

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF SEPTEMBER, 1978, AT 5:00 PM

On the 19th 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. Herman Hendrix, Pastor of Calvary Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors who were present in connection with items on the agenda or as observers. Mayor Garrison also recognized members of the Lufkin Service League who were present.

3. Approval of Minutes

Comm. Richard Thompson made motion that minutes of regular meeting of September 5, 1978, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Open Hearing-Annexation Request-Mossfield Road Area

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended annexation of the Mossfield Road area covering property located North and South of Mossfield Road between Southridge Subdivision and Loop 287. Mayor Garrison officially opened hearing and invited comments from individuals present in support of application.

Mayor Garrison recognized Mr. Jim Hubbard who stated that he had promoted annexation consideration of this property due to the fact that he desired to obtain City services in this area. Mr. Hubbard also stated that he was joined by other property owners in this area, some of which were present at this meeting, who desired annexation of this property. Mr. Hubbard stated that he desired to be annexed and would extend sewer services to his property at his own expense.

Mayor Garrison recognized Mr. John Pounds, Mr. John Cook and Mr. Don Garrett, other property owners in this area who expressed their desire for annexation providing no through-streets were extended to Southridge Subdivision. Mr. John Pounds, Sr., stated that the City Planning and Zoning Commission had recommended a cul de sac street in lieu of a through-street to Southridge Subdivision. Mr. Pounds stated that he would not oppose this annexation if Mossfield Road was not extended through Southridge Subdivision.

Mayor Garrison stated that it was not the power of this Commission to bind future Commissions in this regard, but it did not appear that this Commission would provide for a through-street to Southridge Subdivision due to recommendation of the City Planning and Zoning Commission for a cul de sac street. Comm. Pat Foley stated that he was in agreement with Mayor Garrison inasmuch as this Commission had also changed policies of previous Commissions.

Comm. Richard Thompson stated that if a street was approved for this area, the City Planning and Zoning Commission would have to consider an amended plat in the future.

Comm. Pat Foley stated that it appeared all property owners in this area were aware of costs and inquired as to whether or not any individuals present appearing in support of this application were not in agreement to pay their particular costs for extension of sewer services, etc. All pro-owners present, to include Mr. Jim Hubbard, Mr. John Cook, Mr. Don Garrett

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and Mr. John Pounds, Sr., stated that they did not object to paying their particular share of costs.

Comm. E. C. Wareing inquired as to the opinion of the property owners present regarding procurement of necessary ROW for extension of this street. Property owners present immediately affected to include Mr. John Pounds, Sr., and Mr. Don Garrett, stated that they did not oppose deeding necessary ROW to the City for a 50-foot street in this area. Comm. Wareing requested that Mr. Pounds and Mr. Garrett take necessary action regarding ROW prior to annexation of this property to avoid additional red tape if same was not procured prior to annexation. Mr. Pounds and Mr. Garrett stated that they would process necessary paper work as soon as possible.

Comm. Pat Foley inquired as to the cost of sewer extension for Mr. Burrous who owned property in this area. City Manager Westerholm stated that it would not be necessary to extend sewer to this property and no costs would be assessed to Mr. Burrous. It was also reported that Mr. Burrous would not receive the benefit of street extension to his property.

Mayor Garrison officially closed open hearing on this annexation request. Comm. Jack McMullen made motion to consider first reading of ordinance on this annexation at next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. City Budget Adopted-Fiscal Year 1978/79-Salary Increases Approved for Employees

Mayor Garrison stated that most of the City Budget for fiscal year October 1, 1978, through September 30, 1979, had been approved at last regular meeting with the exception of consideration for final approval by this Commission for City employees salary adjustments and special water project authorization.

Mayor Garrison then reviewed the following suggestions by City Manager Westerholm regarding alternate plan for salary adjustments in lieu of seven (7%) percent across-the-board raises:

<u>Gross Salary Blocks</u>	<u>Percent Adjustment</u>	<u>(Annual) Salary Ranges</u>	<u>Range of Monthly Increases</u>
First \$330,000	8%	\$5,506.00 - \$7,252.00	\$36.70 - \$48.34
Next \$330,000	7½%	\$7,284.20 - \$8,625.34	\$45.52 - \$53.90
Next \$330,000	7%	\$8,706.93 - \$10,241.00	\$50.79 - \$59.73
Next \$330,000	6½%	\$10,278.36-\$14,543.20	\$55.67 - \$78.77
Last \$330,000	6%	\$15,204.70-\$28,565.48	\$76.02 - \$142.82

Various comments were made by members of Commission and Comm. Pat Foley expressed his opinion that members of Commission should consider a salary adjustment table in accordance with above stated information.

Comm. Jack McMullen expressed his opposition to this type salary adjustment and expressed his support of a seven (7%) percent across-the-board increase for all City employees.

Mayor Garrison expressed his support of suggestion by Comm. Pat Foley for approval of above stated salary adjustments. Comm. W. O. Ricks, Jr., expressed his opinion that members of Commission should adopt this plan and made motion that above stated salary adjustments plan be approved in lieu of a seven (7%) percent across-the-board increase which would provide for various salary increases depending on annual salaries for City employees from a low of six percent for highest paid employees to a high of eight percent for lowest paid employees. Motion was seconded by Comm. Pat Foley and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, W. O. Ricks, Jr., and Richard Thompson

Voting Nay: Comms. Jack McMullen and E. C. Wareing

Mayor Garrison stated that motion had been approved by majority vote of five to two.

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Mayor Garrison stated that an ordinance levying taxes for the use and support of the municipal government of the City and providing for the Interest & Sinking Fund for 1978 and appropriating each levy for the specific use had been prepared by the City Attorney and should be considered for adoption by this Commission in line with requirements of City Charter for approval of new City Budget for October 1, 1978 through September 30, 1979. Comm. E. C. Wareing made motion that above stated ordinance as explained by Mayor Garrison be approved on first and final reading. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison also stated that it was necessary to approve an appropriation ordinance adopting City Budget for fiscal year beginning October 1, 1978 and ending September 30, 1979. Comm. Pat Foley made motion that ordinance adopting City Budget for stated fiscal year be approved on first and final reading. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

6. Waterworks Improvements-Consulting Engineers & EDA Grant Application Approved

Mayor Garrison stated that members of Commission had discussed possible consideration for improving the City water system by special projects at last regular meeting and had deferred further comments until this meeting as to engineering firm for this project.

City Manager Westerholm reported that Bernard Johnson Engineers were considered for the City's last water improvement project in the City's water well field. City Manager Westerholm stated that Griffith Engineers had completed the engineering work for the City's last water improvements under the EDA grant and he personally would recommend consideration of Griffith Engineers for this particular project.

Comm. W. O. Ricks, Jr., inquired as to the engineering fees for this special water project. City Manager Westerholm stated that this type engineering was based on percentage and the amount of work required. Comm. R. A. Brookshire inquired of City Manager Westerholm if he would provide a specific recommendation prior to the next regular meeting which would also include a fee schedule for these services. Comm. Pat Foley inquired as to what engineering would be completed. City Manager Westerholm stated that a considerable amount of engineering on this project would be based on the results of the City's last water study by HDR.

City Manager Westerholm then reviewed the special projects as previously outlined in City Budget. Comm. R. A. Brookshire made motion that City Manager Westerholm be authorized to consult with Griffith Engineers and report back regarding this project, to include fee schedules, at next regular meeting. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Mayor Garrison inquired as to whether or not members of Commission desired to make a specific commitment on the pre-application grant for EDA. Comm. Pat Foley made motion that City Manager Westerholm be authorized to proceed with the EDA grant for financing of this project in accordance with previously stated amounts of 1.9 million dollars for 50 percent matching grant. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd 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 approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by Jerry L. Green from RL to RM District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd 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 & adjoining Lane Drive, had been approved on first reading of ordinance at last regular meeting.

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There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by Alvin Lane, et al, from RL to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Civic Center Kitchen Facilities-Bid Authorization Approved

City Manager Westerholm stated that the City Commission had previously requested he furnish information regarding items needed at the Civic Center to assist in serving hot banquet meals. City Manager Westerholm stated that he had contacted Mr. Mike Morris at Holiday Inn to include other catering services within the city and the following information was reviewed concerning items needed at the Civic Center:

125 dozen Dessert Bowls.....	\$1,095.00
2 Plate Lowerators.....	1,820.00
2 Lowerators for Cups.....	1,856.40
4 Lowerators for Glasses.....	<u>3,712.80</u>
	\$8,484.20

City Manager Westerholm stated that priority should be placed on the heated banquet carts of which the City needed a minimum of three with the price for each cart being between \$1,000 to \$1,350 each. City Manager Westerholm stated that the estimated end of the year balance for the Civic Center fund was \$23,000 which would be adequate to purchase the above stated items, which had been recommended.

Comm. R. A. Brookshire expressed his opinion that the City Commission should purchase adequate carts to cater to the various functions at the Civic Center and inquired as to the average crowd considered at the Lufkin Civic Center. City Manager Westerholm estimated that the average crowd was approximately 200 people.

Comm. W. O. Ricks, Jr., expressed his opinion that consideration should be made for the purchase of at least 5 heated banquet carts to include additional equipment as outlined by City Manager Westerholm. Comm. Pat Foley made motion that City Manager Westerholm be authorized to advertise for bids for the purchase of this equipment with the provisions for a minimum of 3 heated banquet carts and all additional equipment as listed with the provision for an alternate bid for 5 heated banquet carts. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. Water Pollution Control Plant-Earthworm Sludge Processing Disc.

Mayor Garrison stated that City Manager Westerholm had furnished members of Commission information regarding the use of earthworms to process municipal sludge. Mayor Garrison requested that City Manager Westerholm review, in further detail, for members of Commission regarding this project.

City Manager Westerholm stated that Mr. Edgar E. Green of Early Bird Farms, Shelbyville, Texas, had completed most of the work in this area and had experimented using ten vacant poultry houses with 30,000 square feet of area by utilizing all of the sludge from the sewer treatment plant at Center, Texas, for a six-month period to feed his earthworms. City Manager Westerholm also reported that during this period, the Center sewer plant was receiving all of the effluent from Holly Farms which processes 150,000 birds daily, which would compare with the two plants in Lufkin that process approximately 110,000 daily.

City Manager Westerholm stated that he had personally visited with Mr. Green regarding this project and he had received encouragement to pursue this project for the City of Lufkin in solving the problem at the Water Pollution Control Plant. City Manager Westerholm stated that if this system was placed into operation effectively and same was approved by the proper authorities involved, it had been estimated by Mr. Bobby Mott, Water Pollution Control Plant Superintendent, that same could possibly save the City as much as \$100,000 annually, which was presently being spent at the Water Pollution Control Plant by the Zimpro process which was the presently used method of handling sludges.

City Manager Westerholm stated that in order to pursue this matter, it was necessary to obtain permission from the Texas Department of Water Resources, the EPA and the State Department of Health to conduct an experiment to determine for sure that the City's sludges were suitable as

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food for the earthworms. City Manager Westerholm stated that this experiment would take approximately 30 days. City Manager Westerholm also stated that it would be necessary to adopt the proposal set forth by Mr. Green in information furnished members of Commission to conduct the experiment and establish the necessary information needed to utilize all of the plant's sludge. City Manager Westerholm stated that finally, it would be necessary to develop a permanent plan using earthworms to consume all the primary and secondary sludge produced by the City Water Pollution Control Plant. It was also reported by Mr. Westerholm that a project of this type would be eligible for an innovative grant of 85 percent matching funds from the EPA.

Members of Commission inquired of Mr. Green, who was present, regarding specific recommendations. Mr. Green stated that it would be faster and less costly to conduct these experiments in Center in lieu of using the Lufkin area.

City Manager Westerholm reported that the initial experiments would cost approximately \$2,500 which was available in the Water Pollution Control Plant budget and would allow entrance into this pilot program after approval by proper authorities. Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to proceed with conducting these experiments using earthworms. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Cablecom General-Disc. of Home Box Office-City Attorney Authorized to Consider Injunction Proceedings

Mayor Garrison requested that City Attorney Flournoy report regarding requirements of Cablecom General to comply with existing City regulation concerning HBO for the city of Lufkin. City Attorney Flournoy stated that the FCC regulated the cable system and the FCC pre-empted local control over this type regulation. City Attorney Flournoy stated that the City of Lufkin, in his opinion, could not prohibit HBO or any matter regarding their programming, but inasmuch as a franchise ordinance existed between Cablecom General and the City of Lufkin, which had been accepted by both parties, this provision by FCC may possibly be over-ridden. City Attorney Flournoy stated that it appeared this Commission could also regulate the rate based on Cablecom's entire investment and the Commission had an opportunity to regulate these rates under the existing ordinance.

Comm. E. C. Wareing inquired as to whether or not it would be necessary for Cablecom to actually implement these rates before any action was considered by this Commission. Comm. Pat Foley inquired of City Attorney Flournoy as to whether or not he would recommend pursuit of this control by the City Commission by necessary court action.

Mayor Garrison stated that, in fairness to City Attorney Flournoy, Cablecom had agreed by contract to transmit any kind of electronic signal while also agreeing not to charge rates which had not been authorized by this Commission. Mayor Garrison stated that the City Commission had the authority to set these rates.

Comm. R. A. Brookshire made motion that City Attorney Flournoy be authorized to consider necessary legal action in the proper court through the injunction process to prevent the charging of these rates without authorization of the City Commission.

Prior to second of motion, Comm. Pat Foley inquired as to recent court decisions on information reviewed by City Attorney Flournoy in the State of New York. City Attorney reported that the State of New York had recently been over-ruled by a higher court when they attempted to regulate rates on a local basis, but information which he had acquired indicated that no contractual agreement existed between the City and the cable company which was not the case with the City of Lufkin.

Comm. W. O. Ricks, Jr., then seconded previous motion by Comm. R. A. Brookshire to pursue legal action.

Prior to vote on motion, Comm. E. C. Wareing inquired as to whether or not the timing would be appropriate inasmuch as the rate had not actually been charged by Cablecom. Mayor Garrison stated that Cablecom had advertised the future consideration of HBO and the rates which would be available, to include solicitation for customers regarding same. Mayor Garrison stated

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that, in his opinion, Cablecom's entire approach regarding this process was an arrogant, deceitful and conniving maneuver, and, in his opinion, Cablecom did not have the right to make these advertisements without first consulting the City Commission. Mayor Garrison stated that, in his opinion, the City Commission did not have to wait until rates were actually charged to customers by Cablecom, and it was a responsibility of this Commission to protect subscribers to Cablecom prior to implementation of these rates.

There was no further discussion regarding previous motion and second and a unanimous affirmative vote was recorded to provide for this action by City Attorney Flournoy.

12. Industrial Bonds-Chamber of Commerce-Resolution Approved

Mayor Garrison stated that the Chamber of Commerce had recommended that the City Commission consider a resolution which would allow a local non-profit development corporation to issue tax exempt revenue bonds for the purpose of stimulating industrial development in a political subdivision. Mayor Garrison also stated that this would not impose any obligations on the part of the City, and would also allow the Lufkin Industrial Foundation to compete with other industries.

Following discussion of provisions regarding resolution, motion was made by Comm. W. O. Ricks, Jr., to approve resolution approving the issuance of tax exempt revenue bonds for the purpose of stimulating industrial development and agreement to take title to property when indebtedness is retired in accordance with provisions of resolution explained by City Manager Westerholm. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Police Security Monitoring System Approved-City Manager Authorized to Submit Grant to Criminal Justice Division

City Manager Westerholm stated that there was a possibility additional funds would be available through the Criminal Justice Division for a police security monitoring system. City Manager Westerholm made reference to a letter forwarded members of Commission from Chief of Police Leonard Latham recommending consideration of this grant which only obligated the City of Lufkin to 25 percent, which was equivalent to \$4,649.00 of a total project involving \$18,595.00 worth of special equipment.

Mayor Garrison expressed his approval of this system and the need for same within the City's system.

Comm. W. O. Ricks, Jr., inquired as to the necessary protections of this equipment. City Manager Westerholm stated that the TV cameras which would be installed would be placed in areas which would not be subject to vandalism.

Comm. W. O. Ricks, Jr., made motion to authorize City Manager Westerholm to submit necessary application for grant which would only obligate the City to \$4,649.00 of overall project. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

14. Traffic Signalization Approved-Loop 287 & Hwy. 103 West Intersection

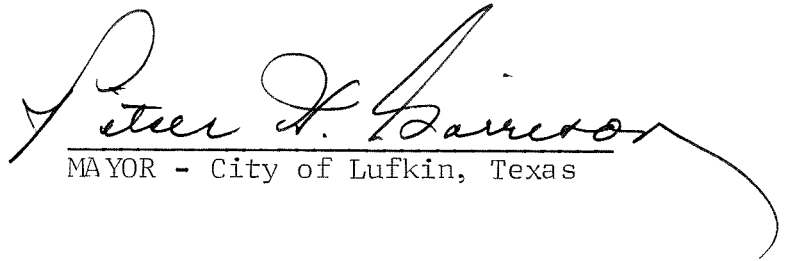
City Manager Westerholm stated that members of City Commission had previously authorized payment of the City's part for traffic signalization at Loop 287 and State Highway 103 West which amounted to \$11,820.00. City Manager Westerholm reported that no action had been taken on this project until a report had been submitted which was presently available involving the determination as to whether or not the City forces could complete this work at a cheaper cost. City Manager Westerholm stated that all reports had been made and it was his recommendation that the City forces not pursue construction of this project due to the type of work involved. City Manager Westerholm recommended that this project be completed by the Texas Highway Department as previously discussed and the approved amount.

Comm. Pat Foley made motion that the Texas Dept. of Highways and Public Transportation be authorized to complete this project and the City contribute its share in the amount of \$11,820.00. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

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15. Adjournment

There being no further business for consideration, meeting adjourned
at 6:30 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:




Assistant City Manager