

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 20TH DAY OF SEPTEMBER, 1983, AT 5:00 P.M.

On the 20th 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
Brian Boudreaux	Assistant City Manager
Libby Sims	Assistant City Secretary
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. James Anderton, Pastor of First Congregational Methodist Church, Lufkin.
2. Mayor Garrison recognized visitors present.
3. Approval of Minutes

Minutes of regular meeting of September 6, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. Open Hearing - Closing of Streets and Alleys - Townsend Addition - Lufkin Lanes Property

Mayor Garrison stated that a letter had been received from Richard Warner, legal department of Temple Estex, Inc. requesting that alleys and streets in the Townsend Addition through Lufkin Lanes property located at 909 South Chestnut between Grant and Mickey Streets be considered for closing by the City Commission. Mayor Garrison officially opened public hearing and recognized Richard Warner who stated that around 1900 a one (1) acre tract of property was sold out of the tract of land which eventually became the Townsend Addition. Mr. Warner further stated that after the sale of the property the plat to Townsend Addition was filed and recorded with the City of Lufkin and streets within the Townsend Addition were dedicated at that time. Mr. Warner stated that the persons filing the plat had no authority to bind the property which had been previously sold. However, the recorded plat is a cloud on the title. Mr. Warner further stated that the streets and alleys in question have been closed up to the boundary of this tract of property. Mr. Warner stated that the Temple Pension Trust is requesting the City of Lufkin execute a quitclaim deed to this property, placing of record evidence that the City makes no claim on any portion of the property. Mr. Warner stated that Temple Pension Trust is formally requesting that the City close the portion of the alley north of the Lufkin Lanes property to clear up any title questions that might arise in regard to the plat of Townsend Addition. Mr. Warner stated that his firm was willing to pay for the closing of subject alley.

City Attorney Bob Flournoy stated that he had examined the title and the one (1) acre tract was deeded out in 1888 and was not included in the property in 1901 when the Townsend Addition was dedicated. Mr. Flournoy further stated that when the City map was made the alley was indicated as being in the Townsend Addition, and the Temple Pension Trust was simply asking that the title to the property be cleared which would allow the City to correct their map. Mr. Warner stated there has never been any access across the property to the general public. Due to lack of discussion Mayor Garrison declared public hearing closed.

5. Ordinance - Approved - First Reading - Closing Streets and Alleys - Townsend Addition - Lufkin Lanes Property

Mayor Garrison stated that the ordinance closing streets and alleys

in the Townsend Addition was now before the City Commission for consideration.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that ordinance be approved on first reading closing streets and alleys through Lufkin Lanes property. A unanimous affirmative vote was recorded.

6. Ordinance - Approved - First Reading - Street Closing - James Mattox - North Banks Street

Mayor Garrison stated that street closing request by James Mattox covering a portion of North Bank Street located between Lake and Kurth Streets had been considered at public hearing at last meeting of this Commission. Mayor Garrison recognized James Mattox appearing in representation of street closing request. Mr. Mattox stated that he had requested the street closing to allow him to provide better upkeep of subject property. Mr. Mattox stated that he had cleaned and paved the property at his own expense, and that an agreement had been made with the City Manager in 1972, to receive credit for the improvements when property was purchased. Mr. Mattox stated that approximately \$2,000.00 he spent on the property. There was no opposition present.

Commissioner E.C. Wareing stated that if Mr. Mattox had receipts for the money the City Commission could consider allowing him credit for expenditures.

City Attorney Bob Flournoy stated that the appraised value could be based on the condition of the property before improvements to allow credit to Mr. Mattox.

City Manager Westerholm stated that an easement would be required for water and sewer under subject property.

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

7. Ordinance - Approved - First Reading - Street Closing - Robert Cold - Prairie Street

Mayor Garrison stated that street closing request by Robert Cold had been considered at public hearing at last meeting of this Commission covering a portion of Prairie Street located south of Lots 21 through 24 at the east City Limits Line. There was no opposition present.

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

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

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that ordinance for street closing be approved on second and final reading with utility and drainage easement being retained by the City. A unanimous affirmative vote was recorded.

9. Zone Change Ordinance - Second 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 Busines, Special Use (Item 26-E) to Commercial, Special Use (Item 26-E) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that zone change be approved on second and

final reading as presented. A unanimous affirmative vote was recorded.

10. Zone Change - Approved - Second Reading - Mike Maberry - RL to RL, SU (Daycare)

Mayor Garrison stated that a zone change request by Mike Maberry covering property located at 1008 Brady Street between Clay Avenue and Clinton Drive from Residential Large to Residential Large, Special Use (Daycare Center) had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

11. Ordinance - Second Reading - Approved - "Reinvestment Zone" - Porter & Duran

Mayor Garrison stated that ordinance classifying the 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" had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

12. Amendment to Texas Municipal Retirement System Ordinance - Approved - Second Reading - 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 approved on first reading at last meeting of this Commission. There was no one present in opposition.

Commissioner Pat Foley requested information on the City's cost to have Mr. Townsend become a member of the retirement system.

City Manager Westerholm stated that it would be \$2,300.00 for the first year and each succeeding year the amount would be reduced until the amount of prior service credit is paid.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that amendment be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

13. Ordinance - Approved - First Reading - Parking Zones, Time Limits, Fees, and Fines for Overparking Established - Downtown Area

Mayor Garrison stated that an ordinance complying with Lufkin Association Downtown recommendations to the City Commission regarding parking, time limits, fees and fines for overparking had been submitted for consideration by the City Commission. Mayor Garrison asked that City Manager Westerholm provide information regarding this ordinance.

City Manager Westerholm stated that the Lufkin Association Downtown had submitted a recommendation to improve the situation in the downtown area by making more parking available and bagging present parking meters to designate one (1) hour, two (2) hour, and all-day parking. City Manager Westerholm further stated that tires would be marked by the meter maids to indicate length of time cars had been parked at one spot and municipal parking lots were being developed in the downtown area.

Mayor Garrison stated that he felt the ordinance as presented by the City Attorney was too vague in designating the parking areas by colors on the map, and descriptions should be developed to define streets in the areas designated as one (1) hour, two (2) hour, and all-day parking.

City Manager Westerholm stated that descriptions could be prepared by the City Engineering Department.

City Attorney Flournoy stated that he was not aware the City Commission was ready for an ordinance regarding the parking, and that descriptions could be added before next reading of subject ordinance.

In response to question by Commissioner Percy Simond, City Attorney Bob Flournoy stated that the maximum fine for consistent overparking would be \$200.00 and the minimum would be \$2.00.

Mayor Garrison stated that if the Downtown Merchants felt this ordinance would help business in the downtown area, the City Commission should be willing to approve it.

Commissioner Percy Simond stated that he felt the \$2.00 fine was too high for overparking, and he did not agree that the maximum could be as much as \$200.00.

City Attorney Flournoy stated that if someone is a consistent offender the judge needs latitude to increase the minimum penalty, and the fine could be anywhere between \$2.00 and \$200.00.

Commissioner Percy Simond stated that the ordinance indicated the time for the zone would be 8:00 to 6:00, and most cars are not in the downtown area after 5:00 p.m.

City Attorney Flournoy stated that the present parking ordinance for the City of Lufkin is designated from 8 to 6, therefore, this ordinance had been prepared accordingly.

Commissioner Percy Simond stated that most of the downtown businesses do not have parking for employees, and the City should try to develop additional parking with consideration given to multilevel parking garages.

In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that the City has estimated that the amount of fines received through this system would be equal to the amount received through the meters.

Larry Byrd, Chairman of the Lufkin Association Downtown stated that his committee had met with a consultant from Dallas to discuss the situation in the downtown area. Mr. Byrd further stated that his committee was greatly concerned for the employees in the downtown area, but the increased fines under this new system will encourage employees to park in their designated areas. Mr. Byrd stated that with development of additional parking in the downtown area his committee felt there would be reasonable parking within walking distance of the employees' work. Mr. Byrd stated that maps of the area, parking designations and regulations would be distributed to each firm in the downtown area.

Bill Prince, President of First City Bank, stated that the parking system has been designed to allow easy reversal to the metered parking plan if suggested program was not feasible. Mr. Prince stated that multi-level parking does not exist and will not be in the near future. There was no opposition present.

Commissioner Percy Simond stated that he would like to have the hours changed to allow parking regulations from the 8 to 5 rather than 8-6 and that the judge should not have the broad power to charge the maximum \$200.00 fine.

Commissioner Don Boyd stated that the penal code gives the City the right to set minimum and maximum fines.

Mayor Garrison stated that if a chronic offender comes before the court, the judge should have the authority to require an increased fine.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Rihcard Thompson that ordinance be approved as presented with appropriate legal description of parking sections being included, hours changed to 8 to 5 p.m.

Amendment to the above motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that amount of fine not

exceed \$2.00 except that more than 12 offences a year would allow a fine not to exceed \$50.00. The following vote on amendment to ordinance was recorded: Aye: Commissioners Wareing, Simond. Nay: Mayor Garrison, Commissioners Fears, Thompson, Foley, Boyd. Mayor Garrison declared amendment defeated by a vote of 5 to 2. The following vote was recorded on main motion by Commissioner Foley: Aye: Mayor Garrison, Commissioners Wareing, Thompson, Foley, Boyd. Nay: Commissioners Fears, Simond. Mayor Garrison declared motion approved by a vote of 5 to 2.

14. Resolution - Approved - Texas Department of Highways & Public Transportation - Assistance in Widening of Paul Avenue

Mayor Garrison stated that a resolution had been received from the Texas Department of Highways and Public Transportation for approval by the City Commission accepting assistance for improvements to Paul Avenue.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that resolution be approved as presented. A unanimous affirmative vote was recorded.

15. Budget - 1983-84 Fiscal Year - Approved

Mayor Garrison stated that a public hearing on the proposed City budget had been held at last meeting of City Commission on September 6, 1983.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that budget be accepted as presented with implementation of paramedic training plan recommended by City Manager Westerholm and Fire Chief Billy Stephens.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the agenda had been amended to consider approval of a resolution authorizing the borrowing of funds to meet obligations in this year's budget. City Manager Westerholm further stated that funds are in the new budget to pay-off the loan by December 1983. City Manager Westerholm stated that the \$773,315.00 will be derived from Revenues before implementation of the new budget. City Manager Westerholm stated that the interest on the money borrowed would be 8.25% of one percent less than the prevailing interest on certificates of deposit.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that tape logging equipment would be purchased under a 50-50 matching grant. City Manager Westerholm stated that funds for the City/County Health Unit had previously designated under the animal control budget contributions and gratuities, but this fiscal year had been moved to Revenue Sharing.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that pay steps for the police and Fire Departments were included in the proposed budget.

In response to question by Commissioner Pat Foley, Mayor Garrison stated that adoption of the budget line by line would be too restrictive to the City Manager, and the law required that department totals remain the same as those approved by the City Commission. Commissioner Foley stated that there seemed to be some question about the authority of the City Manager to change the budget once approved by the City Commission. Mayor Garrison stated that he understood that the City Manager had the authority to transfer funds within each department.

Commissioner Don Boyd stated that if the Revenue increased in the next fiscal year items that were deleted from this fiscal year budget should be reconsidered for purchase by the City Commission.

Mayor Garrison stated that substantial raises had been provided to the Police and Fire Department through the step increases and, if possible, consideration should be given to other City Employees at a later date.

16a. Ordinance Levying Taxes - Approved - FY 83-84 Budget

Mayor Garrison stated that a public hearing had been held at last

meeting of City Commission on proposed tax rate. Mayor Garrison stated the 41¢ per one hundred dollar valuation of property was the same rate imposed in last year's budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that ordinance levying taxes for the use and support of the Municipal Government of the City be approved. A unanimous affirmative vote was recorded.

16b. Appropriation Ordinance - Approved - 1983-84 Fiscal Year

Mayor Garrison stated that appropriation ordinance adopting budget for fiscal year beginning October 1, 1983, and ending September 30, 1984, was now ready for consideration by the City Commission.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that budget be approved adopting Appropriation Ordinance for fiscal year 1983-84 City Budget as presented by the City Manager. A unanimous affirmative vote was recorded.

17. Amendment - Approved - First Reading - Traffic Ordinance - Speed Zone on Loop 287 - Established

Mayor Garrison stated that the State Highway Department is requesting that amendment to the Traffic Ordinance establishing speed zones on Loop 287 from 103, South counterclockwise to Tulane be considered for approval. Mayor Garrison stated that there are only slight revisions to the existing speed zones with a 50 mph speed zone from North of Highway 94 to East of Tulane and a 55 mph speed zone between Mossfield and Hurricane Creek with the balance remaining at 55 mph.

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

18. Resolution - Approved - Police Department - Grant Application - Department of Criminal Justice - Tape Logging Equipment

Mayor Garrison stated that approval of a resolution was necessary to allow the City of Lufkin to participate in a tape logging equipment grant from the Department of Criminal Justice.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that resolution be approved as presented. A unanimous affirmative vote was recorded.

19. Ordinance - Approved - First Reading - Establishment of School Zones - Anderson, Brandon, and St. Cyprian's Elementary Schools

Mayor Garrison stated that there were three (3) school zones that needed official designation by the City Commission for the newly constructed elementary schools.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved on first reading establishing school zones for Anderson, Brandon, and St. Cyprian's Elementary Schools. A unanimous affirmative vote was recorded.

20. Bid - Approved - Chem-Link Polymer - Water Pollution Control Department

Mayor Garrison stated that bids had been received for the purchase of polymer for use in the Water Pollution Control Department and requested that City Manager Westerholm present recommendation of the City Staff.

City Manager Westerholm stated that three (3) bids were received and testing was done by Bobby Mott, Water Pollution Control Plant Superintendent, to determine which product would be most advantageous to the City. City Manager Westerholm stated that Bobby Mott was recommending that the product manufactured by Chemlink in Pearl River, Louisiana, with a price of 6¢ per pound be approved.

In response to question by Mayor Garrison, Ron Wesch stated that the price per year of the polymer would be approximately \$19,000.00.

Motion was made by Commissioner E.C. Wareing and seconded by

Commissioner Don Boyd that bid of Chemlink be approved as presented. A unanimous affirmative vote was recorded.

21. Easement Granted - Robert Covington - Scotty's Showrooms

Mayor Garrison stated that a letter had been received from Robert Covington d/b/a Scotty's Showrooms requesting an easement to construct a canopy with support posts on the City's sidewalk.

City Manager Westerholm stated that the building official does not have the authority to grant canopy support posts on the sidewalk, and the City Commission has granted similar easements under special conditions.

Commissioner Pat Foley stated that in the past the poles located on the sidewalks were non-supporting.

Commissioner Richard Thompson stated that he was concerned about the one-inch poles being too small for pedestrians to see.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that easement be granted to Scotty's Showrooms for construction of the canopy. The following vote was recorded: Aye: Mayor Garrison, Commissioners Boyd, Simond, Wareing, Fears. Nay: Commissioners Thompson and Foley. Mayor Garrison declared motion approved by a vote of 5 to 2.

22. Representative - Appointed - Appraisal District - Mayor Garrison

Mayor Garrison stated that the City needed to appoint a representative to serve on the Angelina County Appraisal District for the 1984-85 year.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that Mayor Garrison be appointed to serve another term on the Angelina County Appraisal Board. A unanimous affirmative vote was recorded.

23. Resolution - Approved - Ninety Day Loan - First City Bank - 1983-Budget

Mayor Garrison stated that it was necessary for the City of Lufkin to make a loan under the depository agreement with First City Bank with an interest rate of 8.25%. Mayor Garrison stated that the money was needed by the City of Lufkin to provide payment of bills incurred during this fiscal year. Mayor Garrison further stated that repayment of the loan would be provided for in the budget for 1983-84.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that resolution be approved as presented. A unanimous affirmative vote was recorded.

24. New Motels, Discussed - Increase in Funds, Discussed - Railroad Crossings, Discussed

Commissioner Gil Fears stated that he was interested in the reason for the construction of several new motels within the City Limits of Lufkin.

Mayor Garrison stated that he understood that the traffic through Lufkin warranted additional motels and that those presently under construction were of the modest price range and he was convinced the income factor had been researched by each motel chain.

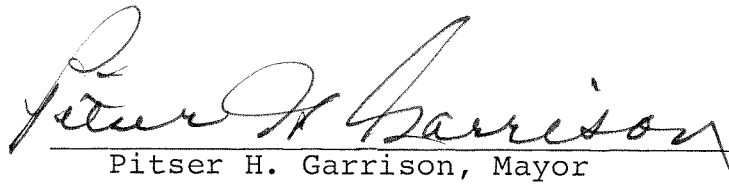
Commissioner Don Boyd stated that as the income increased in the next fiscal year the City Commission should consider obtaining items that were deleted from the budget due to inadequate funds.

Commissioner Percy Simond stated that the railroad crossings in the City of Lufkin were in a bad state of disrepair and requested information from City Manager regarding correction of the problem.

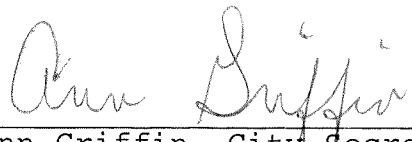
City Manager Westerholm stated that he had written to the Railroad Company but had received no response.

25. There being no further business for consideration, meeting adjourned at 6:45 p.m.

9/20/83


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary