

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF AUGUST, 1984, AT 7:30 P.M.

On the 21st day of August, 1984, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Lori Nix	Assistant City Secretary
Ron Wesch	Public Works Director
Nicholas Finan	City Planner

being present, and

Pitser H. Garrison

Mayor

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Michael Grubbs, Minister of Education and Membership at First Christian Church, Lufkin.
2. Mayor pro tem welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that minutes of regular meeting of August 7, 1984, be approved as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - STREET CLOSING - DOZIER AVENUE - CARLISLE PROPERTIES

Mayor pro tem Foley stated that the City Commission had approved the Ordinance for the closing of Dozier Avenue on first reading at last meeting of this Commission covering property located between Chestnut Street and Timberland Drive and south of the St. Louis and Southwest Railroad. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE AND PERMANENT MOBILE HOME PERMIT - CLIVEY H. SULLIVAN - RL TO RS

Mayor pro tem Foley stated that zone change and permanent mobile home permit request by Clivey H. Sullivan covering property located at 2504 Davisville Road between Inwood Street and A. & N. Railroad from Residential Large to Residential Small 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 Louis Bronaugh that Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

**6. STIVER ENGINEERING - INVOICES APPROVED FOR PAYMENT - WATER POLLUTION CONTROL PLANT**

Mayor pro tem Foley stated that the City Staff had provided a memo indicating all invoices since Stiver Engineering had been employed to work on the Water Pollution Control Plant and requested that City Manager Westerholm explain the invoices.

City Manager Westerholm stated that the two (2) invoices for \$1,000 each were for the first months after Mr. Stiver was employed at a cost of \$1,000 per month. City Manager Westerholm stated that when the City of Lufkin was notified that the State would bring a suit because of noncompliance at the Water Pollution Control Plant, Mr. Stiver was hired to do additional work which he indicated would not exceed \$48,000. City Manager Westerholm stated that at the present time the total amount including the invoices for approval tonight equaled \$38,498 and Mr. Stiver had indicated that he had completed most of the work for the City of Lufkin. City Manager Westerholm further stated that at the present time, the City had taken bids on all projects and the renovation of the Water Pollution Control Plant could be brought to completion. City Manager Westerholm stated that the two (2) invoices for consideration tonight were in the amount of \$1,272.64 and \$9,027.44 for work completed in the month of July, 1984.

In answer to question by Commissioner Jack Gorden, City Manager Westerholm stated that Mr. Stiver had designed the screw conveyor and the belt filter press to be constructed by other companies. City Manager Westerholm stated that these two (2) pieces of equipment were now ready for installation and the City of Lufkin could oversee the installation which would be done by Ajax Construction Company.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the Industrial Waste Discharge Permitting System indicated on invoice #58-8313-07 was the system to issue permits to the large industrial users of the Water Pollution Control Plant.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the present vacuum filter for dewatering the sludge was not adequate and the belt filter press will take the water from the sludge to allow it to be hauled dry instead of wet. City Manager Westerholm stated that when the plant is brought into compliance, the City will still be responsible for the fine levied by the State.

City Attorney Flournoy stated that the State has indicated that in addition to paying the fine, the City of Lufkin will also have to install the belt filter press.

In response to question by Commissioner Percy Simond, City Attorney Flournoy stated that the plant could not be brought into compliance until the installation of the belt filter press and the other equipment required for the improved operation of the Plant. City Attorney Flournoy stated that according to the letter received by the City of Lufkin, the Water Pollution Control Plant will have to be maintaining consistent compliance with the EPA regulations by March of 1985.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that the State could still levy a fine of \$100 per day for any day that the Water Pollution Control Plant is out of compliance.

City Manager Westerholm stated that the City of Lufkin has stopped using the Zimpro Process which is more expensive to operate than the proposed belt filter press, and at the present time, the City does not anticipate any use of the Zimpro Process in the future except as backup.

City Attorney Flournoy stated that he would meet with the Attorney General's Office to discuss a reduction in the fine levied against the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that invoices for the month of July in the amount of \$9,027.44 and \$1,272.64 to Stiver Engineering be approved for payment. A unanimous affirmative vote was recorded.

City Manager Westerholm asked if the City Commission wished to continue with the \$1,000 per month retainer fee for Mr. Stiver to oversee the operation of the Plant. Mayor pro tem Foley stated that the City Manager should return to the City Commission for approval to continue with the \$1,000 per month retainer fee.

7. REPAIRS - AUTHORIZED - WATER WELL # 10 - LAYNE-WESTERN COMPANY - WATER PRODUCTION DEPARTMENT

Mayor pro tem Foley stated that the regular agenda had been amended to include consideration of authorization of repairs to Water Well #10 and requested that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that according to Public Works Director Ron Wesch, Floyd Long, Water Plant Superintendent, had inspected Water Well #10 and observed that it was vibrating so severely that the Well should be taken out of operation. City Manager Westerholm stated that this is one of the better producing wells for the City and much needed because of the time of year. City Manager Westerholm stated that Public Works Director Ron Wesch had attempted to schedule work to be started on Water Well #10 and was told that the equipment would have to be pulled from the well in order to effect repairs and the charges would be on an hourly basis and for the needed equipment to complete the repairs.

City Manager Westerholm stated that there were only two (2) firms that do this type of work and it was decided that because Layne-Western Company had drilled the original Well and worked on the equipment previously, they should be requested to do the work. City Manager Westerholm stated that the nature of the problem will not be known until the equipment is pulled from the Well, and while the motor is still pumping, if the Well were allowed to continue to run it might damage the motor. City Manager Westerholm stated that repairs should be completed within three (3) weeks and it was hoped that the cost could be paid from the 1983-1984 budget for Water Production.

Public Works Director Ron Wesch stated that the motor and the pump should not be the problem and Layne-Western believes that either the shaft has come unjointed or the pump bowls have been sheared off.

Commissioner Don Boyd stated that the Commission should be informed if the fee amounts to more than the projected figure of \$16,000.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that repairs to Water Well #10 be authorized up to maximum amount of \$16,000 and that the Layne-Western Company be engaged to complete repairs. A unanimous affirmative vote was recorded.

8. 1984-1985 BUDGET - WORKSHOP ESTABLISHED - AUGUST 28, 1984 AT 5:00 P.M.

Mayor pro tem Foley stated that he felt consideration of the budget could best be handled on an item by item or department by department plan to determine if there are any questions by any Commissioner.

Commissioner Lynn Malone stated that it was suggested at last meeting of the City Commission that the Commissioners call Department Heads if there were any questions and he would like to recommend that a workshop to consider the budget be established because the Commissioners could not get in touch with every Department Head. Mayor pro tem Foley stated that at last meeting the City Manager had suggested that the Commissioners contact his office or Assistant City Manager Boudreaux with any questions. Mayor pro tem Foley stated that a workshop could be scheduled but a tentative budget should be submitted to the public for review and discussion on September 4, 1984, with establishment of the tax rate. Mayor pro tem Foley stated that he had assumed that all Commissioners had their questions answered by the Staff and it would be possible tonight to discuss proposed budget, department by department. Commissioner Malone stated that he had many questions after reviewing only one-third of the budget.

City Manager Westerholm stated that the City Commission could authorize publication of the notice for the budget public hearing tonight, but a tentative budget should be available for the public to review at City Hall. City Manager Westerholm stated that the preliminary budget had been published and the citizens of the City have the right to challenge any expenditure.

Commissioner Percy Simond stated that if any Commissioner felt a workshop was necessary then the City Commission should conduct one. Commissioner Lynn Malone stated that he felt that the

citizens of Lufkin and the City Commission would benefit from a workshop.

Commissioner Don Boyd stated that he would like to suggest that work on the budget begin tonight and the budget be completed at the workshop.

Commissioner Percy Simond stated that he had not seen all of the Department Heads of the City and had previously requested information from City Manager Westerholm as to why the Department Heads were not present for budget consideration. City Manager Westerholm stated that all Department Heads were present tonight. City Manager Westerholm stated that Public Works Director Ron Wesch was the Department Head for several departments as Public Works Director and that Bobby Basham was present representing the Fire Department.

Mayor pro tem Foley stated that workshops have been held in the past but one was not scheduled for this budget because it had not been requested previously.

Commissioner Percy Simond stated that at last meeting he had requested that consideration be given to employing an efficiency expert to review the City of Lufkin and complete a productivity study. City Manager Westerholm stated that same had not been placed on the agenda because he felt that the City Commission would discuss it during the budget consideration process.

Commissioner Percy Simond stated that if an outside firm reviewed the policies of the City of Lufkin to decide where improvement was needed, Commissioner Malone might be more comfortable with the suggested budget.

Mayor pro tem Foley stated that he had requested Assistant City Manager Boudreaux to inform all Commissioners last week about the budget discussion at tonight's meeting in order all of their questions could be answered by the City Staff. Mayor pro tem Foley stated that he was generally pleased with the budget as presented and that he had a note to consider the productivity study during budget consideration.

Commissioner Percy Simond stated that he had been satisfied with the budget as presented, but it is not good business practice to have a 14 million dollar budget with only one (1) man, City Manager Westerholm, who knows what is happening in the City of Lufkin. Commissioner Simond stated that all other businesses are reviewed periodically and the City of Lufkin should not be immune to being reviewed by an outside agency from time to time. Commissioner Simond stated that he was sure that if City Manager Westerholm had thought of it, he would have suggested that a productivity study be conducted.

City Manager Westerholm stated that it was a prerogative of the City Commission to request that a productivity study be conducted and most studies start with management which he would welcome. City Manager Westerholm stated that at last meeting of City Commission he had suggested that the Commissioners have a session with him to answer questions on the budget but Assistant City Manager Brian Boudreaux had not been able to contact Commissioner Lynn Malone.

Mayor pro tem Foley suggested that the first fifteen departments be considered at tonight's meeting and a workshop be held to consider additional questions and departments.

Motion was made by Commissioner Lynn Malone and seconded by Commissioner Percy Simond that the workshop be scheduled for Tuesday, August 28, 1984, at 5:00 p.m. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that he had been concerned about the attitude of the City Personnel toward the City Commissioners and that he had never been introduced to the new City Planner.

Commissioner Don Boyd stated that Commissioner Simond had been absent when the new City Planner was introduced.

Commissioner Percy Simond stated that the City Commission should be accorded more respect by the City Staff.

**9. PUBLIC HEARING DATE ESTABLISHED - 1984-1985 BUDGET - REVENUE SHARING BUDGET - TAX RATE**

Mayor pro tem Foley stated that in order to adopt the budget under the City Charter time schedule, a date for the public hearing on the 1984-1985 budget, revenue sharing budget, and the tax rate would have to be established for the September 4th meeting of this Commission.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that public hearing on the 1984-1985 budget and the revenue sharing budget be established for September 4, 1984, at 7:30 p.m. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the public hearing concerning the establishment of the tax rate of 41¢ per \$100 valuation be set for the September 4, 1984, City Commission meeting at 7:30 p.m. A unanimous affirmative vote was recorded.

Commissioner Don Boyd stated that he would like to suggest that an article be placed in the Lufkin Daily News indicating that the tax rate would remain the same as previous years.

**10. EXECUTIVE SESSION - LITIGATION, DISCUSSED - APPOINTMENTS TO TREE BOARD - APPOINTMENTS TO EXAMINING AND SUPERVISING BOARD OF ELECTRICIANS**

Mayor pro tem Foley stated that it was necessary for the City Commission to adjourn into an Executive Session to discuss appointments to various City Boards and court cases that the City is involved in at the present time. Mayor pro tem Foley recessed formal open meeting of the City Commission at 6:30 p.m. Mayor pro tem Foley reconvened meeting of City Commission and made announcement to those present regarding results of Executive Session at 7:15 p.m.

Mayor pro tem Foley stated that City Attorney Flournoy had informed the City Commission of developments on several lawsuits

pending against the City and appointments to the Tree Board and the Examining & Supervising Board of Electricians had been discussed.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the following individuals be appointed to the Tree Board:

Jack Gorden - Three (3) year term  
Ron Hufford - Two (2) year term  
John Courtney - Two (2) year term  
Pat Foley - One (1) year term  
Pitser Garrison - One (1) year term

A unanimous affirmative vote was recorded.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that William H. Scott be re-appointed to the Examining & Supervising Board of Electricians for a two (2) year term. A unanimous affirmative vote was recorded.

11. CALENDAR, DISCUSSED - RAILROAD CROSSING, DISCUSSED - MAIN STREET COORDINATOR, DISCUSSED - PLANNING AND ZONING RECOMMENDATIONS, DISCUSSED - DIXIE YOUTH WORLD SERIES, DISCUSSED

Commissioner Louis Bronaugh stated that he was pleased with the calendar indicating events that City Commissioners would be interested in and he would like to see them continue to be given to the City Commissioners.

Commissioner Don Boyd stated that he would like to know when the railroad crossing at Bremond would be redone. Public Works Director Ron Wesch stated that the crews would begin work on the Bremond crossing at 7:00 a.m., Wednesday, August 22, 1984, and after the low side of the tracks are raised, the City of Lufkin will asphalt the crossing.

City Manager Westerholm stated that all railroad crossings at the present time are supposed to be of wooden construction, and the City had installed the polyethylene crossing at Shepherd which has lasted for seven (7) years.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that interviews would be conducted Thursday and Friday, August 24 and 25, 1984, for a Main Street Coordinator to replace David Chrisman and it was hoped the new Coordinator could be present the last week that David Chrisman would be here.

Commissioner Lynn Malone stated that when the Planning and Zoning Commission makes recommendations to the City Commission un-animously, what is necessary for the City Commission to override their decision.

City Attorney Flournoy stated that the situation is usually that a zone change is not recommended by the Planning and Zoning Commission and in order to rescind the decision of Planning and Zoning, the City Commission must pass the same zone change request by a four-fifths vote or six (6) out of seven (7) must

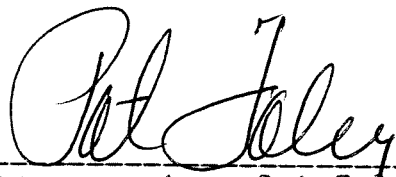
vote in the affirmative. In response to question by Commissioner Lynn Malone, City Attorney Flourney stated that only provisions of the Charter have to be voted on by the citizens of Lufkin to effect a change.

Commissioner Lynn Malone stated that he realized that the Planning and Zoning Commission did a good job to help the City Commission but they have a lot of power if it takes six (6) out of seven (7) votes to overrule their decision.

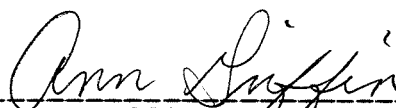
City Attorney Flourney stated that the four-fifths vote is necessary only when they believe a zone change is not good planning but the City Commission can override their approval of a zone change with a simple majority vote. City Attorney Flourney stated that the reason for the four-fifths vote requirement is that the Planning and Zoning Commission has more expertise in the zoning of the City and they have studied the requests from a zoning perspective. City Attorney Flourney stated that this provision is in most zoning ordinances.

Mayor pro tem Foley stated that the Dixie Youth World Series had been held in the City of Lufkin this month and that he would like to compliment Don Hannabas, Parks and Recreation Supervisor, City Manger Harvey Westerholm and Don Brister with the Dixie Youth Baseball Program, on the work they have done and their representation of the City of Lufkin. Mayor pro tem Foley stated that he had heard only good comments in regard to the World Series. Mayor pro tem Foley stated that these men should be commended and publically acknowledged for their work.

12. There being no further business for consideration, meeting adjourned at 7:25 p.m.

  
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Mayor pro tem, Pat Foley  
City of Lufkin



  
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Ann Griffin, City Secretary  
City of Lufkin