

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF AUGUST, 1983, AT 7:30 P.M.

On the 2nd day of August, 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
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin.
2. Welcome of visitors by Mayor.
3. Approval of Minutes

Minutes of regular meeting of July 19, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing. A unanimous affirmative vote was recorded.

4. Public Hearing - Alley Closing Request - Jessie McDougald

Mayor Garrison stated that a request had been received from Jessie McDougald to consider closing of an alley covering property south of Nesbitt Street and east of Judith Street. Mayor Garrison officially opened public hearing.

Mr. McDougald stated that the alley had created problems over the past few years relative to people walking through his carport and around his property at night. Mr. McDougald stated that in order to prevent further problems, he was requesting the City allow him to purchase the alley which measures 100 feet by 25 feet and leads into three-quarters of an acre that he also owns.

Clyde Herrington, local attorney, stated that Mr. McDougald was interested in closing the alley to eliminate vagrants on his property at night.

Mayor Garrison stated that Mr. McDougald would be allowed to purchase one-half of the alley unless the adjoining property owner declined to purchase the additional one-half, but the City would have to retain an easement on the property because of a two (2) inch line. There was no opposition present. Mayor Garrison officially closed public hearing.

Commissioner Percy Simond posed a question that if it were necessary to sell the property once a street were closed or could the City retain ownership. City Attorney Bob Flournoy stated that the City would own the property when alley closed unless purchased by property owners.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that first reading of ordinance for alley closing be placed on agenda for next meeting of this Commission. A unanimous affirmative vote was recorded.

5. Revenue Sharing Budget Amendment - Approved - FY 82-83 - Engineering Fees

Mayor Garrison stated that a public hearing was held at last meeting of this Commission to consider an amendment to the revenue sharing budget for additional engineering fees in the amount of \$186,889.76. Mayor Garrison stated that these funds would be used to pay Griffith Engineers for engineering work on the new sewer plant for the City of Lufkin. Mayor Garrison stated that he understood the amending of the budget was to allocate funds to the sewer treatment plant and that bills were not being approved for payment.

City Manager Westerholm stated that the contract has been signed for the work to be done, and the fees have exceeded the amount of the contract because the City was required to move forward on the project earlier than anticipated.

Commissioner Pat Foley stated that he had reservations about paying some of the fees such as the amount for, "items discovered which would improve operation of the plant."

Commissioner E.C. Wareing stated that the Commission might consider approving the transfer of funds for possible payments regarding engineering fees but not authorizing.

Commissioner Pat Foley stated that he was prepared to approve payment with the deletion of the, "items discovered which would improve operation of the plant."

In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that the fees will all earned by September 30, 1983.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that amendment to revenue sharing budget be approved to provide for the transfer of funds from revenue sharing in the amount of \$186,889.76 to the 1980 EPA Fund for payment of engineering fees as they are incurred with the exception of the storm water lift station which will be considered further. A unanimous affirmative vote was recorded.

6. Annexation & Permanent Zoning Ordinance - Approved - First Reading - Glad Tidings Assembly of God - RL

Mayor Garrison stated that annexation & permanent zoning request had been received from Glad Tidings Assembly of God Church covering 12.919 acres on FM325 across from Lufkin Junior High East to be zoned Residential Large, and all public hearings had been held in compliance with State Statutes. Mayor Garrison further stated there had been no opposition or questions involving the annexation. There was no opposition present.

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

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zoning of subject property to Residential Large be approved on first reading as presented. A unanimous affirmative vote was recorded.

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

Mayor Garrison stated that street closing request by Mile Post Inn covering portions of Kornegay Street, Rusk Street, and unnamed street between Myrna and Grant Avenues all being one (1) block west of Ward Street had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that street closing request be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Zone Change Ordinance - Second Reading - Approved - 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 approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Zone Change Ordinance - Second Reading - Approved - Karol Green and Truman Largent - RL to LB, SU (Item 4-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 approved on first reading at last meeting of this Commission. There was no opposition present.

Commissioner Gil Fears stated that he would like to see the plot plan of the proposed shopping center before approval of second reading.

Commissioner Richard Thompson stated that the City Commission would see the plans before the construction began and there was no problem with approving zone change on second reading.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that zone change application be approved on second and final reading as presented with the provision that the plot plan of the shopping center be reviewed by the City Commission before the building permit is issued. The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, Boyd, Foley, Thompson, Wareing. Nay: Commissioner Fears.

10. Zone Change Ordinance - Approved - First Reading - King Piao-Song - C to C, SU (Private Club)

Mayor Garrison recognized Jimmy Cassels, local attorney, appearing in representation of zone change request by King Piao-Song covering property located at 1104 N. Timberland from Commercial to Commercial, Special Use (Private Club). Mr. Cassels stated that Mr. Song would be operating a Japanese Restaurant in the former Petty's Restaurant building. Mr. Cassels further stated that the right side of the building would be used for the restaurant only with the center and left side of the building serving alcoholic beverages. Mr. Cassels stated that there are existing walls in the restaurant building that will separate the club from the dining area. Mr. Cassels further stated that the zone change for the private club would be include the entire restaurant building. There was no opposition present.

Commissioner Richard Thompson stated that he would like to remind Commissioners of a letter received previously relative to a travler staying at a local motel with a private club, and the problems that he experienced trying to obtain a good night's sleep. Commissioner Thompson further stated that the private club also creates parking problems for motel guests.

Mr. Cassels stated that Mr. Song would own both the club and the motel, and would have an interest in both necessitating that an attempt be made to keep each in harmony with the other.

Commissioner Don Boyd stated that it would be the responsibility of the management to handle situations of this type.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zone change application be approved as presented on first reading. The following vote was recorded. Aye: Mayor Garrison, Commissioners Simond, Boyd, Foley, Wareing. Nay: Commissioners Thompson, Fears. Mayor Garrison declared motion approved by a vote of five (5) to two (2).

11. Zone Change Ordinance - Approved - First Reading - R.L. Lehman - RL to LM

Mayor Garrison stated that zone change application by R.L. Lehman covering property located between Davisville Road and Highway 59, South of Loop 287 from Residential Large to Light Manufacturing had been recommended to City Commission for approval by the Planning and Zoning Commission. Mayor Garrison recognized R.L. Lehman appearing in representation of the zone change application.

Mr. Lehman stated that he had recently purchased four (4) additional acres in two different lots adjacent to his present property and he was requesting the zone change in order to assure that all his property would have the same zone designation. There was no opposition present.

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

12. Bid - Approved - Engine Performance Analyzer - Public Works Department - Greater Lufkin Ford

Mayor Garrison stated that advertisement had been made for bids to purchase a CRT Programmed Engine Performance Analyzer for use at the City Garage. City Manager Westerholm stated that four (4) bids had been received and that the low bid of Automotive Incorporated did not meet specifications for a 15 inch CRT screen. City Manager Westerholm stated that the City Staff was recommending that the bid of Greater Lufkin Ford in the amount of \$5,979.50 be approved as lowest and best bid.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that bid of Greater Lufkin Ford in the amount of \$5,979.50 be approved as the lowest and best bid. A unanimous affirmative vote was recorded.

13. Budget Discussed - Fiscal Year 1983-84

Mayor Garrison stated that this item was to confirm the formal presentation to the City Commissioners of the budget for the fiscal year 1983-84 and he wondered if the City Commissioners were prepared to discuss the new budget in depth at this time. Mayor Garrison suggested that before a budget workshop was held, each Commissioner should study the proposed budget in depth and discuss any questions they might have directly with the City Manager.

Commissioner Fears stated that he had a concern in the increase of legal fees. Mayor Garrison stated that questions of this type could be discussed with the City Manager who could consult with the appropriate department heads to answer questions of the Commissioners.

Commissioner Don Boyd suggested that discussion of budget be put on agenda for next meeting of City Commission as the last item to allow other business to be completed previously.

Commissioner Percy Simond stated that he was concerned about the increase in insurance premiums of \$107,000.00. City Manager Westerholm stated that the insurance has not increased but has been moved from separate departments into the general government.

Mayor Garrison stated that he would like to know the total amount that the City pays for insurance. A figure of approximately \$210,000.00 was reported by Assistant City Manager Brian Boudreaux.

It was a consensus of opinion that the consideration of budget for fiscal year 1983-84 be considered on next agenda of City Commission meeting.

14. Bid - Approved - Plants for Landscape Project - Lowery Nursery

Mayor Garrison stated that bids had been received for the purchase of plants to be used in the Landscape Jobs Bill Project that had been approved for the City of Lufkin. Mayor Garrison stated that a grant had been received from the Texas Department of Community Affairs to provide jobs for unemployed heads of households while landscaping a portion of the City of Lufkin.

City Manager Westerholm stated that five (5) bids had been received and several bids could not provide the dwarf cannas that were considered for planting. City Manager Westerholm stated that the low bid would be from Lowery Nursery in the amount of \$3,847.00 which could be approved and additional money provided by the grant could be used to purchase the cannas from the nursery offering the best price.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Pat Foley that bid of Lowery Nursery be approved as the lowest and best bid and that dwarf cannas be purchased with remaining money from nursery offering the best price. A unanimous affirmative vote was recorded.

15. Resolution - Approved - City Manager Authorized - Submission 1983 - Community Development Program Grant Application - Chestnut and Paul Streets

Mayor Garrison stated that a resolution had been submitted for consideration to authorize City Manager Westerholm to submit the 1983 Community Development Program Grant Application to the Texas Department of Community Affairs for funding of the drainage and street improvements to Chestnut and Paul Streets. Mayor Garrison stated that the application has to be submitted by September 15, 1983.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that the City Manager be authorized to proceed with the submission of the application for the TDCA Community Development Program Grant. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that the City Manager be authorized to make application for any grant that would increase employment in the area. A unanimous affirmative vote was recorded.

16. Crime Stoppers of Lufkin, Incorporated - Request for Financial Assistance - Discussed

Mayor Garrison stated that a request had been received from Tom Dunn, President of Crime Stoppers, Inc. requesting an increase of \$.50 to \$1.00 be added to each fine or ticket that comes through Municipal Court to be dedicated toward the support of the

reward for the program had been very successful in helping to prevent and solve crimes in the Lufkin area. Mr. Dunn stated that the program had begun 10 months previously with funds received from individual gifts and it was hoped that persons benefiting from the program would donate money into the fund to help defray costs. Mr. Dunn stated that the funds in the program had begun to decrease and that designation of \$.50 per fine collected by the City of Lufkin would provide revenue in the amount of four (4) to five (5) thousand dollars annually. Mr. Dunn further stated that a membership drive had begun but the City funds would be considered the financial base for the program. Mr. Dunn stated that the program should not be compromised by reducing the amount of rewards which would defeat the program.

Mayor Garrison stated that he was surprised that funds had not been made available from the public to increase the effectiveness of the program thru public awareness.

Mr. Dunn stated that if the public could be made more aware of the benefits of the program, the contributions should be increased.

Commissioner Don Boyd stated that fines for the City of Lufkin are very low and consideration might be given to an increase in same.

Mayor Garrison stated that six (\$6.00) of each fine collected must be sent to the State, and some of the money should be kept at home to help with Lufkin's own crime problems.

Mr. Dunn stated that support and help the City Staff had been freely given, and he would like to express the thanks of the entire Commission.

Mayor Garrison stated that consideration would be given to the request by the Crime Stoppers, Inc. at the budget discussion.

17. Resolution - Denied - Baha'i Delegation

Mayor Garrison stated that a letter had been received from Urla Morgan, local Baha'i representative and a resolution had been submitted for consideration of the City Commission in support of the U.S. Congress's resolution condemning Iran's persecution of the Baha'i faith.

Commissioner Percy Simond stated that he had read the information that was submitted to the Commissioners regarding the resolution and he was concerned that approval of this resolution would open the door for every religious organization to request a resolution from the City Commission. Commissioner Simond stated that he did not believe the City Commission was the place for this type of resolution to be approved and that the Commission should be circumspect in considering resolutions of a religious nature. Commissioner Simond further stated that he could not understand how approval of the resolution would benefit the Baha'i cause.

Commissioner Don Boyd stated that the resolution only states that the City of Lufkin will support what the United States is doing to prevent persecution of the Baha'i religious minority in Iran.

Mayor Garrison stated that he concurs with the opinions voiced by Commissioner Percy Simond, and that the City Commission, thru the resolution, was being asked to make factual statements without full knowledge. Mayor Garrison further stated that he did not believe it to be a function of a formal City Commission to approve such resolutions.

Urla Morgan, Baha'i Representative in Lufkin, stated that the Baha'i religion would like to have all cities voice their condemnation of genocide of members of the Baha'i faith. Ms. Morgan further stated that she was requesting that the resolution, once approved, be sent to Washington.

Commissioner Pat Foley stated he concurred with Mayor Garrison that this was not a property City Government function but he would be willing to sign a petition as an individual.

Motion was made by Commissioner Don Boyd that resolution be approved as presented. Motion died for a lack of a second.

Commissioner Gil Fears stated that the denial of the resolution did not mean that City Commission was rejecting the cause of the Baha'i faith, but that the resolution was not a government function.

18. Directional Routing of Highway Traffic - Approved - Texas Department of Highways and Public Transportation

Mayor Garrison stated that a letter had been received from Mr. J.L. Beaird of the

Texas Department of Highways and Public Transportation indicating the proposed routing of highway traffic in and thru the City of Lufkin. Mayor Garrison recognized J.L. Beaird, District Engineer with the State Department of Highways and Public Transportation.

Mr. Beaird stated that in the City of Lufkin there are four (4) major highways, (Highway 94, U.S. Highway 59 & 69, and Highway 103). Mr. Beaird stated that the City had requested signs designating the downtown area be placed at certain locations to provide assistance to the Main Street U.S.A. Program. Mr. Beaird stated that the City of Lufkin is growing and that Loop 287 and U.S. 59 overpass construction will begin in 1984. Mr. Beaird further stated that at that time, the highway will be considered an expressway and large overhead signs will be required to provide directions similar to the signs placed at the Angelina County Airport. Mr. Beaird stated that because of the large volume of traffic that will be experienced, the Texas Department of Highways and Public Transportation felt that it was time to consider the re-routing of the traffic, and that U.S. 69 and 59 need to be re-routed along Loop 287. Mr. Beaird stated that the signs would indicate a business route along Timberland Drive, and thru traffic for Hwy. 69 be encouraged to take a route along 287 to the Intersection of Denman Avenue. Mr. Beaird further stated that Highway 59 would be routed along the loop east of Lufkin. Mr. Beaird stated that at the present time, First Street is designated as Highway 59 and that his department would recommend that the City Commission consider adoption of the re-routing to prevent further congestion in the downtown area. Mr. Beaird stated that if the City Commission approved the re-routing of the traffic, signs would be placed at major intersections, and the plan would be submitted to the administration of the Texas Highway Department and then to the Highway Commission. Mr. Beaird stated that if a decision could be made on the type of signs, he would include the cost of the signing in the project to receive federal money, otherwise, the money for the signs would have to be obtained from the State.

Mayor Garrison stated that the re-routing of the traffic would help the thru traffic move with the least amount of trouble and still provide a business route designation for travelers who wished to drive thru the City to obtain services.

In answer to question by Commissioner Pat Foley, Mr. Beaird stated that the large signs would not be erected until 1984 when construction is begun on the Highway 59 and Loop 287 intersection, but that the signs designating the downtown area would be erected in the near future.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that re-routing of traffic be approved as presented by the State Department of Highways and Public Transportation. A unanimous affirmative vote was recorded.

There were several motel owners in the audience who stated their concern that the re-routing of traffic would affect their business.

Mayor Garrison explained that anyone seeking services would take the designated business routes and those wishing to travel straight through would travel the Loop.

Mr. Beaird stated that it might be possible to provide small signs stating what services were available on the business routes to encourage use by travelers seeking services.

19. Appointment - Approved - Zoning Board of Adjustment & Appeals - Lacey Chimney

Mayor Garrison stated that at last meeting of City Commission appointments were made to the Zoning Board of Adjustment & Appeals, and that Gus Lyons had declined reappointment because of his busy schedule. Mayor Garrison stated that it was necessary to consider a nomination to replace Mr. Lyons on this board.

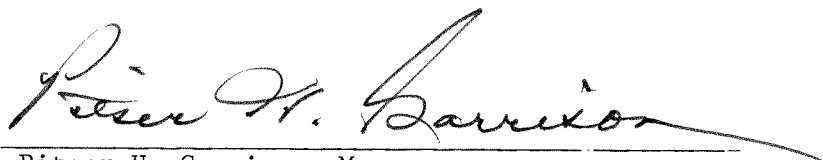
Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Lacey Chimney be appointed to serve on the Zoning Board of Adjustment & Appeals. A unanimous affirmative vote was recorded.

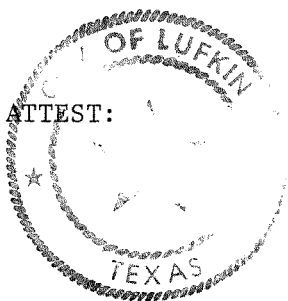
20. Error on Water Bill - School Bus Shelters

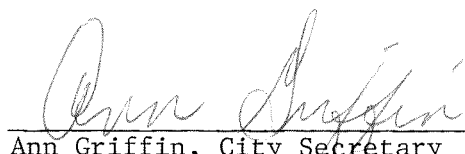
Commissioner Gil Fears stated that his water meter had been reported in error for the previous month and had since been corrected, but he felt that citizens should be aware that mistakes do happen and check their bills to insure correctness. Commissioner Fears further stated that he had asked the City Manager to obtain information on the building of school bus shelters which would be needed because of school beginning this month.

City Manager Westerholm stated that he had not contacted the school superintendent but would discuss this problem with Mr. Darnell.

21. There being no further business for consideration, meeting adjourned at 9:17 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary