u>FL Body</u>	<u>RL Body</u>
Scott Holman			\$19,164.00	
Am.En.Sys.SW			\$20,810.00	\$12,500.00 RK \$10,500.00 Ec.
Pak-Mor Mfg. Co.			\$16,400.00*	\$ 7,450.00*
Davis Truck	\$35,497.00	\$20,900.00	\$18,431.00	\$ 7,952.50
AM.EN.Knoxville				\$11,500.00 RK \$ 9,625.00 Ec.
Greater Lufkin Ford		\$18,766.43*		
Lufkin White Truck	\$34,650.00*			
*Indicates Low Bid Recommended				

Following review of above listed bids, motion was made by Comm. W. O. Ricks, Jr., to accept low bids submitted in all categories for the purchase of front and rear loading chassis and front and rear loading bodies. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

City Manager Westerholm also stated that bid tabulation had been prepared for the purchase of water line and fittings in the Water Distribution Department as follows:

<u>Company</u>	<u>Bid Amount</u>
Utility Supply Company	\$22,425.50
Big State Utility Supply, Inc.	\$22,220.32
Universal Palestine, Inc.	\$22,272.47
Central Utility Supply Co., Inc.	\$21,484.34*
Western Pipe & Supply Company	\$22,451.14
East Texas Service Corporation	\$22,081.15
*Indicates Low Bid Recommended	

City Manager Westerholm made reference to above listed bid tabulation and stated that Central Utility Supply Company was the low bidder and same had been recommended by the City staff. Mr. Westerholm explained that this material would be used for the extension of fire protection with AC pipe in the Kentwood and Forest Hills Additions previously annexed by the City. Comm. W. O. Ricks, Jr., made motion that Central Utility Supply Company be awarded bid for the purchase of this water line and fittings in the amount of \$21,484.34. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Loop 287 Lift Station-Awarding of Bids for Construction & Improvements Deferred

City Manager Westerholm stated that the City had been working toward the improvements of the Loop 287 lift station for a considerable length of time which included infiltration and inflow repairs. Mayor Garrison stated bid tabulations had been prepared by the City staff and same had been presented to members of the City Commission for improvements to the Loop 287 lift station and force main as follows:

Company	Lift Station	15"PVC-Base	16"AC-Alt.	16"Conc.Cyl-Alt.
Thomas & Thompson	\$80,976.00	\$37,324.00	\$43,367.50	No Bid
McKinney & Moore	\$144,775.00	\$48,840.00	\$54,465.00	\$63,215.00
Pit Construction	No Bid	\$44,310.00	\$56,810.00	\$52,435.00
Oscar Crawford Const.	No Bid	No Bid	No Bid	No Bid
Grand Bluff Const.	No Bid	No Bid	\$54,380.00	\$61,930.00
Patridge Const.	\$140,000.00	No Bid	\$73,750.00	No Bid
Dan Shull Const.	\$109,000.00	No Bid	\$58,175.00	No Bid
Mid-State Utility	\$87,000.00	\$47,495.00	\$51,525.00	\$58,200.00

City Manager Westerholm stated that Thomas & Thompson Construction Company, Lufkin, Texas, was the low bidder for these repairs which exceeded the amount budgeted for these improvements.

Prior to further discussion of these bids, Comm. W. O. Ricks, Jr., stated that he was of the opinion bids should be rejected and City Manager Westerholm permitted the opportunity to apply for a grant for the purpose of purchasing a gravity flow line in lieu of these construction improvements. Comm. Ricks then made motion that all bids be rejected which were received for the construction and repair of the Loop 287 lift station and City Manager Westerholm be authorized to consider a grant for the financing and construction of a gravity flow line in lieu of proposed improvements. Motion was seconded by Comm. Jack McMullen.

Prior to vote on motion, Comm. E. G. Pittman inquired as to the time this construction would take in lieu of lift station repairs. City Manager Westerholm estimated approximately two years for completion of a gravity flow line grant application. City Manager Westerholm also explained that eventually the City would have to construct a gravity flow line and he had not discussed this possibility with the Texas Water Quality Board.

Comm. E. C. Wareing suggested that Comm. W. O. Ricks, Jr., alter his motion to not become effective unless the City received a negative reaction from the Texas Water Quality Board. Comm. W. O. Ricks, Jr., then amended his previous motion to defer action on bids received until the City Commission could explore the possibility of constructing a gravity flow line in lieu of improvements to Loop 287 lift station and force main as proposed. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

12. Lufkin Visitors & Convention Bureau-Chamber of Commerce-Agreement Deferred

Commission reviewed proposed agreement with the Chamber of Commerce for the operation of the Lufkin Visitors & Convention Bureau and Mayor Garrison recognized Mr. Barry Hays and Mr. Jerry Huffman who were present with respect to this request.

Mayor Garrison stated that he was personally concerned with two particular aspects of the proposed agreement with the Lufkin Visitors & Convention Bureau. Mayor Garrison was concerned as to whether or not the City had been reasonably assured that funds appropriated for use by the Chamber of Commerce would actually be expended for the purposes for which taxes were levied and the City Board of Development had no authority to act for the City in this regard.

City Attorney Flournoy was in agreement with Mayor Garrison on this point and Mayor Garrison was of the opinion the City should insure that these "out-of-pocket" costs were approved by the City Commission which did not include salaries, etc.

Members of Commission were in agreement with suggestion by Mayor Garrison and Comm. E. C. Wareing made motion that the City Manager, City Attorney and Chamber representatives work together toward amending this proposed agreement to reflect these changes as discussed for consideration at next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Parks & Recreation Director Max Griffin-Resignation & Commendation-Appointment of Replacement

City Manager Westerholm stated that members of Commission had been furnished a letter of resignation from Max Griffin, Recreation & Parks Director, who was beginning school in the Southwestern Theological Seminary in FortWorth to seek a career in church youth and recreation work. City Manager Westerholm stated that he would replace Mr. Griffin with Mr. Don Hannabas who had served as an assistant to him in this capacity and would now serve as Recreation & Parks Director.

Comm. E. G. Pittman stated that Mr. Griffin had been an asset to the community and should be commended for his services in his capacity with the City in the past seven years and made motion that an award of commendation be presented Mr. Griffin. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. John Stover Appointed-Member of City Board of Development-Executive Session

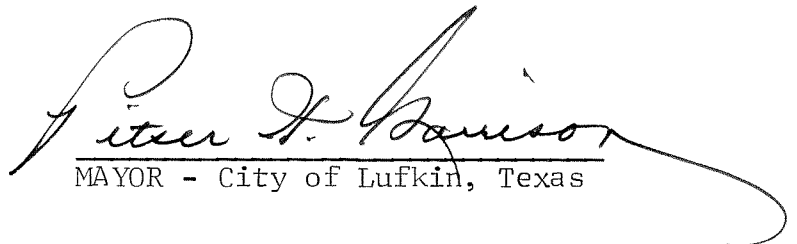
Mayor Garrison requested a brief executive session for consideration of appointment to replace Mr. Lester Adkison as a member of the City Board of Development. Meeting was temporarily adjourned at 9:15 p.m. Mayor Garrison reconvened open meeting at 9:40 p.m. and made announcement that Mr. John Stover had been appointed for replacement of Mr. Lester Adkison as a member of the City Board of Development.

Mayor Garrison also made announcement that members of Commission had heard from City Attorney Robert Flournoy regarding pending litigation.

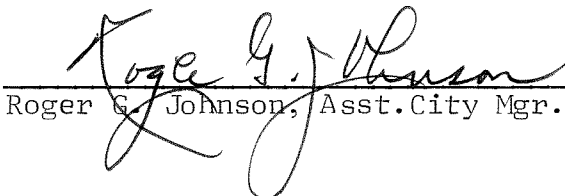
Comm. E. G. Pittman made motion that Mr. John Stover be officially appointed as a member of the City Board of Development to replace Mr. Lester Adkison. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

15. Adjournment

There being no further business for consideration, meeting adjourned at 9:45 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
Roger G. Johnson, Asst. City Mgr.