

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF JULY, 1983, AT 5:00 PM.

On the 19th day of July, 1983, 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 Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	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
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present, and,

Libby Sims

Assistant City Secretary

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. James Anderton, Pastor of First Congregational Methodist Church, Lufkin.
2. Welcome of visitors by Mayor.
3. Approval of Minutes
Minutes of regular meeting of July 5, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.
4. PUBLIC HEARING-Revenue Sharing Budget-Amendment-Engineering Fees for Sewer Plant - Placed on Next Agenda

Mayor Garrison stated that an amendment to the present revenue sharing budget had been discussed at last meeting of City Commission, and further information concerning the additional engineering charges over and above the engineering contract had been requested. Mayor Garrison further stated that a copy of additional charges and the additions and changes to the overall EPA project had been submitted for information and consideration of the Commissioners.

City Manager Westerholm stated that unallocated money in the contingency fund was being proposed for the additional fees required for engineering services relative to planning of the new sewer treatment plant.

Commissioner Percy Simond requested information regarding the use of Revenue Sharing Funds for construction of a YMCA. City Manager Westerholm stated that the funds could be used for any purpose allowable under guidelines for ad valorem tax receipts. In answer to question by Commissioner Pat Foley, City Manager stated that this money had not been allocated for any projects and was composed of a balance in the last fiscal year revenue sharing fund due to projects costing less than expected and surplus in the revenue sharing budget for this fiscal year.

Mayor Garrison stated that the reasons given for the increase in engineering fees were stated as the addition of a chlorine basin, change in items by City Staff, and items discovered during design that should be included for more efficient operation of the plant.

City Manager stated that the total project had increased

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almost one million dollars, but the addition of the chlorine basin was required by Federal regulation. City Manager further stated that an equipment building which contains the motor control center would have to be relocated at a cost of \$80,000 due to construction of a road required for sludge removal. City Manager stated that the building could be eliminated, and a metal building similar to the one being moved could be constructed by City employees.

Jimmy Griffith, Griffith Engineers, stated that the cost of the Chlorine Basin not previously required was \$285,000 but due to a new ruling Lufkin's plant would be required to comply with this requirement. Mr. Griffith further stated that the plans have been completed, but if the City chooses to delete the proposed changes against the engineers' recommendation, there would not be an increase in engineering fees.

Bobby Mott, Water Pollution Control Superintendent, stated that if the changes are not made initially, they would have to be incorporated into the plant at a later date, and the City would not receive grant money to defray the costs. Bobby Mott further stated that the plant would, with the enforcement of the Industrial Waste Ordinance, serve the needs of the City of Lufkin for the next 20 years.

Mayor Garrison stated that when engineers recommend changes the Commission does not have the technical knowledge to decide what is essential. Due to lack of discussion, Mayor Garrison officially closed hearing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that hearing be closed and item placed on agenda for next meeting. Unanimous affirmative vote was recorded.

5. PUBLIC HEARING - Revenue Sharing Proposed Use-1984 Fiscal Year

Mayor Garrison stated that the public hearing for proposed use of Revenue Sharing Funds for next fiscal year is a requirement of the Revenue Sharing Act. Mayor Garrison officially opened Public Hearing.

City Manager Westerholm stated that the purpose of the Public Hearing was to inform the citizens about proposed use of revenue sharing funds, and \$541,645.76 was expected next fiscal year. City Manager stated that a budget had been proposed for expenditure of the money, but there would be another public hearing before same is finalized.

Mayor Garrison recognized Suzanne Brisco who stated that she had worked as a volunteer at the Lufkin Zoo for three years and the City should be very proud of the fine facility which provides a learning tool for children. Ms. Brisco further stated that the zoo was not allocated enough money, and same was in need of a freezer. City Manager Westerholm stated that the majority of funds for the zoo were included in the actual budget, and items included in revenue sharing were additional.

Commissioner Richard Thompson requested information about proposed signal light at Fourth & Frank Streets. Ron Wesch Public Works Director stated that this would be a traffic light with improved signalization, and the \$25,000 proposed would also allow similar improvements to be installed at Third & Frank.

Commissioner Percy Simond stated that he was disturbed about

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the greater amount of funds allocated to the Fire Department while the Police Department was allocated very little. City Manager Westerholm stated that the actual budget reveals that the Police Department would be receiving additional considerations because most items for the Police Department are in the regular budget. Commissioner Gil Fears stated that the City might need to look into the possibility of a Police Substation in another part of town.

Mayor Garrison officially closed public hearing.

6. PUBLIC HEARING-Annexation & Permanent Zoning - Glad Tidings Assembly of God - RL

Mayor Garrison stated that a request for Annexation & Permanent Zoning had been received from Glad Tidings Assembly of God covering 12.919 acres on FM 325, across from Lufkin Junior High East to be zoned Residential Large. Mayor Garrison stated that this item had been recommended by

been no opposition voiced. Mayor Garrison officially opened and closed public hearing due to lack of opposition.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that item be placed on next agenda for first reading. A unanimous affirmative vote was recorded.

7. Ordinance-Approved-First Reading - Street Closing-Mile Post Inn-Kornegay, Rusk, Unnamed Street

Mayor Garrison stated that Public Hearing was held at last meeting of this Commission to consider street closing request by Mile Post Inn covering portions of Kornegay Street, Rusk Street, and an unnamed street between Myrna and Grant Avenues all being one (1) block west of Ward Street, and no opposition had been voiced.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that street closing request be approved on first reading as presented. A unanimous affirmative vote was recorded.

8. Ordinance - Approved - Second Reading - Alley Closing - Hood Davis- Keltys Street

Mayor Garrison stated that alley closing request by Hood Davis covering property on Keltys Street located between Carver Avenue and O'Quinn Street and Keltys Street to Cottonbelt had been approved on first reading at last meeting of this Commission.

There was no opposition present. Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that alley closing request be approved on second and final reading as presented.

9. Ordinance - Approved - Second Reading - Larelco, Inc. - RL to L2, SU (Sign & Parking on 36' setback)

Mayor Garrison stated that ordinance for zone change by Larelco, Inc., covering property on South John Redditt Drive North of Crooked Creek Drive from Residential Large to Local Business, Special Use (Sign & Parking on 36' Setback) had been approved on first reading at last meeting of this Commission. Mayor Garrison stated that because he was a shareholder in Larelco, Inc., he would recuse himself from vote or discussion on the matter and ask Mayor Pro Tem Wareing to preside.

Mayor Pro Tem Wareing stated that because of the many times

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this item has been discussed before this Commission that discussion would be limited to new information. Mayor Pro tem Wareing recognized Bill Ricks, attorney for Larelco, Inc.

Mr. Ricks stated that the only new development was that the request had received a unanimous affirmative vote from the Commission at last meeting, and due to questions regarding the intersection at Crooked Creek and Loop 287 relative to traffic in the North bound lane of the Loop entering the property through an exit. Mr. Ricks further stated that he had met with the Highway Department and received approval of the design for egress and ingress. Mr. Ricks stated that the Highway Department will erect signs to discourage people from entering through the exit. Mr. Ricks stated that the plat of the property presented at last meeting would not change, and Larelco intended to keep all their promises in regard to landscaping, etc.

The following persons spoke in opposition to zone change: A. M. Thompson, Carmen Billings, Sy Stapleton, Mrs. Jane Richards.

The following points of opposition was voiced:

- a. Other locations are not attractive.
- b. Traffic and congestion would be increased at intersection.
- c. Would create danger to children crossing Loop from new St. Cyprians School to get to store.
- d. Twenty-four hour operation would attract undesirable element to subdivision.

Commissioner Don Boyd stated that apartment dwellers on Crooked Creek should have been given the opportunity to sign the petition. Commissioner Richard Thompson stated that the City only notifies homeowners, not renters. Mayor Pro Tem Wareing stated that if the petition was for homeowners the renters should not have been consulted, but if the petition was for citizens against the zone change, the renters should have been consulted. Mayor Pro Tem Wareing further stated that anyone who lives in the area should be very much aware of the zone change request.

Commissioner Richard Thompson stated that he regretted that he was not present for the first reading of zone change, but the approval of same would be granting a variance that was not acceptable. Motion was made by Commissioner Thompson that second reading of ordinance be denied. Motion died for lack of a second.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that zone change ordinance be approved on second and final reading as presented. The following vote was recorded: Aye - Commissioners Boyd, Simond, Fears and Foley; Nay - Commissioners Thompson and Wareing. Mayor Pro Tem Wareing declared motion approved by a vote of 4 to 2.

10. Ordinance-Approved- Second Reading-Zone Change-Wilma Dee Coons - RS to NR

Mayor Garrison stated that Ordinance for zone change by Wilma Dee Coons covering property located at 149 E. Denman Avenue between First Street and Conn Street from Residential Small to Neighborhood Retail had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change be approved on second and final reading as presented. A unanimous

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affirmative vote was recorded.

11. Appointment to DETCOG Board of Directors - Approved

Mayor Garrison stated that the appointment of Commissioners to the DETCOG Board of Directors had been postponed at last meeting of this Commission to allow all Commissioners to be present. Mayor Garrison further stated that there had been some question regarding appointment of four (4) senior members of Commission to DETCOG Board. Mayor Garrison stated that as past president of the Council of Governments, he is considered an ex-officio member of the board without voting rights, and that he was willing to relinquish his appointment by the City Commission to allow appointment of the next senior member of the Commission, Don Boyd.

Commissioner Percy Simond stated that he had received a copy of the Council of Governments By-Laws and minutes of a previous meeting which indicated that they have a concern about absenteeism of board members. Commissioner Simond further stated that the minutes indicated that 23 out of 55 members were present and some were by proxy. Commissioner Simond stated that City Manager Westerholm attends almost all meetings and once voted proxy for three (3) people. Commissioner Simond further stated that other members of the Commission would like to serve on the board of the Council of Governments, and if a member misses three (3) consecutive meetings he could be removed.

Mayor Garrison stated that an agenda is mailed out in advance of each meeting along with information about what will be considered and usually each meeting is to hear reports which relates to people who work directly with the programs.

Motion was made by Commissioner Percy Simond that Mayor Garrison be permanently appointed as a member of the DETCOG Board of Directors. Motion died for lack of a second.

Commissioner Don Boyd stated that if a person is chosen for an obligation every effort should be made to attend the meetings.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that the four (4) senior members of the City Commission be re-elected with Mayor Garrison being ex-officio member.

Commissioner Don Boyd made amendment to Commissioner Foley's motion that if representatives are not attending meetings they should after missing three (3) meetings be replaced. Commissioner Gil Fears seconded amendment, and a unanimous affirmative vote was recorded.

Motion with amendment made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing stated that Mayor Garrison would serve as an ex-officio member of the Council of Governments Board of Directors and the next four (4) senior members of Commission would be elected to serve on the Board in compliance with the Board By-Laws. The following vote was recorded: Aye-Mayor Garrison, Commissioners Wareing, Foley, Boyd, Thompson, Fears; Nay-Commissioner Simond. Mayor Garrison declared motion approved by a vote of 6 to 1.

12. Urban Project - Paul Ave.-Department of Highways & Public Transportation - Approved

Mayor Garrison stated that additional information had been requested relative to acquisition of adequate right-of-way

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on Paul Avenue prior to making Urban Project selection. Mayor Garrison stated that the State is willing to participate in improvements to Paul Avenue or Denman Avenue and the Commission should make a decision.

City Manager Westerholm stated that a survey of Paul Avenue had revealed that the City had a 40 foot ROW and would need an additional 10 feet from each side. Mr. Westerholm further stated that it would not be necessary to condemn any property, and once completed the street would be four (4) lane with 48 feet back to back curb and gutter. Mr. Westerholm stated that the estimated cost of ROW is \$86,325, but some property owners might desire to trade the needed 10 feet to avoid participating in the price of the street. Mr. Westerholm stated that project would begin in approximately two (2) years.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Pat Foley that Paul Avenue from Timberland to Lubbock Street be approved as the urban project for street improvements. The following vote was recorded: Ave - Mayor Garrison, Commissioners Wareing, Foley, Fears, Boyd, Simond; Nay - Commissioner Thompson. Mayor Garrison declared motion approved by a vote of 6 to 1.

Commissioner Richard Thompson stated that he believed that the citizens of Lufkin would benefit more from improvements to Denman Avenue. Mayor Garrison stated that Denman was handling the traffic now, but once Paul is four (4) lanes to the Loop it would greatly benefit the area.

13. Ordinance-Approved - First Reading - Zone Change -
Simond Henderson, Jr.-RS to C

Mayor Garrison stated that zone change request by Simond Henderson, Jr., covering property located on Kurth Drive between Davis and Lofton Streets and Mize Street and Southern Pacific Railroad from Residential Small to Commercial had been recommended to City Commission for approval by the Planning & Zoning Commission. There was no opposition present.

Mayor Garrison recognized William George prospective buyer of the property who stated that he was in the process of acquiring the railroad roundhouse property from Southern Pacific which would allow shifting of the proposed warehouse to permit the present playground to continue to exist.

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

14. Ordinance-Approved-Zone Change-Karol Green & Truman Largent-
RL to LB, SU(Shopping Center)

Mayor Garrison stated that zone change request by Karol Green and Truman Largent covering property located at northwest corner of Pershing Street and Loop 287 South from Residential Large to Local Business, Special Use (Item 4 - Shopping Center) had been recommended for approval by the Planning & Zoning Commission. There was no opposition present.

Mayor Garrison recognized Karol Green who stated that major access would be from the Loop with one entrance off Largent Street.

Commissioner Richard Thompson stated that the zone change had been recommended contingent upon receipt and approval

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of the site plan. Commissioner Gil Fears stated that he would like to hold this item in abeyance until site plan is presented. Commissioner Pat Foley stated that zone change could be approved on first reading and the site plan could be considered at next meeting.

Motion was made by Commissioner Richard Thomson and seconded by Commissioner Pat Foley that zone change be approved on first reading with second reading contingent on approval of site plan. The following vote was recorded: Aye-Mayor Garrison, Commissioners Wareing, Boyd, Simond, Foley, and Thompson; Nay- Commissioner Fears. Mayor Garrison declared motion approved by a vote of 6 to 1.

15. Sanitary Incinerator Project - City Manager Authorized to Proceed

Mayor Garrison stated that the County is considering a changeover to incineration and energy generation at the sanitary landfill which will materially affect the City's operation, and City Manager Westerholm was requesting authorization to join in the study to determine its feasibility for the City.

City Manager stated that the City would be charged a fee for dumping at the landfill once the new process has begun operation, and the additional charges would result in residential rates being raised 84% and other categories would be increased 21%. City Manager further stated that the operation of the landfill would be improved and the environment would be cleaner. At present, Mr. Westerholm stated, trucks and men spend a great deal of time waiting for their turn to have the trucks dump the garbage. Public Works Director, Ron Wesch, stated that the County would build the street and provide water and gas into the area but would not pay a fee for use of the system. Mr. Wesch further stated that the City would be committed for 15 years with two (2) five (5) year options. Mayor Garrison stated that he was not willing to commit for such a long period of time.

City Manager Westerholm stated that the City Staff felt the proposed fee was too high because it is based on the City of Houston, and the company would receive revenue from fees and the sale of electricity. Mr. Westerholm stated that he was only asking for authorization to explore further.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that City Manager be authorized to continue negotiations. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing stated that when the present landfill is filled to capacity the City would participate in the purchase of another site, and it might be less expensive to participate in this power plant venture.

16. EXECUTIVE SESSION - Appointments to City Boards - Planning & Zoning Commission, Examining & Supervising Board of Electricians, Plumbing Appeals & Advisory Board, Southern Building Code Board of Adjustment & Appeals, Zoning Board of Adjustment & Appeals, Abandoned Vehicle Board

Mayor Garrison stated that it was necessary for the City Commission to adjourn into executive session to discuss appointments to various City Boards. Mayor Garrison recessed formal open meeting of the City Commission at 7:25 p.m. At 7:35 p.m. Mayor Garrison reconvened regular meeting of the City Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Sam Griffin be re-appointed to the Planning & Zoning Commission. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Don Cutler, Jerry E. Vail, and Robert Beddingfield be re-appointed to the Examining & Supervising Board of Electricians. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that James Templeton be re-appointed to the Plumbing Appeals & Advisory Board. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Don Langston be re-appointed to the Standard Building Code Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that Fenner Roth, Thomas Moore, Jerry Benson, Gus Lyons, and Ray Henson be re-appointed to the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that R. L. Kuykendall be appointed to the Abandoned Vehicle Board due to the death of Cecil Massingill. A unanimous affirmative vote was recorded.

17. Police Department Pay Increase-Affirmative Action Committee-Sale of Produce in City-School Bus Stop Shelters

Commissioner Percy Simond stated that he had requested information about additional pay for the police department because of recent pay increases to the fire department personnel. City Manager Westerholm stated that he had some information to distribute to Commissioners for consideration in next fiscal year's budget.

Commissioner Percy Simond stated that during the discussion of the Affirmative Action Committee at a previous meeting, the Mayor and City Attorney had stated that the Commissioner could not appoint members to the Committee because it would interfere with the Manager's business. Commissioner Simond further stated that the City Charter does not state that the City Manager has the authority to appoint committees. Mayor Garrison stated that the Charter does say that the City Manager has the right to hire employees without interference from the Commission, and this committee would be overseeing and reviewing decisions of the City Manager.

Commissioner Gil Fears stated that problems had developed with people selling produce on City streets, and that he was concerned that the Police Department was not uniformly applying the restrictions. Commissioner Fears stated that a consistent procedure should be developed.

Commissioner Gil Fears stated that the City should consider construction of shelters for children that have to ride the school bus to provide some protection from the elements. Mayor Garrison stated that the school administration should be contacted regarding construction of same.

13. There being no further business for consideration, meeting adjourned at 7:51 p.m.

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ATTEST

Pitser H. Garrison
Pitser H. Garrison, Mayor

Ann Griffin
Ann Griffin, City Secretary