

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF FEBRUARY,  
1981, AT 5:00 P.M.

On the 17th day of February, 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:

Don E. Boyd	Commissioner, Ware No. 2(new plan)
Bob McCurry	Commissioner, Ward No. 3(new plan)
Pat Foley	Commissioner, Ward No. 4(new plan)
E. C. Wareing	Commissioner, Ward No. 4(old plan)
Richard Thompson	Commissioner at Large, Place B(old plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	Assistant City Secretary

being present, and

Pitser H. Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)

being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Rex Carleton, Associate  
Pastor of First United Methodist Church of Lufkin.
2. Mayor Pro Tem Wareing welcomed visitors present.

3. Approval of Minutes

Minutes of regular meeting of February 3, 1981, were approved  
on motion by Commissioner Pat Foley. Motion was seconded by  
Commissioner Richard Thompson, and a unanimous affirmative  
vote was recorded.

4. Zone Change Application - Approved - Second Reading - T  
Properties Management

Mayor Pro Tem Wareing stated that zoning request by T  
Properties Management covering property located between  
Hwy. 103 and Paul Avenue from Residential Medium to  
Manufactured Dwelling District had been approved on first  
reading at last meeting of City 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 second and final reading. A unanimous affirmative  
vote was recorded.

5. Bids - Approved - Solid Waste Collection Vehicle - Heat Exchange  
Units - Sewer Pipe & Materials - Water Pollution Control Plant

- a. Mayor Pro Tem Wareing stated that Environmental  
Sales & Service, Inc., from Hurst, Texas, was the low  
bidder on the purchase of a side loading solid waste  
collection vehicle for the Sanitation Department with a  
bid of \$55,950.

City Manager Westerholm stated that the bid was  
\$16,550 less than amount budgeted for this item, and  
he would like to recommend that the option of an automatic  
neutral feature be added to the waste collection vehicle  
at a cost of \$2,500. City Manager Westerholm further  
stated that the automatic neutral feature was for added  
safety because the truck can be driven from either side.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that low bid by Environmental Sales & Service, Inc. , be accepted, and that the automatic neutral feature be added to the vehicle for a total cost of \$58,450. A unanimous affirmative vote was recorded.

- b. Mayor Pro Tem Wareing stated that Lamb Services was the low bidder on the purchase of two (2) Heat Exchange Units for the Water Pollution Control Plant with a bid of \$126,332.

City Manager Westerholm stated that the bid was in excess of budgeted amount by \$16,332 of which approximately \$8,000 could be absorbed in the present budget.

Mayor Pro Tem Wareing stated that Solid Waste Collection was under their budget for the year, and a transfer of the additional \$8,332 to Water Pollution Control budget might be feasible.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that low bid of Lamb Services be accepted and the Solid Waste Collection budget be amended to absorb \$8,332 of the overage from the Water Pollution Control Plant. A unanimous affirmative vote was recorded.

- c. Mayor Pro Tem Wareing stated that bids had been taken for the annual supply of clay pipe to be used by the water and sewer departments. City Manager Westerholm stated that low bidder on the 4", 6", and 8" clay pipe was Dickey Company from Texarkana, Arkansas, with a bid of \$18,076.50, and this was a budgeted item. City Manager Westerholm further stated that the price is based on the estimated amount of pipe that will be used during the year, and if the demand is less than expected the expenditure would be less than the bid amount.

Commissioner Bob McCurry expressed his concern about the large number of items that are exceeding budgeted amounts, and suggested that each department take a closer look at estimated figures.

City Manager Westerholm stated most of the sewer extensions will be funded from revenue sharing funds, and the pipe will be used on these projects. City Manager Westerholm further stated that the main purpose of the bid was to establish the price of the pipe.

Mayor Pro Tem Wareing requested that City Manager Westerholm prepare a report on locations where the pipe would be used for the next regular meeting, and stated that because the full amount of pipe would not be ordered now, the bid could be accepted.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that low bid from Dickey Company be accepted in the amount of \$18,076.50. A unanimous affirmative vote was recorded.

6. Zone Change Application - Amended & Approved - First Reading  
James Harkness

Mayor Pro Tem Wareing stated that zone change application by James W. Harkness covering property located between Renfro

Drive and Medford Drive from Residential Large and Special Use to Local Business had been recommended to City Commission for approval by Planning & Zoning Commission. Mayor Pro Tem Wareing stated that there was no opposition at Planning & Zoning Meeting, and minutes reflected that the purpose of the zone change was to build two (2) apartment units. Mayor Pro Tem Wareing stated that he felt the zoning should be for Apartment District instead of Local Business District.

Mayor Pro Tem Wareing recognized Mr. James Harkness appearing in representation of zone change, who stated that the Local Business designation was for future use, and his current plans were for the construction of apartment units. Mr. Harkness further stated that he would like to amend his application to reflect Apartment District instead of Local Business District, and he would return with another application when he had need of the Local Business designation.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that zone change be approved on first reading as amended, from Residential Large and Special Use to Apartment District. A unanimous affirmative vote was recorded.

7. Lufkin-Diboll Water Study - Tabled - "Scope of Work" Contract - Temple Associates

Mayor Pro Tem Wareing stated that Lufkin City Commission had not received official word from Diboll, but through the news media, it had been reported that Diboll City Attorney had questions about the contract. Mayor Pro Tem Wareing further stated that the Lufkin News had reported that the Diboll City Attorney was going to confer with the Lufkin City Attorney and discuss the contract which would not be approved until both parties agreed. Mayor Pro Tem Wareing stated that if the contract was approved by Lufkin tonight, it would be contingent on approval by Diboll.

Mayor Pro Tem Wareing stated that the contract was for Phase A only and the amount of Lufkin's share was \$2,160.

Commissioner Pat Foley stated that the projections were for a maximum of 20 years, and he would prefer to amend the contract to show projections for 30 years.

James Dunn, Engineer at Temple Associates, stated he understood Diboll had tabled the matter until both City Attorneys could confer. Mr. Dunn stated that the scope of work was divided into three (3) plateaus to provide the cities an option to make additions to or subtract items from the scope of work.

Commissioner Pat Foley stated that he felt the contract was too restrictive, and greatly limited the City's use of the finished report. Mr. Dunn stated that the clause was standard in most contracts of this type. Mayor Pro Tem Wareing stated that because the report is for a public entity, it will be considered a matter of public record and can be used by anyone. Mayor Pro Tem Wareing further stated that if Diboll decided not to continue with Lufkin in the study, they could later obtain use of the report because it would be public record.

Mayor Pro Tem Wareing stated that with the change on Page 1 of the contract to add 30 year projections, and rewriting of the last sentence, the Commission might like to table this item until next regular meeting. Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the item be tabled until next regular meeting. A unanimous affirmative vote was recorded.

8. Sidewalks - Tabled - York Drive

Mayor Pro Tem Wareing stated that at last City Commission meeting, it was requested that a study be prepared on the cost of constructing a sidewalk on York Drive from Chestnut to Tulane. Mayor Pro Tem Wareing further stated that the estimated cost of construction would be \$18,304 and \$8,120 for clearing of the trees and shrubs.

Commissioner Pat Foley stated that the City needs to establish a policy regarding the building of sidewalks due to the large number of requests recently received. Mayor Pro Tem Wareing stated that a group of citizens interested in this item were present, and the Commission was interested in their comments. The following statements were made by the group in support of sidewalk construction on York Drive:

- a. School children have to walk in the street or yards.
- b. School children on bicycles are in danger from traffic.
- c. Traffic has increased as a result of the new mall.
- d. Cars are exceeding 20 m.p.h. speed limit.
- e. Children walk three or four abreast toward Chestnut.

Commissioner Bob McCurry stated that he agreed sidewalks were needed around schools, not just Kurth School, but every school in Lufkin. Commissioner McCurry further stated that if Kurth received sidewalks other schools will be asking for the same consideration, and priorities must be set on where the City will spend money. Commissioner Bob McCurry stated that he is against the building of sidewalks all over Lufkin because the money is not available. Commissioner Don Boyd stated that the Commission must be mindful of children, and the possibility of constructing sidewalks from Kurth School to Chestnut should be explored.

Mayor Pro Tem Wareing stated that 58 trees would have to be removed to construct the sidewalk, and York Drive has only a 50 foot right-of-way.

Commissioner Pat Foley suggested that property owners be contacted regarding an easement to construct sidewalks just north of the utility line in their yards to avoid removing the trees. Mayor Pro Tem Wareing stated that the use of City Funds for improvements on private property has been discouraged in the past.

Mayor Pro Tem Wareing stated that he visited the area today, and was present when the school day ended, which convinced him there is really a problem for walking children. Mayor Pro Tem Wareing further stated that parking at the school is inadequate, children are walking, riding bicycles, cars are moving both ways, and all walking traffic was toward Chestnut. Mayor Pro Tem Wareing stated that to provide something usable by more people 24 hours a day, he would suggest constructing curb and gutter and enlarging the street by five feet on the school side of the street which would give an additional five foot lane for a walkway marked in white hashmarks for pedestrian and bicycle traffic only. Mayor Pro Tem Wareing stated that this would improve the area, be less costly than sidewalks at a cost of \$13,571, and trees would not have to be removed to widen the road.

Commissioner Richard Thompson stated that if the sidewalks were constructed without removing trees and proper drainage the sidewalks would not remain any length of time. Mayor Pro Tem Wareing stated that Kenneth Vann, City Engineering Dept.,

went to the area and reported that drainage would not be a problem. Mayor Pro Tem Wareing further stated he agreed with Commissioner Bob McCurry that this money could be spent to a better advantage in other areas.

Commissioner Don Boyd stated that the divided roadway with an area marked off in white hashmarks and signs stating that the area is for pedestrian and bicycle traffic during school hours, would be the best solution.

Commissioner Bob McCurry stated that if the City decided to begin a program for sidewalks, they should provide for same in next year's budget on a priority basis, and that it not be paid out of unencumbered funds. City Manager Westerholm stated that the unencumbered funds were getting low, and it is still early in the budget year. Commissioner Pat Foley made mention of the fact that the Revenue Sharing Fund had dropped considerably since last budget printout was given to Commissioners.

Commissioner Richard Thompson stated that he agreed with Commissioner Bob McCurry that construction should be delayed and contact made with property owners about the curb and gutter policy and consider improving the entire road.

Motion was made by Commissioner Pat Foley to table consideration until next meeting and have City Manager Westerholm explore the possibility of easements with property owners for sidewalks on the north side of utility easement on York Drive from the school to Chestnut. Commissioner Don Boyd stated that he would like to add to the motion that the possibility of a pedestrian lane be explored. Commissioner Pat Foley stated that he would amend his motion to include Commissioner Boyd's recommendation. The following vote was recorded: Aye - Commissioners Boyd, Foley, and Mayor Pro Tem Wareing; Nay - Commissioners McCurry and Thompson. Mayor Pro Tem Wareing declared the motion defeated due to lack of majority vote. Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that the sidewalks for York Drive be made a priority item in the budget for next year, and property owners be contacted about curb and gutter to determine feelings of the neighborhood. A unanimous affirmative vote was recorded.

9. Lufkin Centennial Steering Committee - Approved

Mayor Pro Tem Wareing stated that the Angelina County Historical Society had volunteered to conduct the City's Centennial celebration, and the City Commission had received a letter from Bob Bowman, St. Regis Paper Company, suggesting a Centennial Committee be appointed and authorized to organize the City's Centennial Celebration in 1982. The following names were suggested to serve on the committee:

Harvey Westerholm	Joe Murray	Ray Cornelius
Roger Johnson	Lanny Pogue	Ed Wagoner
Woody Gann	Rudy Pharis	Jack Hudgins
Jerry Huffman	George Henderson	Dr. Allen Cannon
Bob Poland	Bayo Hopper	Bill Price
Jim Stephens	Virginia Allen	Kerri Tate
Claude Smithhart	Rod Pittman	Oscar Brookshire
Kensy Hallmark		

City Manager Westerholm stated that the committee of 22 suggested by Bob Bowman might be approved and requested to select 100 people to comprise the entire committee.

Commissioner Pat Foley stated that large committees are cumbersome and the stated committee would be adequate with the addition of several other people. Commissioner Foley further stated that many organizations have expressed interest and would like to participate in planning for the Centennial. Commissioner Pat Foley stated that the City should provide funds from the Hotel-Motel Occupancy tax, and suggested that Mayor Pitser Garrison be named to serve as chairman. Mayor Pro Tem Wareing stated that the black community has people who would like to become involved in the planning. Commissioner Don Boyd stated that service clubs in the black community should be contacted, and Howard Walker should be added to the committee.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the 22 people named by Bob Bowman become a steering committee and for next meeting each commissioner prepare additional names of people or organizations that should be represented to give a complete cross-section of Lufkin, and that Bob Bowman become acting Chairman. A unanimous affirmative vote was recorded.

10. Palmer Drug Abuse Program - Report Received

Mayor Pro Tem Wareing recognized Mr. Lynn Alexander who was present to appraise the City Commission of the Palmer Drug Abuse Program being established in our community. Mr. Alexander stated that the Palmer Drug Abuse Program would be most appropriate for this area, and the problem was the \$50,000 initial outlay of money. Mr. Alexander stated that a private campaign had begun to raise a portion of the money and to date over one-half of the money has been raised. Mr. Alexander stated that a public appeal for money would be launched by the end of the month.

Mayor Pro Tem Wareing inquired about who would be in charge of the program. Mr. Alexander stated that the Palmer Drug Abuse National would operate the program in Lufkin as a satellite for the first year, and if after the first year, the local group wants to become a separate operation they may do so; if not, the Palmer group will continue.

Commissioner Pat Foley stated that the program sounded good, and he appreciated groups that raised their own funds.

Mayor Pro Tem Wareing stated that he appreciated Mr. Alexander taking time to brief the City Commission on the program, and would like to wish them well.

11. 1979 - 1980 Audit Report - Approved - Axley & Rode

Mayor Pro Tem Wareing stated that the City Commission had received the results of the audit performed by Axley & Rode for 1979-1980.

Mr. Lynn Montes, Axley & Rode, was present to answer any questions from the City Commission, and stated that a letter was written to help understand the audit report. Mr. Montes stated that the City had now converted from the cash basis of accounting to the modified accrual basis to conform to generally accepted accounting principles. Mr. Montes further stated that Axley & Rode hoped to assist the City in converting from hand kept records to computer. Mr. Montes stated the fact that water and sewer rates were increased this year was a step forward for the City, and Axley & Rode is obligated by the bond ordinance to indicate to cities if there is any problem in issuing bonds, which was the case for Lufkin in 1979-80.

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In answer to question by Commissioner Pat Foley, Mr. Montes stated that there were three areas where the letter of revenue sharing requirements were not in compliance in regard to public hearings, but other Federal regulations in regard to grants received by the City were in compliance.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that the audit report be accepted. A unanimous affirmative vote was recorded.

12. Executive Session - Elevated Storage Tank Contract

Mayor Pro Tem Wareing adjourned regular open meeting of City Commission at 6:55 p.m. to Executive Session for consultation with City Attorney concerning elevated storage tank contract.

Meeting was reconvened by Mayor Pro Tem Wareing at 7:25 p.m. Mayor Pro Tem Wareing announced that the City Commission had consulted with the City Attorney and City Attorney Flournoy would announce the results of consultation.

City Attorney Flournoy reported that the contractor had not indicated what he intended to do about completion of the tank to meet requirements of the contract as far as capacity is concerned. City Attorney Flournoy further stated that the City Commission had instructed him to notify the contractor by letter that they must complete contract by March 13, 1981, and that they are subject to liquidated damages that are ongoing. City Attorney Flournoy stated that the bonding company and engineer would also be notified.

13. Revenue Sharing Fund - W.A. Shepherd - Old Lawsuit

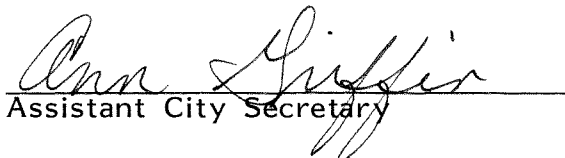
Commissioner Pat Foley stated that the Revenue Sharing Fund contained approximately \$100,000 and the report given to Commission today now shows approximately \$56,000 in the fund. Commissioner Foley asked that City Manager Westerholm prepare a report for next meeting explaining the difference in the two figures.

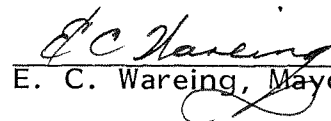
City Attorney Flournoy stated that an old lawsuit by W. A. Shepherd filed against City in 1975 claiming discrimination was now in Federal Court, and notification had been received that Jo Rena Fleming had been added to this lawsuit to make a class action suit. City Attorney Flournoy stated further that Mrs. Fleming's case had been considered by EEOC and rejected.

14. There being no further business for consideration, meeting adjourned at 7:45 p.m.



ATTEST:

  
Assistant City Secretary

  
E. C. Wareing, Mayor Pro Tem