

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF SEPTEMBER,
1981, AT 5:00 P.M.

On the 15th day of September, 1981, 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
Percy A. Simond, Jr.	Commissioner, Ward No. 1
Don E. Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Commissioner Richard Thompson.
2. Mayor Garrison welcomed the Lufkin Service League and others present.
3. Approval of Minutes

Minutes of regular meeting of September 1, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner E. C. Wareing, and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation & Permanent Zoning Request - Exposition Center Board of Directors - Approved for First Reading

Mayor Garrison officially opened hearing on annexation and permanent zoning request by Exposition Center Board of Directors covering property located north of Ellen Trout Drive and east of Lake Street to Light Manufacturing, Special Use (Item 1-Public Building).

There was no opposition present, and Mayor Garrison closed hearing.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that ordinances be set for first reading on October 6, 1981. A unanimous affirmative vote was recorded.

5. Tax Rate for Fiscal Year 1981-82 - City Budget - Approved

Mayor Garrison stated that newspaper notices have stated that the tax rate for Fiscal Year 1981-82 was increased when, in reality, the tax income is expected to increase by 13.5652% because of expected business growth and revaluation of property.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that proposed property tax rate be approved. A unanimous affirmative vote was recorded.

6. Annexation & Permanent Zoning Request - Approved - First Reading - Jimmy C. Amerine

Mayor Garrison recognized Mr. Jimmy C. Amerine present in representation of annexation and permanent zoning request covering a tract of land located contiguous to south City Limits line of U.S. Hwy. 59 South and permanent zoning to Commercial to allow construction of a motel. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that ordinance for annexation be approved on first reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that ordinance for permanent zoning to Commercial be approved on first reading. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Alton Carrier, Jr. RL to LM

Mayor Garrison stated that zone change application by Alton Carrier, Jr. Covering property located on Ellen Trout Drive south of Loop 287 and east of Kurth Drive from Residential Large to Light Manufacturing was approved at last meeting of City Commission. There was no opposition present.

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

8. Zone Change Application - Approved - Second Reading - Peyton Denman-RL to A

Mayor Garrison stated that zone change application by Dr. Peyton Denman covering property located on Lotus Lane south of Texas Southeast Railroad from Residential Large to Apartment was approved at last meeting of City Commission. There was no opposition present.

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

9. Ordinance - Approved - Amending Hotel-Motel Tax Rate - Second Reading

Mayor Garrison stated that Ordinance amending Hotel-Motel Tax Rate from 3% to 4% was approved on first reading at last meeting of City Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading. A unanimous affirmative vote was recorded.

10. Appointments to City Planning & Zoning Commission - Approved

Mayor Garrison stated that during Executive Session of last meeting appointments to Planning & Zoning Commission had been considered, and it had been decided to invite Mr. Ecomet Burley and Mr. J. T. Hopson to serve another term to which they have agreed.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that appointments of Mr. Burley and Mr. Hopson to another term be approved. A unanimous affirmative vote was recorded.

11. Lufkin Centennial Celebration - Plan of Action - Resolution Approved

Mayor Garrison stated that 1982 was the Centennial Year for the City of Lufkin and will provide an opportunity for the citizens to reflect on the past while expressing appreciation for same. Mayor Garrison further stated that a 100 member Centennial Commission has been appointed and an Executive Committee has conducted a detailed study for the celebration.

Mayor Garrison recognized Bob Bowman, Chairman of the Executive Committee; who explained that the Plan of Action for the Lufkin Centennial Celebration as developed by the Executive Committee of the Lufkin Centennial Commission. Mr. Bowman stated that the Committee was receiving phone calls daily in regard to projects by various civic clubs. Mr. Bowman further stated that a budget is included in the Plan of Action and the Committee hopes to provide the Centennial Celebration without any cost to the City.

Mayor Garrison stated that he was impressed by the areas covered in the plan for such low anticipated cost. Mr. Bowman stated that the cost was low because of the public support.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that a resolution be approved congratulating Bob Bowman and the Executive Committee for a job well done. A unanimous affirmative vote was recorded.

12. Zone Change Application - Approved - First Reading - Richard Ruff-
A, SU to LB, SU(Office Park)

Mayor Garrison stated that zone change application by Richard Ruff covering property located on Champions Drive South of Temple Blvd., from Apartment, Special Use, to Local Business had been recommended to City Commission by the Planning & Zoning Commission.

Richard Ruff stated that the offices would be similar in construction to the townhouses in the area, and would be purchased by the owners if desired. Mr. Ruff further stated that the developer would also have the option of leasing the offices instead of selling same. Mayor Garrison asked if Mr. Ruff would consider the designation of Local Business, Special Use (Office Park) to insure that the space would only be used for offices. Mr. Ruff replied that he was agreeable. There was no opposition present.

Commissioner Pat Foley stated that he had reservations about rezoning residential areas for business.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change be approved on first reading with the amendment of Special Use(Office Park). The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, Boyd, McCurry, Thompson, and Wareing ; Nay: Commissioner Foley. Mayor Garrison declared the motion approved by a vote of 6 to 1.

13. Zone Change Application - Approved - First Reading - Debbie Wiley -
C to C, SU(Item 6-Day Care Center)

Mayor Garrison stated that zone change application by Debbie Wiley covering property at 102 Joyce Lane between Fuller Springs Road and Denman Avenue from Commercial to Commercial, Special Use (Item 6-Day Care Center) was recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

14. Zone Change Application - Approved - First Reading - Richard Johnson -
RS to RL

Mayor Garrison stated that zone change application by Richard Johnson covering property located in the Townsend Subdivision between Ward Street and Chestnut Street from Residential Small to Residential Large had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Commissioner Percy Simond requested information about the RL district designation and was informed that it is the most restrictive of zoning districts requiring the largest lots and homes. Commissioner Pat Foley stated that the people are seeking to prevent smaller homes from being moved into the area. City Manager Westerholm stated that the RS district does not have a minimum square footage required for homes.

Commissioner Richard Thompson asked if the City could get right-of-way from property owners to enlarge the small streets in the area. Richard Johnson stated that the people in the subdivision are old and decline to make any commitments that might increase their taxes because they live on fixed incomes.

Mayor Garrison stated that efforts should be made to obtain a wider right-of-way in the aarea before the second reading of ordinance in preparation for future development.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that ordinance be approved on first reading. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing stated that he would like to have a larger plat of the area in the next distribution.

15. Zone Change Application - Approved - First Reading - Jewel Swint - RL to C

Mayor Garrison stated that zone change application by Jewel Swint covering property at 604 N. Medford, located east of Loop 287 and north of Lufkin Avenue from Residential Large to Commercial was recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Mr. Swint stated that he had a driveway to his property that angled off the Loop, but his neighbor had given him permission to use an adjacent driveway because of easier access.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

16. Ordinance Levying Taxes - Approved - Appropriation Ordinance - Approved City Budget - FY 81-82

Mayor Garrison stated that \$350,000 had been allocated for salary increases in the new budget, and after an 8% across the board raise, \$54,000 was available for additional percentage increases. Mayor Garrison stated that there was some question of how the additional money should be allocated; whether it should go to the entire staff, or if Police and Fire Departments should receive the entire amount.

Commissioner E. C. Wareing stated that the Commission had not reached any agreement on the increase for the City Attorney's budget. Commissioner Wareing further stated that the City Attorney had not received a raise in several years, and 10% should be appropriate.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that the City Attorney receive a 10% raise. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the Police and Fire Departments be given an additional 3% raise, using the \$54,000 additional revenue. Commissioner Pat Foley stated that the Commission had discussed the fact that all departments are losing personnel, and he had reservations about not sharing the additional funds between all departments.

Commissioner Percy Simond asked if a study had been made to determine why Police and Fire Departments have such a large turnover. City Manager Westerholm stated that the reasons vary with each individual, but recently six (6) former policemen have returned to the City force.

Commissioner Pat Foley stated that the turnover is greatest among lower paid employees, and the additional funds should be distributed to the lower end of the pay scale.

Commissioner E. C. Wareing stated that he had discussed the pay raises with several individuals, who made many varied responses, and he was still confused about the best procedure to follow.

Mrs. Nola Connor, local citizen, requested permission to speak and stated that she did not object to the 11% for Police and Fire Department employees because they are carefully selected and their job is more complicated to obtain. Mayor Garrison stated that these two departments have an incentive program, and they receive raises after 6, 9, and 18 months.

The following vote was recorded on motion by Commissioner Percy Simond to award the Police and Fire Departments 3% additional raise: Aye: Commissioners Simond and Boyd; Nay: Mayor Garrison, Commissioners Wareing, Thompson, McCurry and Foley. Mayor Garrison declared motion failed by a vote of 2 to 5.

Mayor Garrison stated that the Commission should review the program for receiving certificates in the two departments in view of the statements that it takes from 6 to 8 years to receive the first certificate to ascertain if they are accomplishing the purpose for which they were intended. Commissioner Bob McCurry stated that the certificates should be obtained in a shorter length of time.

Commissioner Don Boyd stated that the Commission should carefully consider the Salary Survey being conducted by the City when it becomes available in October.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that 1% additional salary increase be given to all employees except Fire and Police Departments who would receive 1½% additional increase. A unanimous affirmative vote was recorded. Commissioner Percy Simond stated that he voted for the 1½%, but believes it is too small. Commissioner Percy Simond further stated that the additional increase should be 3%.

Commissioner Pat Foley stated that the City Manager had stated that the City might transfer an employee to the position of Purchasing Agent, but Commissioner Foley had reservations and objected to establishment of the position. Commissioner Foley made motion that Purchasing Agent be eliminated and, if there is a need at a later date the City Commission could approve same at that time. Motion died for lack of a second, and same was declared by Mayor Garrison.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that budget be approved adopting appropriation ordinance for Fiscal Year 1981-82 City Budget as presented by City Manager with changes approved at this meeting. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Ordinance levying taxes for the use and support of the municipal government of the City be approved. A unanimous affirmative vote was recorded.

17. Widening of Second Street - Approved

Mayor Garrison stated that the City Manager would explain the benefits of widening Second Street. City Manager Westerholm stated that the City would like to widen Second Street and improve the existing sidewalks in the area to blend in with the proposed development of a law office north of the Flournoy & Deaton Office. City Manager Westerholm further stated that the City would only contribute the labor and the property owners would purchase the concrete.

Mayor Garrison stated that widening the street without widening the intersections would be of little benefit. Commissioner E. C. Wareing stated that the City needs to widen all streets in the downtown area, and this might be the start. Commissioner Don Boyd stated that the entrance to the alley on second street is lower than the street, and the City would be liable for any damages that occur to vehicles using the alley. Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that the City Manager be authorized to proceed with the widening of Second Street. The following vote was recorded: Aye: Commissioners Boyd, Simond, Wareing, Thompson, Foley and McCurry; Nay: Mayor Garrison. Mayor Garrison declared motion approved by a vote of 6 to 1.

18. Activation of USAR Graves Registration Company in Lufkin - Approved

Mayor Garrison stated that the City Commission had received a letter requesting the support of the City Commission for the activation of a USAR Graves Registration Company in Lufkin as an asset to the Community.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that City Attorney be authorized to prepare a Resolution asking the USAR Graves Registration Company to make Lufkin their headquarters. There was a unanimous affirmative vote.

19. Support of Nine (9) Member Board for Central Appraisal District - Resolution Approved

Mayor Garrison stated that a new tax law changing the Central Appraisal District requires action be taken between now and October 1st indicating whether the City will continue with the nine (9) member board that presently serves or change the system. Mayor Garrison further stated that the Tax Appraisal Board suggests that the nine (9) member board be retained.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Resolution be approved supporting the nine (9) member board. A unanimous affirmative vote was recorded.

20. Executive Session - Appointment to City Planning & Zoning Commission - Discussed - Lawsuit in Tyler - Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss vacancy on the Planning & Zoning Commission. Mayor Garrison then recessed formal open meeting of the City Commission at 6:55 p.m. At 7:16 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of Executive Session.

Mayor Garrison announced that members of Commission had discussed appointment to the City Planning & Zoning Commission. Mayor Garrison stated that the City Manager would contact the individual this week and announce appointment if he accepts. Mayor Garrison further stated that official confirmation of this individual would be made at next regular meeting of City Commission.

Mayor Garrison stated that strategy for the lawsuit now underway in Tyler was discussed and a report on the trial was given to the Commission.

21. Housing Survey -(Discussion: Block Grant Application - Obstruction of Intersections - Certificates for Police & Fire Departments.)

Commissioner Don Boyd stated that he was alarmed by the large number of substandard houses in Lufkin. Commissioner E. C. Wareing stated that the City should concentrate on the vacant houses first, then rental property then owner substandard housing should be considered. Commissioner Wareing further stated that the housing survey should be included on the agenda for the next meeting.

City Manager Westerholm stated that the owner deteriorating homes could be covered under the next Community Development Block Grant, and the time to apply for same was near. City Manager Westerholm further stated that an audit of the last grant had been received from HUD, and they strongly recommended the hiring of a consultant for the next grant application. City Manager Westerholm stated that all of the consultant's fee is covered by the grant except the pre-application work.

Mayor Garrison stated that the City should apply for the grant, but he resented having to hire a person or firm as a consultant to obtain the grant.

Commissioner Percy Simond asked if there was an ordinance that dealt with the obstruction of intersections by hedges. Mayor Garrison stated that this was an area of concern that should be addressed without delay. City Manager Westerholm stated that the City crews were providing copies of a lawsuit that awarded several thousand dollars to the family of a person killed because his view was obstructed, to the property owners that were requested to cut hedges for this purpose. Commissioner E. C. Wareing stated that the City Manager should be made aware of the intersections where this condition exists to allow prompt attention to the matter.

Commissioner Pat Foley stated that the incentive certificates for the Police and Fire Departments should be considered with the restructuring plan for City employees is presented in October. Mayor Garrison stated that he would like to have the report on the certificates sooner if possible. Commissioner Pat Foley stated that he would like to see a list of those receiving certificates in each department and the length of time they were in the department before receiving benefits from the program.

September 15, 1981

22. There being no further business for consideration, meeting was adjourned at 7:30 p.m.



Pitser H. Garrison
Pitser H. Garrison, Mayor

Ann Griffin
City Secretary