

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF SEPTEMBER, 1978, AT 7:30 PM

On the 5th day of September, 1978, 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
R. A. Brookshire	Commissioner, Ward No. 1
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
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of August 15 and special meeting of August 22, 1978, be approved. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

4. Open Hearing-Proposed City Budget for Fiscal Year 10/1/78 thru 9/30/79-Reso. Approved Repealing 1% Sales Tax-Employee Salary Adjustments Deferred-Water Requirements Financing Deferred

Mayor Garrison opened hearing regarding proposed City Budget for fiscal year October 1, 1978, through September 30, 1979, and invited comments from visitors present regarding same. There were no persons present in opposition to proposed City Budget and no comments were made by visitors regarding same which had been previously advertised as required by Charter. Mayor Garrison declared open hearing formally closed and invited comments from members of Commission.

Members of Commission discussed proposed salary adjustments which were not previously recommended at preliminary consideration of budget. City Manager Westerholm presented an alternative to the proposed seven (7%) percent across-the-board salary adjustment as indicated below:

<u>Gross Salary Blocks</u>	<u>Percentage Adjustment</u>	<u>Gross Adjustments with Benefits</u>
First \$330,000	8%	\$28,639
Next \$330,000	7½%	\$26,849
Next \$330,000	7%	\$25,059
Next \$330,000	6½%	\$23,269
Last \$330,000	6%	\$21,479
\$1,650,000		\$125,295

Comm. W. O. Ricks, Jr., expressed his opinion that lower income employees should receive a higher salary increase. Comm. Jack McMullen and Comm. E. C. Wareing expressed their opinions that percentage increases should be across-the-board in order to maintain adequate salary spreads. Comm. Wareing stated that the job evaluation system valued each job on a point system with some jobs requiring more points, and individuals were paid by percentage points.

Comm. Pat Foley requested more information regarding what effect an across-the-board increase would have on employees on a comparable basis over a ten-year period. Asst. Manager Royal Dunlap was present and stated that a percentage increase on this type comparison would be the same for all individuals involved, but the dollars would be different.

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Mayor Garrison stated that no decision had to be made at this meeting regarding salary adjustments and if members of Commission desired, this item could be considered at next meeting.

Comm. W. O. Ricks, Jr., made motion that members of Commission adopt the alternate plan as presented by City Manager Westerholm and previously reviewed which would provide that the lower salaried individuals receive an eight-percent adjustment with the highest salaried individuals receiving a six-percent salary adjustment. Comm. Pat Foley stated that he was in support of this type salary increase, but did not desire to pursue its consideration until more information had been received. Comm. W. O. Ricks, Jr., then withdrew his previous motion with the condition that same be considered at next regular meeting.

Mayor Garrison stated that members of Commission reviewed at last regular meeting the possibility of repealing the 1% sales tax which was an option of this Commission, but this consideration must be decided prior to September 10 to become effective October 1, 1978 under guidelines as furnished members of Commission inasmuch as the legislature had repealed the 4% tax on utility bills and had made the 1% repeal an option to the Cities. Mayor Garrison stated that approximately 50 percent of the Cities acting on this issue had repealed the sales tax at present.

Comm. R. A. Brookshire expressed his opinion that the City of Lufkin could sustain the 1% loss which was equivalent to \$50,000, and if all governmental entities would take this small part, more individuals would be affected and recognize a greater release of tax burden. Comm. Brookshire then made motion that resolution repealing the 1% sales tax on residential gas and electrical bills be approved becoming effective October 1, 1978. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

City Manager Westerholm reported that members of Commission would need to decide the type of financing for the improvements of the City's water system and an EDA 50% matching grant was being considered which would involve \$950,000 financing by the City for the \$1.9 million project. Comm. E. C. Wareing made motion that the City Budget be considered for finalization at next regular meeting on September 19, and all information previously reviewed by this Commission be approved with the exception of salary adjustments as discussed and proposed method of financing City's new water system improvements. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

City Manager Westerholm reviewed the proposed water system improvements and informed members of Commission that it appeared information may be received regarding the decision on the proposed EDA grant for these improvements by November or December of this year. City Manager Westerholm also made reference to information received from Mr. Tom Wolf, Fiscal Agent, regarding financing of this project. City Manager Westerholm asked Mr. Royal Dunlap to comment regarding the proposed financing alternatives. Mr. Dunlap reviewed two possible alternatives for this financing to include Certificates of Obligation or Bond Election. Mr. Dunlap stated that a bond election would require more time for processing and the coverage ratios would be the same required for Certificates of Obligation which did not require an election.

Mayor Garrison inquired as to the possibility of the City proceeding with this program until some final word had been received regarding the grant. City Manager Westerholm stated that preliminary plans could be considered for planning of these additions to avoid any delay in receiving bids.

Comm. R. A. Brookshire inquired as to the amount of time which would be required to complete this project. City Manager Westerholm stated that approximately four or five months would be required for installation of lines and approximately 90 days would be required to have engineers draw necessary plans. City Manager Westerholm stated that the actual project could not begin until information had been received from EDA regarding approval of the grant.

Comm. R. A. Brookshire made motion that consideration for financing this proposal be placed on the agenda for next regular meeting. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded. Comm. E. C. Wareing expressed his assumption that the City Commission would consider Certificates of Obligation inasmuch as this type of financing would save more time.

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5. Zone Change Approved 2nd Reading-Gaslight Square Development Corporation from LB, RL & A Dists. to C & C Dist., Special Use (Recreational Club)

Mayor Garrison requested that Mayor Pro Tem Wareing conduct this portion of the agenda due to his personal involvement with zone change application by Gaslight Square Development Corporation. Mayor Pro Tem Wareing stated this zone change request was from LB, RL and A Districts to C & C District, Special Use (Recreational Club), covering property located in Gaslight Square Development between Allendale & Gaslight Square Boulevard, South of Ellis Avenue.

There were no persons present appearing in opposition to zone change as requested. Comm. Jack McMullen made motion that zone change application by Gaslight Square Development Corporation from LB, RL and A Districts to C & C District, Special Use (Recreation Club), be approved on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded. Mayor Garrison recused himself from discussion and vote on this application.

6. Zone Change Approved 2nd Reading-Hulen Squyres from C District to C District, Special Use, Item 13 (Nursing Home)

Mayor Garrison stated that zone change application by Hulen Squyres from C District to C District, Special Use, Item 13 (Nursing Home), covering property fronting on East side of Medford Drive (Loop 287), North of Highway 103 East, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change as requested. Comm. Richard Thompson made motion that zone change application by Hulen Squyres from C District to C District, Special Use, Item 13 (Nursing Home), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club)

Mayor Garrison stated that zone change application by Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club), covering property being Lot 4, Block 75, Original Town of Lufkin, fronting on North side of Frank Avenue at intersection of Bonner Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change as requested. Comm. R. A. Brookshire made motion that zone change application by Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. Richard Thompson

Mayor Garrison declared motion approved by majority vote of six to one. Comm. Richard Thompson expressed his reason for voting nay being the same as expressed at last regular meeting.

8. Zone Change Approved 2nd Reading-Travis Carter from RS to D District

Mayor Garrison stated that zone change application by Travis Carter from RS to D District covering property being a portion of Lot 3a, Block 1, Abney-McMullen Addition, fronting on Leach Street, West of Booker Street intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change as requested. Comm. E. C. Wareing made motion that zone change application by Travis Carter from RS to D District be approved on second and final reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

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9. City Solicitation Ord. Amended 2nd Reading-Provisions in City Limits

Mayor Garrison stated that an ordinance amending the provisions in the City Solicitations Ordinance had been approved on first reading at last regular meeting.

There were no persons present appearing in opposition to proposed amendment to this ordinance. Comm. Jack McMullen made motion that ordinance amending provisions in the City Solicitation Ordinance be approved on second and final reading. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

10. Standard Building, Mechanical & National Electrical Codes-Revisions & Additions Adopted-Ordinance Approved 2nd Reading

Mayor Garrison stated that an ordinance adopting revisions and additions to the Standard Building, Mechanical & National Electrical Codes had been approved on first reading at last regular meeting.

There were no persons present appearing in opposition to proposed ordinance adopting these revisions and additions. Comm. Richard Thompson made motion that ordinance adopting revisions and additions to the Standard Building, Mechanical & National Electrical Code be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. V.F.W. Request to Conduct Fall Carnival Approved Sept. 24-30, 1978

Mayor Garrison stated that request had been received by the V.F.W. for approval of fall carnival dates from September 24 through September 30, 1978. There was no opposition present. Comm. E. C. Wareing made motion that application be approved in accordance with conditions of insurance requirements of the City. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-Jerry L. Green from RL to RM District

Mayor Garrison stated that zone change application by Jerry L. Green from RL to RM District covering property located South of FM 325 (Lufkin Avenue) & East of Renfro Drive at intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change as requested. Comm. W. O. Ricks, Jr., made motion that zone change application by Jerry L. Green from RL to RM District be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading-Alvin Lane, et al, from RL to C District

Mayor Garrison stated that zone change application by Alvin Lane, et al, from RL to C District covering property fronting on South Loop 287 (S. John Redditt Drive), East of overpass and adjoining Lane Drive, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change as requested. Comm. W. O. Ricks, Jr., made motion that zone change application by Alvin Lane, et al, from RL to C District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Hearing Date Established-Annexation Request-Gobbler Knob Road Area

Mayor Garrison stated that property owners in the Gobbler Knob Road area located North of Gobbler Knob Road between Loop 287 and Southridge Subdivision, had requested annexation for the purpose of receiving City sewer services. Mayor Garrison stated that the City Planning and Zoning Commission had recommended approval of this annexation and members of Commission should decide whether or not a hearing date should be set for annexation of this property. Mayor Garrison also stated that the City Planning and Zoning Commission had recommended consideration of a cul de sac street on Allendale Drive in their recommendation.

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City Attorney Flournoy reported that the Supreme Court had recently ruled that all annexations must be approved through the Attorney General's office and same would be a requirement of any future annexations approved by this Commission. City Attorney Flournoy also reported that he had compiled information regarding these requirements since 1972 and same was being forwarded to the Attorney General for approval which would require 60 to 90 days for final clearance.

Comm. E. C. Wareing made motion that public hearing date be set for this annexation at next regular meeting on September 19, 1978, at 5:00 p.m., and City Manager Westerholm and staff provide members of Commission all related costs for annexation of this property to members of Commission for review at this meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. Pat Foley also requested that City Manager Westerholm furnish members of Commission a copy of the projected tax revenues this area would create.

Comm. R. A. Brookshire requested that a copy of these minutes, to include annexation request by property owners in this area, be sent to Congressman Wilson, Senator Benson and Senator Tower to inform them of the City's concern due to this requirement. City Manager Westerholm stated that he would see that this information was forwarded as requested.

15. Bid Awarded-Gravity Flow Line-U.S.Highway 59 South Near Angelina College

City Manager Westerholm stated that bids had been received for construction of a 12" sewer line from Hurricane Creek east to a lift station on Daniel McCall Drive. Bids received were from Dickey Manufacturing Company in the amount of \$9,054 and Can-Tex Company in the amount of \$8,978. City Manager Westerholm stated that he would recommend the low bid from Can-Tex Company in the amount of \$8,978 to complete this construction which would eliminate the need for a lift station on this location.

Comm. W. O. Ricks, Jr., made motion low bid by Can-Tex Company in the amount of \$8,978 as recommended by City Manager Westerholm be accepted for this construction. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Water Pollution Control Plant-Bid Awarded-Polymers Purchased

City Manager Westerholm stated that Mr. Bobby Mott, Water Pollution Control Plant Superintendent, had recommended purchase of the Hercules Brand #871 polymers in letter forwarded to members of Commission at a cost of 30¢ per pound in 2000 gallon bulk shipments.

Comm. E. C. Wareing made motion to approve bid submitted by Hercules Brand #871 and recommended by Mr. Bobby Mott. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

17. Deep East Texas Workers' Compensation Insurance Fund Disc.

Comm. E. C. Wareing stated that he had recently reviewed information from the Deep East Texas Workers' Compensation Insurance Fund regarding raise in premium rates by 6.7 percent as of September 1, 1978, but not being made applicable to Lufkin. Comm. Wareing stated that it appeared the City was making a substantial savings in accordance with this information. City Manager Westerholm reported that the City saved approximately \$28,000 to \$30,000 per year through this self-insurance program.

18. Adjournment

There being no further business for consideration, meeting adjourned at 8:35 p.m.

ATTEST:



Angela G. Johnson
Assistant City Manager

Robert W. Garrison
MAYOR - City of Lufkin, Texas