

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 9TH DAY OF MARCH, 1982, AT 7:30 P.M.

On the 9th day of March, 1982, 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. Richard Hume, Pastor of St. Paul's United Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of February 16, 1982, were approved on motion by Commissioner Percy Simond and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

This item was inadvertently omitted from Agenda, but City Commission decided to take necessary action.

4. OPEN HEARING - Ordinance Designating "Reinvestment Zone"
Tax Abatement Program - CLOSE HEARING

Mayor Garrison stated that designation of a "Reinvestment Zone" under the Tax Abatement Program had been discussed at last meeting of City Commission. Mayor Garrison stated that a recent law had been passed which enables Cities to freeze taxes for a designated period of time to allow property owners an opportunity to upgrade property to more modern standards without added burden of increased taxes. Mayor Garrison officially opened hearing for presentations of persons interested in the "Reinvestment Zone".

John Duke, local owner of Duke Insurance Agency in downtown area, stated that he would like to request that downtown Lufkin be designated as a reinvestment zone to restore and improve conditions of existing buildings.

Mayor Garrison stated that he felt limits should be placed on amount of improvements that would qualify for tax abatement program.

Commissioner E. C. Wareing stated that he understood, as a result of a public hearing, certain area is designated requiring an ordinance specifically pertaining to subject property, and as other areas are added to designated area they each require a separate public hearing, and separate ordinance.

Mayor Garrison stated that a general ordinance could be approved with agreement stating what improvements are planned and a determination of the length of time taxes would be frozen. Mayor Garrison stated that the City is receiving very little taxes from the property in its present state of disrepair, and maybe ten (10) years from now the additional tax that would be received would compensate for amount frozen during that period.

City Attorney Robert Flournoy stated that the City Commission could vote to abate only 50% of taxes on improvements if they so desired. Mayor Garrison stated that it might be wise to abate taxes on first \$100,000 of improvements and 50% of next \$100,000 which would involve the use of a sliding scale.

Commissioner E. C. Wareing stated that a pilot program could begin with area designated at this meeting to ascertain how the program would work.

John Estes stated that he was in the process of remodeling the Murrel Pharmacy building in downtown area and planned to establish a delicatessen with exclusive one (1) bedroom apartments on the upper floor of building. Mr. Estes stated that he would like to have his property included in the tax abatement program.

Nila Boddie, owner of Boddie's Shoe Store, stated that she wanted her building included in the program, and Mr. Glen Armstrong had requested that she speak in his behalf to have his property included in same.

Mayor Garrison stated that to begin the program, each interested person should submit a proposal of what is planned for their property, and the Tax Assessor, Building Official, and Public Works Department should review proposals before presenting same to City Commission.

Commissioner E. C. Wareing suggested that ordinance be approved subject to inclusion of more definite language, and when ordinance is rewritten specific zones should be designated for each person interested.

Mayor Garrison officially closed public hearing.

5. Ordinance - Approved - First Reading - "Reinvestment Zone" Designation

Pursuant to discussion in Public Hearing, motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that ordinance be approved on first reading designating four (4) Reinvestment Zones, and that Section 8 be eliminated from ordinance. A unanimous affirmative vote was recorded.

Mayor Garrison stated that each person should submit a specific proposal to allow for issuance of individual contracts for review by the City Staff. City Attorney Bob Flournoy stated that improvements completed on buildings before adoption of ordinance might not be considered under the program.

6. Ordinance for Paving of Glenn Street - Approved - Second Reading

Mayor Garrison stated that Ordinance for paving and improvements to Glenn Street had been approved on first reading at last meeting of City Commission.

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

7. Proposed Use of Natural Gas in City Vehicles - Tabled

Mayor Garrison stated that proposed use of natural gas in City Vehicles had been discussed at last meeting of City Commission, and consideration had also been given to use of liquid propane.

City Manager Westerholm stated that the City Commission had asked that a survey be conducted to discover what types of fuel are being used by other cities, and same is included in distribution for review by Commissioners.

City Manager Westerholm further stated that a report from the City of Austin was received late and is provided for use by the Commissioners.

Mayor Garrison stated that he had experience with the use of propane in several vehicles and read about the dangers involved with its use in the report. Mayor Garrison further stated that he had no knowledge of

anyone experiencing problems with its use, and he had received excellent results from its use and readily available supply. Mayor Garrison stated that a 15% decrease in mileage was average, but the price is less than gasoline. Mayor Garrison stated that he highly recommended the use of LPG.

Commissioner E. C. Wareing stated that the City had a vehicle fueled by LPG, and he would like to have a vehicle equipped with CNG to provide a means of comparison of the two fuels. In response to question by Commissioner Wareing, City Manager Westerholm stated that when the service center is moved to Hill Street the Sanitation Department would remain at the facility on Amy Street, therefore, the fill station for CNG could be placed at Amy Street location. City Manager Westerholm stated that the report from the City of Austin recommended the use of CNG as the safer fuel.

Commissioner Richard Thompson stated that he would like to have specifications to advertise for bids on both fuels at next meeting. Mr. Hal Adams, representative of Dual Fuels, Lufkin, stated that three (3) LPG dealers had approached him wanting to submit bids to the City for the purchase of LPG, and some proposals included the cost of conversion which would provide comparison figures for consideration of the two fuels.

Commissioner E. C. Wareing stated that he would suggest that the decision on an alternate fuel be postponed until next meeting, and City Manager and staff be prepared with specifications for bids providing conversion costs for both fuels, and for fuel source also. It was the consensus of the City Commission that consideration of alternate fuel system for City vehicles be tabled until next meeting.

8. Zone Change - Approved - First Reading - Connie Lee - RL, SU (Beauty Shop)

Mayor Garrison stated that zone change application by Connie Lee covering property located at 811 Hylane Street between Allendale Drive and Feagin Drive from Residential Large District to Neighborhood Retail, Special Use (Beauty Shop), had been recommended by City Planning & Zoning Commission for approval.

Connie Lee stated that she would like to establish a one (1) chair beauty shop in her garage, that there would be no advertising, and the appearance of the dwelling would remain Residential. Mrs. Lee stated that she is presently working in another beauty shop and wanted to open her own shop to be home with her school age daughter.

The following persons appeared in opposition to zone change application: Mrs. Faye L. Johnson, Gene Tate, Irma Chappell.

The following points of opposition were voiced:

- a. Would encourage further commercialization of area
- b. Previous requests for zone changes in this area had been denied
- c. Desired area to remain residential
- d. No parking facilities were planned.

The following persons appeared in favor of zone change: Joyce Powell, Bobby Connor

The following points were voiced in favor of application:

- a. All property owners within 200' were in favor of zone change
- b. Only one (1) customer at a time would not cause problems
- c. No changes to outside of residence were planned

After much discussion, motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that zone change be approved on first reading to include restrictions designated by Planning & Zoning Commission; i.e. zone change be issued exclusively to Connie Lee, beauty shop be limited to one (1) chair, no exterior signs be erected, and residential appearance of dwelling be maintained. A unanimous affirmative vote was recorded.

9. Zone Change - Approved - First Reading - Bobby H. Tucker - RM to NR

Mayor Garrison stated that zone change application by Bobby H. Tucker covering property located on Chestnut Street between Denman Avenue and York Drive from Residential Medium District to Neighborhood Retail District had been recommended by City Planning & Zoning Commission for approval. There was no opposition present.

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

10. Audit Report - Accepted - Fiscal Year 1980-81

Mayor Garrison stated that copies of the 1980-81 Audit Report prepared by Alexander & Rogers had been distributed to Commissioners for their review. Mayor Garrison further stated that all recommendations by the auditors should be considered and either adopted or rejected with reasons stated.

Commissioner Pat Foley stated that he was concerned that the report reflected amendments being made to the budget without authorization, and he understood because the budget was adopted on a line by line basis it could not be changed.

Lamar Clark, representative of Alexander & Rogers, stated that a file was being maintained for line item changes, and the City Manager is authorized to make changes within the department but not between departments.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that audit report be accepted as presented. A unanimous affirmative vote was recorded.

11. Scarborough Street Extension - Approved - Budget Amended

Mayor Garrison stated that the City had received a request for extension of Scarborough Street from Davis to Leach through the recently purchased property of the First Missionary Baptist Church on the same basis that Cain Street was extended through the property of New Zion Baptist Church.

City Manager Westerholm stated that the church would dedicate the property to the City for the street and pay the cost for curb and gutter plus 1/3 of the paving costs.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that the plan for extending Scarborough Street as outlined be approved, and \$50,000 be appropriated from unallocated surplus with money received from Church returned to that fund. A unanimous affirmative vote was recorded.

12. Bids Approved - Material for 8" Water Line, Water Department, Big State Utility - Repairs #10 Water Well Pump, Water Department, Layne Texas Co. - Concrete Pipe, Street Department, Gifford-Hill & Co., Inc. - Quartz Lightbulbs, Parks Department, Dealers Electric

Mayor Garrison stated that bids had been received for the 8" water line to be used in the relocation of same on Highway 94 as authorized at a previous meeting.

City Manager Westerholm stated that the City Staff recommended that the bid of Big State Utility in the amount of \$7,321.53 be approved.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that bid be approved as presented by Big State Utility. A unanimous affirmative vote was recorded.

Mayor Garrison stated that bids had been received from Layne-Western and Layne Texas for repairs to Water Well #10 as authorized in the 1981-82 budget.

City Manager Westerholm stated that Layne Western had included every item that could be needed in the repair which made their bid \$36,230 compared to Layne Texas bid of approximately \$8,000. City Manager stated that Floyd Long reviewed the bid of Layne Western and deleted items that would not be required and then compared the two bids. City Manager Westerholm stated that after the comparison on this basis, Layne Texas was low bidder in the amount of \$8,328.00 after clarification was requested of their approximate bid of \$8,000.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that bid of Layne Texas in the amount of \$8,328 be approved as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that one bid had been received for concrete pipe to be used in improvements to Glenn Street from Gifford-Hill.

City Manager Westerholm stated that the City Staff recommended Gifford-Hill be awarded the bid in the amount of \$34.82 a linear foot of 48" pipe and \$2.53 a piece of 1-3/4" joint material.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that bid of Gifford-Hill be approved as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that bids had been received for the purchase of quartz lightbulbs for use in the Parks Department.

City Manager Westerholm stated that Dealers Electric was low bidder in the amount of \$2,227.50, and the City Staff recommended approval of this bid.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that low bid by Dealers Electric in the amount of \$2,227.50 be approved. A unanimous affirmative vote was recorded.

13. EXECUTIVE SESSION - Board Appointments Discussed - T.P.&L. Rate Case, City Represented by TML

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss personnel and attorney/client matters. Mayor Garrison recessed formal open meeting of the City Commission at 9:40 p.m. At 9:48 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcements to individuals present regarding results of Executive Session.

Mayor Garrison stated that there were vacancies on the City Board of Development, and it was decided to defer action on same until next meeting of City Commission.

Mayor Garrison stated that T.P.&L.'s recent rate increase request was discussed, and the City Commission decided to oppose the request.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Texas Municipal League be authorized to intervene on behalf of the City of Lufkin in protesting the T.P.&L. rate increase before the P.U.C. A unanimous affirmative vote was recorded.

14. Computer System - Discussed

Commissioner Pat Foley requested information about the System Three (3) Computer purchased by the City. City Manager Westerholm stated that the City was presently renting a computer from CMI, and has not purchased all of the new IBM 34 equipment. City Manager Westerholm further stated that the City had hoped to have the new system installed in January, but the installation had been delayed.

March 9, 1982

15. There being no further business for consideration, meeting adjourned at 9:55 p.m.



Pitser H. Garrison
Pitser H. Garrison, Mayor

Ann Griffin
City Secretary