

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF OCTOBER, 1981, AT
7:30 P.M.

On the 6th day of October, 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 Rev. Curtis L. Keith, Pastor of First Christian Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of September 15, 1981, were approved on motion by Commissioner Don Boyd. Motion was seconded by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

4. Presentation of City Service Awards - James Gibbs - Dayle V. Smith

Mayor Garrison presented service awards to retiring Planning & Zoning Commissioner James Gibbs and Dayle V. Smith, recently deceased. Mitch Smith, son of Dayle, received the award on behalf of his father. Mayor Garrison stated that the service of both men on the Planning & Zoning Commission had benefitted the entire City of Lufkin.

5. Annexation & Permanent Zoning - Approved - First Reading - Exposition Center Board of Directors - LM, SU (Item 1-Public Building)

Mayor Garrison stated that the 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) was considered in a public hearing at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that annexation ordinance be approved on first reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that permanent zoning ordinance be approved on first reading as recommended by the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

6. Annexation & Permanent Zoning - Approved - Second Reading - Jimmy C. Amerine - Commercial

Mayor Garrison stated that the Annexation and Permanent Zoning request by Jimmy C. Amerine covering property located on South Highway 59 south of Angelina College to be zoned Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that permanent zoning ordinance to Commercial District be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - Second Reading - Richard Ruff - A, SU to LB

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, Special Use (Office Park) had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

8. Zone Change - Approved - Second 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) had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

9. Zone Change - Approved - Second Reading - Richard Johnson - RS to RL

Mayor Garrison stated that zone change application by Richard Johnson covering property located in Townsend Subdivision between Ward Street and Chestnut Street from Residential Small to Residential Large had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

10. Zone Change - Approved - Second 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 had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

11. Zone Change Application - Tabled - First Reading - Mack Coward - A&RL to A, SU (Dental - Medical Clinic)

Mayor Garrison recognized Mack Coward appearing in representation of zone change covering property located on Loop 287 between Crooked Creek and Reen Street from Apartment and Residential Large to Apartment, Special Use (Dental-Medical Clinic).

Mr. Coward stated that he planned to construct medical office buildings because the property was not suitable for residential use due to its close proximity to Loop 287. Mr. Coward further stated that there was a pipeline running through the property which would necessitate use of a portion of the 100 foot setback in order to construct the buildings. Mr. Coward stated that he would be required to build an off-ramp from the Loop also requiring part of the 100 foot setback.

In response to question by Commissioner E. C. Wareing, City Planner Ed Richie stated that the Thoroughfare Development Policy recently approved by the City Commission would allow the Planning & Zoning Commission to approve the site plan before construction was begun. Commissioner Wareing stated that he would prefer to review the study being conducted by the City Planner which would indicate the best use of land in the entire area.

Commissioner Pat Foley stated that each application will require individual consideration even after the land use study is prepared. Commissioner Foley also asked Mr. Coward if he had any objections to postponing his application until the City Planner's study was completed. Mr. Coward stated that he would be willing to postpone his application.

Commissioner E. C. Wareing stated that the study of the west side of the Loop would be before Planning & Zoning Commission on October 26, 1981, and same would have a bearing on the request by Mr. Coward.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that zone change application by Mack Coward be placed on the City Commission Agenda for November 3, 1981, after the City Planner's report is considered by the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing stated that each person signing the register would be notified of future consideration of the Mack Coward application.

12. Zone Change - Approved - First Reading - Arthur Winthrop - LM to HM

Mayor Garrison stated that zone change application by Arthur Winthrop covering property located on Spence Street, south of Ellen Trout Drive and north of the A&NR Railroad, from Light Manufacturing to Heavy Manufacturing, had been recommended by the Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change be approved on first reading as recommended. A unanimous affirmative vote was recorded.

13. Retirement Benefit Ordinances - Postponed - First Reading

Mayor Garrison stated that ordinances needed to be considered that would implement the retirement benefits authorized in the new budget and same had been provided to Commission for review.

Commissioner Pat Foley stated that letter from Gary Anderson, TMRS, indicated that the ordinances granted the retirees an increase equal to 70% of the change in the Consumer Price Index. Commissioner Foley stated that he needed further information on this and whether it was included in proposal for retirement benefits.

City Manager Westerholm stated that the increase of payments to retirees is regulated by the Consumer Price Index.

Commissioner Percy Simond stated that he felt this clause was customary in most retirement plans.

Commissioner Pat Foley stated that he would like more information to clarify the basis of the City's current retirement plan.

City Manager Westerholm stated that he would have information available for reconsideration of this item at next meeting. Same was postponed by agreement of the City Commission.

14. Rodeo Arena Contract Renewal - Omitted from Consideration

Mayor Garrison stated that a letter had been received requesting that lease agreement between the Lions Club and City of Lufkin for use of the Rodeo Arena be renewed for one (1) year until the Exposition Center Complex is completed. Mayor Garrison further stated that after review of present contract, it was learned that the expiration date of same was June, 1982, which would suffice until completion of Exposition Center. Further

consideration of this item was omitted from the agenda by approval of the City Commission.

15. Housing Survey - Report Authorized for Next Meeting - Abandoned Vehicles Discussed

Mayor Garrison stated that a report had been received from the Building Inspection Department concerning the results of the housing survey and a report from the City Planner on suggested future directions for the City Planning & Zoning Commission.

Mayor Garrison stated that he was reluctant to do anything that would dispossess renters in substandard housing.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that the City Manager proceed against 66 vacant houses indicated on report as dilapidated and report back to Commission on what is allowable under present City Ordinances for their removal. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the City can require installation of indoor plumbing, but unsafe conditions are at the discretion of the Building Inspector because there are no written guidelines. In response to a question from the Commission concerning cost, City Manager Westerholm further stated that it cost the City \$400 to level a house on South First Street. Commissioner E.C. Wareing stated that if the City leveled all 66 dilapidated houses the cost would be over \$26,000, and the City should have a procedure to condemn the houses and force either restoration or removal of same. Commissioner Wareing further stated that a reasonable length of time should be allowed for restoration of the houses, and owners should be notified that their property is eligible for improvements through Section 8 Housing Assistance. City Manager Westerholm stated that if a housing code was adopted, it would help the situation because it does not require as much investment by owner; but only requires that houses be made decent and liveable. Mayor Garrison stated that the City had adequate ordinances to deal with the housing problem, unless the City Manager could prove to him that the City's present ordinances were inadequate.

Commissioner Percy Simond stated that abandoned cars should be followed more closely, and he had reported several that were not removed even after 90 days. Commissioner Simond requested a list of the cars that had been reported in excess of 90 days.

16. Community Development Block Grant - Preapplication - Discussed

Mayor Garrison stated that the City should begin to consider submitting a preapplication for Community Development Block Grant. Mayor Garrison stated that City Manager Westerholm has a meeting October 13, 1981, with Mr. Ray Hammond of HUD to review the reasons for Lufkin's low CDBG Application points last year. Mayor Garrison also stated that legislation governing preapplications would not be available until February. It was the consensus of the City Commission that further consideration of this item be postponed until after the meeting with HUD.

17. Bids Approved - Trash Liners & Leaf Bags - B&E Packaging - Portable Welder - Big Three Industries

Mayor Garrison stated that bids had been received for annual purchase of trash liners and leaf bags. City Manager Westerholm stated that specifications required testing which eliminated some of the bidders, but B&E Packaging was the lowest bidder that passed all tests from the following bids received:

	<u>Leaf</u>	<u>Trash</u>
B&E Packaging	.11081	.04928
Bemis	.1026	.0486
Poly America	No Bid	.05076
I.P. International	.13666	.518
Arrow Industries	.119	.055
Adams Industries	.0949	.0532
Sunbelt Plastics	.0876	.05346

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City Manager Westerholm stated that Bemis was low bidder on leaf bags, but they declined to furnish leaf bags without an order for trash bags. City Manager Westerholm stated that B&E had the lowest and best bid on both bags.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that bid be awarded to B&E Packaging. A unanimous affirmative vote was recorded.

Mr. Mike Michael with Bemis Co., was present and stated that he wanted to protest because his company's bags met all tests but the hang test, and he was sure that B&E Packaging could not furnish the City with 3 mil bags for the price they quoted because they could not buy the raw production materials for less than 32¢ a pound. City Manager Westerholm stated that the City tested the bag from B&E which was guaged at 3 mil, but would probably be a 2 mil because the City's measuring equipment may need adjustment.

City Manager Westerholm stated that the Water Pollution Control Department had received bids on the purchase of a portable welder, and Big Three Industries, Inc., was the low bidder from the following bids received:

Big Three Industries	\$3,365.69
ETOX, Inc.	\$3,649.74

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that bid be awarded to Big Three Industries. A unanimous affirmative vote was recorded.

18. Trash Bag Usage - Incentive Certificates - Ron Wesch - Public Works Director

City Manager Westerholm stated that according to the Sanitation Superintendent only 30% of the people in Lufkin use trash bags furnished by the City and productivity of the sanitation department would be much greater if use of the bags were mandatory. Mayor Garrison stated he would like to have an updated survey conducted.

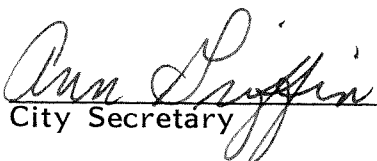
Commissioner Percy Simond stated that he was concerned about the incentive certificates for Fire and Police Departments, and would like to have a committee appointed to consider same. Mayor Garrison stated that the City Manager is preparing a report on the status of the incentive certificates, and Commissioner Percy Simond stated that he would wait until the Manager's report is received.

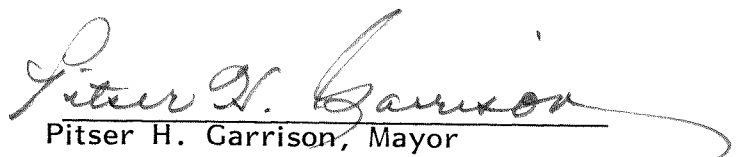
City Manager Westerholm then introduced new Public Works Director, Ron Wesch and wife Wanda to the City Commission.

19. There being no further business for consideration, meeting was adjourned at 8:45 p.m.



ATTEST:


City Secretary


Pitser H. Garrison, Mayor