

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON THE 6TH DAY OF SEPTEMBER, 1983, AT 7:30 P.M.

On the 6th day of September, 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
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Commissioner Richard Thompson.
2. Mayor Garrison recognized visitors present.
3. Approval of Minutes

Minutes of regular meeting of August 16, 1983, were approved on a motion by Commissioner Gil Fears and seconded by Commissioner E.C. Wareing. A unanimous affirmative vote was recorded.

4. Open Hearing - Tax Rate for Fiscal Year 1983-84 - City Budget Discussed

Mayor Garrison officially opened hearing on tax rate and stated that a public hearing was required by charter to allow discussion of proposed tax rate and budget for the next fiscal year. Mayor Garrison stated that the present budget as proposed for consideration and public hearing has established the tax rate at 41¢ per \$100.00 evaluation which is the same rate as last fiscal year.

Mayor Garrison further stated that the tax rate would bring more revenue into the City Budget because of the increase in valuations and the new property that has been added to the City Tax Rolls. Mayor Garrison further stated that the City Commission had not increased the tax rate in the last 15 years, but a public hearing was required by law because there would be an increase in the taxes raised for fiscal year 1983-84. There was no one present to speak in regard to the public hearing and Mayor Garrison declared hearing closed.

Mayor Garrison officially opened public hearing in regard to the City Budget for fiscal year 1983-84. Mayor Garrison stated that since the last meeting of this Commission, the budget for fiscal year 1983-84 has required revision to decrease the amount of the budget below the tentatively approved budget. Mayor Garrison further stated that developments had indicated that the revenue budgeted for the current fiscal year will be short by more than \$800,000.00. Mayor Garrison stated that this is a direct result of the reduction in sales tax, water revenue, and other sources of income that have not produced as the City expected. Mayor Garrison stated that under the law a municipality cannot engage in deficit spending and cannot borrow money in one (1) fiscal year to be repaid the next fiscal year without a bond issue or special arrangements.

In response to question from Commissioner Percy Simond, City Manager Westerholm stated that the City Staff had been aware that revenue had been lagging. Mr. Westerholm further stated that expenses have been below revenue, and the City Staff felt that the two would balance out at the end of the year. City Manager Westerholm stated that July, August, and September are months when water usage is at the highest, but because of the wet weather, revenue from this source did not appear. City Manager Westerholm further stated that municipal court fines are low, sales tax, and water and sewer revenue also decreased during the end of the year.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the garbage pickup on holidays would be eliminated in order to save the overtime pay which would amount to approximately \$25,000.00 per year. City Manager Westerholm further stated that the cars in the Police Department

have traditionally been bought in March and April, but in the next fiscal year, orders would be placed at the last of the fiscal year for delivery in October.

In answer to question by Commissioner Gil Fears, City Manager Westerholm stated that fees for outside legal help had been omitted from the budget as well as the display writer.

Richard Pulaski was present in regard to the open hearing on the proposed City Budget, and stated that he could appreciate knowing the shortage of funds that the City was now experiencing.

In answer to question by Mr. Pulaski, Mayor Garrison stated that budget publication was made as required by law and copies of proposed budget are available for anyone that is interested. There were no other persons present in regard to this hearing and same was closed by Mayor Garrison.

Mayor Garrison stated that the Revenue Sharing Budget had been totally revised due to the shortage of the income. Mayor Garrison further stated that when the City of Lufkin first received money from Revenue Sharing, the City Commission had decided that Revenue Sharing money should not be taken into the operating budget because it would be difficult to have same removed once the City became dependent on the funds. Mayor Garrison further stated that the City Commission had decided that Revenue Sharing money should be used for capital items that the City could not afford in its regular budget. Mayor Garrison stated that the City is now faced with a difficult situation and Revenue Sharing must be used to take care of items that would normally be considered routine expenditures. Mayor Garrison further stated that a new City car for the City Manager, modular type ambulances for the Fire Department, and other items were removed from the Revenue Sharing budget while such items as hospitalization insurance, auto liability, main street project, library, and City/County Health Unit were added.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the traffic light at 4th and Frank Street would be replaced with a modern type unit and eventually lights at First through Fourth Street would also be replaced. City Manager Westerholm further stated that in the next fiscal year the City would have to curtail water extensions until they could be financed, but annexed areas must receive City services within three (3) years from annexation. There were no persons to speak regarding this hearing and same was closed by Mayor Garrison.

5. Public Hearing - Street Closing - James Mattox

Mayor Garrison stated that a street closing request had been received from James Mattox covering a portion of North Bank Street located between Lake and Kurth Street.

City Manager Westerholm stated that the street had been previously abandoned from use by the City of Lufkin, and traffic was re-routed into Lake Street to eliminate the dangerous intersection of North Bank and Highway 69. City Manager Westerholm further stated that an easement for a water and sewer main would be retained by the City. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that street closing request be considered on first reading at next meeting of this Commission. A unanimous affirmative vote was recorded.

Commissioner E.C. Wareing stated his intention was to officially close the street when he had suggested that the street be closed to traffic and intersection be moved to Bank and Lake in 19

6. Public Hearing - Street Closing - Robert Cold

Mayor Garrison stated that a street closing request had been received from Robert Cold covering a portion of Prairie Street located south of Lots 21 through 24 at the east City Limits' Line. There was no opposition present. Mayor Garrison stated that the map indicated that the street dead ended into undeveloped property and that he was reluctant to close the street if access might be needed in the future.

Commissioner E.C. Wareing stated that the subdivision north of subject property had been removed from the records and was all undeveloped land now owned by Steel-Martin.

Commissioner Pat Foley stated that access to the undeveloped land would be available from other streets in the area.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that street closing request be considered on first reading at next meeting of this Commission. A unanimous affirmative vote was recorded.

7. Public Hearing - "Reinvestment Zone" - Tax Abatement Program - Porter & Duran

Mayor Garrison stated that this hearing had been advertised to consider designation of "reinvestment zone" for Tax Abatement Program as requested by Porter & Duran, Attorney At Law, covering property located in Block 16 of the Original Town of Lufkin being a portion of Lot 1 and Lot 2.

City Attorney Bob Flournoy stated that he had prepared a tax abatement agreement between the City of Lufkin and the law firm of Porter and Duran similar to previous agreements in the downtown area. City Attorney Flournoy further stated that the City would agree to exempt a portion of the renovation costs from taxation for a ten year period, and Porter & Duran would be responsible for submission of plans and specifications indicating proposed improvements. City Attorney Flournoy stated that proof of the cost of improvements would be required from the applicants before the City would issue a certificate for tax relief.

Mayor Garrison recognized David Porter, applicant, who stated that David Chrisman, coordinator of the Main Street Program, had helped with the preparation of plans and sketches for use in the remodeling effort. Mr. Porter further stated that the building would be restored to its original condition, and the original brick had been exposed to begin the program.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that agreement be authorized as outlined by law. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that he would like to commend the lawyers of Lufkin who have renovated several old buildings in the downtown area.

8. Ordinance - First Reading - Approved - "Reinvestment Zone" - Porter & Duran

Mayor Garrison stated that at this time the City Commission had for consideration an ordinance that will classify property of Porter & Duran located in Block 16 of the Original Town being a portion of Lot 1 and Lot 2 as a "reinvestment zone".

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

9. 1983-84 Budget - Tabled

Mayor Garrison stated that budget for the fiscal year 1983-84 was now under consideration for finalization. Mayor Garrison further stated that due to a shortfall in revenues for the current fiscal year it was necessary to revise the budget which would leave the City without a contingency fund for the next fiscal year.

Commissioner Richard Thompson stated that he believed the economy would improve in the next fiscal year, and the sales tax that would be collected could serve as the contingency fund.

Mayor Garrison stated that he shared Commissioner Thompson's view that next year's revenues would be normal, but something should be held in reserve for emergencies.

Commissioner Pat Foley stated that he was willing to use revenue sharing money in the general budget for this one (1) budget year.

Mayor Garrison stated that in past years the City of Lufkin had always had enough money to handle the growing needs of the City, and that dependence on gifts or money received from other sources would be detrimental. Mayor Garrison further stated he was concerned with increasing pay in the Police and Fire Departments when the economy was so unstable. Mayor Garrison stated that he would prefer the City find money to be held in a contingency fund even if it was not spent, and he wanted to consider the total budget with the changes incorporated.

Fire Chief Billy Stephens, stated in response to question from Mayor Garrison that 12 men would be the maximum paramedics needed for the next fiscal year. Mayor Garrison, stated that the officers should be required to receive training to qualify for additional pay. Chief Stephens stated that he planned to have a training officer with paramedic training to coordinate ambulance service.

Chief Stephens further stated that it would be difficult to train all the officers and allow time-off from their duties for re-certification training. Chief Stephens stated that he would recommend officers and supervisors receive the lower emergency medical technician certificates in order that training could be provided in the department during on-duty time. Chief Stephens further stated that the paramedic program would add new responsibilities to the officers.

Commissioner E.C. Wareing stated that it is not necessary for a supervisor to know as much as the men he is supervising, but he should be able to use people who are trained by being familiar with the pertinent points of the program.

Commissioner Wareing stated that he would like to receive an outline indicating duties of the officers and paramedics, when re-certification would be required, who would be responsible for re-certification, and details of what the complete program would be over the next four (4) years. Commissioner Wareing further stated that he would like to consider the man-hours that will be required to maintain the paramedic program.

Capt. Murray Brown, Training Officer, stated that if the 15 officers were trained paramedics, they would be at the hospital training all the time, and the City of Lufkin would be unable to operate a fire service. Capt. Brown further stated that all officers would be required to have basic emergency medical training to be eligible for the \$100.00 increase.

Commissioner Wareing stated that he would like to have a four (4) year plan indicating status of each man at the end of six (6) months and anticipated overtime.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond to recommend adoption of the budget as presented with a 4% salary increase and that amendments be made as needed or as income increases.

Commissioner Pat Foley stated that he would not vote for the motion without a contingency fund and a stipulation that the budget be approved on a line by line basis.

Mayor Garrison stated that he would like to see the changes incorporated into final form before approval. Motion was withdrawn for lack of support.

Commissioner Percy Simond stated that he would like to see private lines provided for additional personnel in the Police Department to keep incoming lines open for the citizens of Lufkin. It was a consensus of opinion that finalization of the 1983-84 budget be tabled until next meeting of this Commission.

10. Ordinance - Approved - First Reading - Street Closing - Elbert Johnson - Lafayette Street

Mayor Garrison stated that street closing request by Elbert Johnson covering a portion of Lafayette Street between Jordan Avenue and Markus Street had been considered at a public hearing at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that ordinance for street closing be approved with the utility easement being retained by the City. A unanimous affirmative vote was recorded.

11. Ordinance - Approved - Second Reading - Alley Closing - Jessie McDougald

Mayor Garrison stated that alley closing request covering property south of Nesbitt Street and east of Judith Street as requested by Jessie McDougald had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that alley closing ordinance be approved on second and final reading as presented with the deed being subject to an easement for a 2 inch water line. A unanimous affirmative vote was recorded.

12. Zone Change Ordinance - First Reading - Approved - Motel 6, Inc. - LB, SU, (Item 26-E) to C, SU (Item 26-E)

Mayor Garrison stated that zone change request by Motel 6, Inc., covering property located at 1110 S. Timberland Drive between South First Street and

Parker Drive from Local Business, Special Use (Item 26-E) to Commercial, Special Use, (Item 26-E) had been recommended to City Commission by Planning and Zoning Commission. Mayor Garrison stated that once a zone change is approved the new zone designation is placed on the official zoning map of the City. Mayor Garrison further stated that the Motel 6, Inc. property now under consideration had been incorrectly placed upon the zoning map as Commercial which would have been adequate for construction of the proposed motel. Mayor Garrison stated that upon discovery, the City requested that Motel 6 discontinue construction of the motel until City Commission could approve a zone change. Mayor Garrison stated that Planning & Zoning Commission had recommended approval of the zone change with the following stipulation; that a seven (7) foot wood and brick fence be constructed along property line on First Street, a seven (7) foot sight bearing wood fence along the north boundary line, that entrance signs be constructed in accordance with submitted site plan, that lighting be directed inward, and that property along South First be landscaped.

City Manager Westerholm stated that the neighborhood property owners met with Gary Talbott, Motel 6 representative from California, and agreed that the site plan would be acceptable.

Mayor Garrison recognized R.L. Cunningham, spokesman for the neighborhood, who stated that the site plan is acceptable and the people of the neighborhood would be satisfied if Motel 6 would maintain the fence and keep the area between the fence and First Street landscaped.

Mayor Garrison stated that the ordinance would reflect the demands of the neighborhood and would be enforceable.

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

13. Zone Change - Approved - First Reading - Mike Maberry - RL to RL, SU (Daycare)

Mayor Garrison stated that a zone change request had been received from Mike Maberry covering property located at 1008 Brady Street between Clay Avenue and Clinton Drive from Residential Large to Residential Large, Special Use (Daycare). There was no opposition present.

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

14. Parking Plan - Lufkin Association Downtown - Tabled

Mayor Garrison stated that the Lufkin Association Downtown had submitted suggestions to enhance the viability of the downtown area and asked that City Manager Westerholm elaborate on recommendations.

City Manager Westerholm stated that Larry Byrd was head of the Physical Improvements Committee of the Lufkin Association Downtown and that the suggestions had been approved by the executive board.

Mayor Garrison stated that the plan as proposed involves many aspects, and that the suggestions should be narrowed down with an analysis of the City's involvement, and what other agencies would attempt.

In answer to question by Mayor Garrison, City Attorney Bob Flournoy stated that an ordinance would only be needed for a change in the traffic flow pattern.

In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that the City would gain revenue from bagging the meters and charging \$2.00 fine for over-parking with strict enforcement.

Commissioner Percy Simond stated that the City of Lufkin did not have any public transportation and citizens could not be expected to walk great distances from parking lots to their jobs. Commissioner Simond stated that employees in the downtown area have to park on the streets.

Mayor Garrison stated that if customers of a business can not park in close proximity the businessman would be losing money.

Commissioner Gil Fears stated that business owners in the downtown area should make arrangements for their employees' parking and share a portion of the expense in creation of new parking lots.

In answer to question by Commissioner Simond, City Manager Westerholm stated that the creation of several new parking lots in the downtown area should make it possible for employees to park within two (2) blocks of their workplace.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Pat Foley that parking plan and suggestions for improvement in the downtown area should be tabled until an analysis could be developed indicating what is being required of the City with an estimate of probable cost. A unanimous affirmative vote was recorded.

15. Petition - Tabled - Timberland Drive Businesses - Traffic Re-Routing - Texas Department of Highways & Public Transportation

Mayor Garrison stated that recommendation of the Texas Department of Highways and Public Transportation to re-route through traffic along the loop rather than onto Timberland Drive had been approved at the August 2, 1983, meeting of the City Commission. Mayor Garrison stated that a petition had been received from business establishments along Timberland Drive asking that the City Commission reconsider their approval. Mayor Garrison recognized Travis Carrington appearing in representation of the merchants of Timberland Drive who stated that re-routing of the traffic would be disastrous to the welfare of business people along Timberland Drive.

Mr. Carrington stated that re-routing of the traffic would affect the entire City and Timberland Drive is really a by-pass of the downtown area. Mr. Carrington suggested that signs be erected along Timberland Drive indicating the direction to the Court House, Federal Building, and the Civic Center. Mr. Carrington stated that re-routing of the traffic might be necessary in the future but the density of traffic did not warrant the re-routing at this time.

Mayor Garrison stated that the City Commission did not actually approve the re-routing but did approve the erection of signs indicating to travelers that they would best serve the highway system by traveling the loop. Mayor Garrison further stated that Timberland Drive would be designated as a business route, and that the Highway Department is attempting to separate the through traffic from the people seeking to shop in the City of Lufkin. Mayor Garrison stated that the City would be improved by through traffic using the loop and local people using City streets.

The following citizens were present to speak in opposition to re-routing of the traffic: Lester Adkinson, Buck Stringer. The following points of opposition were voiced: a. Traffic is distributing itself between Timberland Drive and the Loop through a natural process. b. Market survey to determine number of businesses affected by re-routing should be conducted. c. Amount of volume generated by business from through traffic should be considered. d. Lufkin business on Timberland Drive could be affected just as Livingston and Cleveland have been.

Commissioner Percy Simond stated that listening to some of the business people on Timberland Drive convinced him they were right and that the City Commission should reconsider approval of the re-routing. Commissioner Simond further stated it would be an injustice to the businesses on Timberland Drive to encourage traffic to travel around the Loop.

Mayor Garrison stated that anyone traveling Timberland Drive would not spend money that they had not previously planned to spend, and if the traveler is looking for a motel and an eating establishment or business enterprise, he will naturally take the business route.

Commissioner E.C. Wareing stated that he could sympathize with the people on the business route, and some of the business will move out to the Loop, but this is a price the City of Lufkin must pay for a growing community. Commissioner Wareing further stated that traffic on Timberland Drive is getting heavy. Commissioner Wareing suggested that a committee could be developed to work with the Texas Department of Highways and Public Transportation to develop a sign that would be adequate for the needs of the entire City. Commissioner Wareing stated that it might be possible that a compromise could be attained that would move traffic while maintaining businesses on Timberland Drive.

Commissioner Pat Foley stated that he would like to see through traffic removed from Timberland Drive to provide an opportunity for local people to travel Timberland Drive without excessive traffic.

Commissioner Percy Simond stated the City would not grow if the businesses are not protected.

Mayor Garrison suggested that a representative group from Timberland Drive area visit with the Texas Department of Highways and Public Transportation to consider a compromise. Mayor Garrison further stated that the City is obligated to provide the traveling public directions to the easiest route for their purpose.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that the City inform the Texas Department of Highways and Public Transportation that the re-routing of traffic has been re-presented by Timberland Drive establishment representatives, and that a committee composed of Timberland Drive merchants work with the Highway Department to distinguish what signs are necessary to allow traffic to move freely. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that Travis Carrington should be commended for taking the initiative in requesting more information regarding re-routing of traffic.

Mayor Garrison stated that the City Manager would notify J.L. Beaird of the Texas Highway Department and establish a time for the committee to meet to consider the problem before the City Commission reconsiders the issue.

Commissioner Gil Fears was excused from the meeting at this point, and is not included in unanimous votes for the following items.

16. Amendment - Approved - Texas Municipal Retirement System Ordinance - Dalton Townsend - Fireman

Mayor Garrison stated that an amendment to the Texas Municipal Retirement System Ordinance to include all firemen ineligible under Firemen's Relief and Retirement System had been presented for consideration at tonight's meeting. Mayor Garrison requested that City Manager Westerholm provide information regarding the request.

City Manager Westerholm stated that Dalton Townsend had been employed for 16 years on a temporary basis with the Lufkin Fire Department. City Manager Westerholm further stated that Mr. Townsend was not under the Civil Service Act nor was he allowed to participate in the Firemen's Relief & Retirement Fund due to his age when he began his service with the City of Lufkin. City Manager Westerholm stated that due to health reasons, Mr. Townsend is being transferred from active fireman to chief dispatcher at the Central Fire Station, and this amendment to the Retirement Fund Ordinance would admit him to the retirement program which the City is obligated to do. City Manager Westerholm stated that Mr. Townsend was hired under a Civil Service Rule providing that temporary employees could be hired when a necessity arose.

Mayor Garrison stated that he would like a system developed that would insure that this situation did not happen again.

City Attorney Bob Flournoy stated that the amendment would allow Mr. Townsend to be covered under the Texas Municipal Retirement System. City Attorney Flournoy further stated that the amendment provided that the City of Lufkin would contribute the amount that should have been contributed for the past 16 years to cover Mr. Townsend, and Mr. Townsend would be responsible for contributing the amount that should have been withheld from his check. City Manager Westerholm stated that figures indicating the amount due from Townsend and the City of Lufkin would be obtained.

City Attorney Bob Flournoy stated that the ordinance was not written to relate directly to Mr. Townsend's case, but for the benefit of future employees.

Mayor Garrison stated that the amendment could be approved on first reading as presented with any changes being handled at next reading of the amendment.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved as presented. A unanimous affirmative vote was recorded.

17. Bid - Approved - Fluoridation System Addition - Public Water Supply - Trout Felts Construction Company - Texas Department of Health Grant

Mayor Garrison stated that there was a need for improvement to the fluoridation system at the Water Plant, and that the total cost would be borne by a grant from the Texas Department of Health.

City Manager Westerholm stated that bids had been received for construction of the fluoridation system addition with three (3) bids being received on the

tank and one (1) bid on the installation and foundation. City Manager Westerholm stated that the Staff was recommending that the bid of Felts Construction in the amount of \$14,587.00 be accepted as the lowest and best bid. City Manager Westerholm further stated that the low bid on the tank by Palmer Piping and Materials Inc. failed to include a bid bond at the time of the opening and was withdrawn.

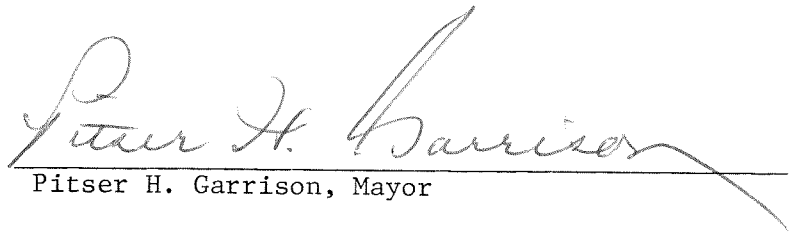
Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid of Trout Felts Construction Company in the amount of \$14,587.00 be approved. A unanimous affirmative vote was recorded.

18. Decrease in Municipal Court Fines, Discussed - Tax Base Increase, Discussed

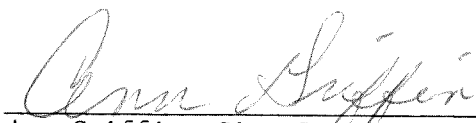
City Commissioner Don Boyd stated that he was concerned about the number of uncollected fines in the municipal court report. Commissioner Boyd further stated that if a fine was not going to be collected it was a waste of time to issue same.

Commissioner Richard Thompson stated that he would like to consider ways that the City Tax Base could be increased for additional revenue. Commissioner Thompson further stated that some businesses have been receiving City services outside the City which deprives the City of the tax on their property. Commissioner Thompson stated that if the businesses ask for services and they are rendered by the City, that business should become part of the revenue. Commissioner Thompson stated that an example would be Southwest Color Printing which could be annexed and is presently receiving City services.

19. There being no further business for consideration, meeting adjourned at 11:00 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary