

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF JUNE, 1984, AT 7:30 P.M.

On the 5th day of June, 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
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Lori Nix	Assistant City Secretary
Ron Wesch	Public Works Director

being present, and

Pitser H. Garrison	Mayor
Harvey Westerholm	City Manager

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, Pastor of First Lutheran Church, Lufkin.
2. Mayor pro tem Foley welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of May 15, 1984, were approved on motion by Commissioner Percy Simond and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Ordinance - Approved - Second Reading - "Reinvestment Zone" - Tax Abatement Program - William George Company

Mayor pro tem Foley stated that the Commission now had for consideration an Ordinance designating property located immediately North and West of the intersection of Highway 69 and T & N O Railroad Overpass as a Reinvestment Zone for the William George Company. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance be approved on second and final reading as presented to designate a 15 year Tax Abatement Program for William George Company. A unanimous affirmative vote was recorded.

5. Zone Change - Approved - Second Reading - Carla Baker - RS to RS, SU (Dog Grooming)

Mayor pro tem Foley stated that zone change request by Carla Baker covering property located at 111 Payton Street between Fred and Condon Streets from Residential Small to Residential Small, Special Use (Dog Grooming) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that zone change request be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6. Zone Change - Approved - Second Reading - Gene Thompson - A to NR

Mayor pro tem Foley stated that zone change request by Gene Thompson covering property located at 1312 Ellis Avenue between Franklin and Jay Streets from Apartment to Neighborhood Retail had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by

Commissioner Don Boyd that zone change request be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - Second Reading - S. T. Lewis - RM to A

Mayor pro tem Foley stated that zone change request by S. T. Lewis covering property located on Kurth Drive between Lakeview and Sayers Street from Residential Medium to Apartments had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that zone change request be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. City Hall Feasibility Study - Specifications Authorized for Architects

Mayor pro tem Foley stated that the City Commission had been informed that the use of the Angelina Hotel as a City Hall was possibly a moot question. Mayor pro tem Foley stated that a group had applied for a HUD grant to acquire the Angelina Hotel for use as a senior citizens' apartment building. Mayor pro tem Foley stated that the proposal at the last meeting of City Commission had been that a feasibility study should be made to consider whether it was more economical to construct a new City Hall building or renovate the Angelina Hotel as a City Hall.

City Attorney, Robert Flournoy, stated that he had talked to Steven Lear, representative of the group attempting to obtain the HUD grant, who indicated the group was going to make application to the Lufkin Industrial Development Authority or the Lufkin Housing Authority for funding and that they would also be requesting a variance in the number of parking spaces required by the Zoning Ordinance. City Attorney Flournoy further stated that it would be approximately sixty (60) days before the application would be completely finished.

Commissioner Percy Simond stated that the consideration of space needs for the City Hall should not be held in abeyance for a sixty (60) day period. Commissioner Simond stated that the Staff should be authorized to complete a feasibility study for a City Hall to be constructed in another location as well as adding to the present City Hall.

Commissioner Jack Gorden stated that the study suggested by Commissioner Percy Simond could be completed and if the senior citizens' apartment building was not funded, the Hotel could be considered as a possible City Hall at that time. Commissioner Gorden further stated that the Commission might want to consider modifications to the present City Hall to allow the addition of a second floor. Commissioner Don Boyd stated that he had proposed that the addition to the present City Hall have two (2) stories with possible addition of a third story in the future.

Mayor pro tem Foley stated that the price of the feasibility study varied greatly among architectural firms.

Assistant City Manager, Brian Boudreaux, stated that City Manager Westerholm had asked for a thorough study and different architects had different ideas as to what a thorough study would be. Assistant City Manager Boudreaux stated that the architects had also been requested to submit a conceptual design which also carried different connotations for different firms. Assistant City Manager Boudreaux stated that in the future specifications should be written to prevent confusion among the architectural firms.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that City Staff be authorized to

compose specifications of City Hall needs for completion of a study relative to modifications to the present City Hall and construction of a new building adjacent to the present property. A unanimous affirmative vote was recorded.

9. Drainage Problem - Tabled - Franklin and Cordelia Streets

Mayor pro tem Foley stated that the City Staff was requested at last meeting of the Commission to prepare a study of various proposals to prevent erosion in the Franklin and Cordelia Street area.

Ron Wesch, Public Works Director, stated that he had submitted a list to the Commissioners for their consideration which included the following considerations:

1. Poured-In-Place Concrete - Public Works Director, Ron Wesch, stated that this option had been presented for consideration by the City Commissioners at a previous meeting.
2. Cement/Sand Bags - Mr. Wesch stated that this method was very expensive due to the great amount of hand work involved.
3. Cross-Ties (Vertical Walls) - Mr. Wesch stated that this option would be limited to an effective life of of ten (10) to fifteen (15) years.
4. ½-60" Concrete Culvert - Mr. Wesch stated that half of a concrete culvert would be installed at the bottom of the ditch and this was a very expensive option.
5. Rock (Quarry Limestone) -
6. Concrete Rubble - Mr. Wesch stated that number five and six are similar in nature but the limestone would have to be trucked into the City. Mr. Wesch stated that both would require a lot of hand work, but concrete rubble could be obtained at a lower cost.

Mr. Wesch stated that after talking with several engineers in the City of Lufkin, he understood these options would still be subject to erosion because of the speed with which the water flows through the ditch. Mr. Wesch stated that the easement would have to be totally cleared of items such as existing fencing, pumps for swimming pools, and all trees in the area.

Commissioner Don Boyd stated that he felt the poured-in-concrete would have the greatest durability of all the options presented.

Ron Wesch stated that his first choice would be the 60 inch storm sewer previously suggested. In response to question by Commissioner Lynn Malone, Mr. Wesch stated that half of the ditch could utilize a 60 inch concrete culvert cut in half and the remaining half of the ditch could utilize the poured-in-concrete.

Mayor pro tem Foley stated that the information presented to the Commission at this meeting should be submitted to property owners in the area to allow them to see that the problem is being considered.

Commissioner Don Boyd stated that if the property owners in the area do not want to participate in the cost of the project, the ditch should remain in its present condition.

Commissioner Louis Bronough stated that if the property owners were to participate in the cost, they should have input into the solution chosen, and a decision should be made regarding how the project would be funded.

Commissioner Lynn Malone stated that Public Works Director,

Ron Wesch, should meet with the area residents and explain how the City stands on the participation issue. Commissioner Louis Bronaugh stated that he agreed with Commissioner Lynn Malone's proposal to furnish the area residents along the drainage waterway between Franklin and Cordelia Streets with the information presented before this Commission at this meeting for their consideration. In response to question by Public Works Director, Ron Wesch, Commissioner Louis Bronaugh stated that Mr. Wesch should send out the same information as presented before this Commission at this meeting so the area residents could keep abreast of the progress on the drainage situation.

In response to question by Commissioner Louis Bronaugh, Mayor pro tem Foley stated that with curb and gutter petitions a seventy (70) percent participation of property owners is required. City Attorney, Robert Flournoy, stated that unless property owners sign an agreement, the City cannot obtain a good lien on homestead property.

Ed Wagoner, property owner in the area, stated that he would like to remind the City Commission that at the present time they have a commitment to one (1) property owner in the area regarding an easement to cross her property.

Commissioner Louis Bronaugh stated that some residents along the waterway do not want the appearance of the waterway to be changed in any way.

Commissioner Jack Gorden stated that priorities regarding projects within the City should be designated, and at last meeting of this Commission it was a consensus of opinion that citizens should participate in the cost.

Mayor pro tem Foley stated that he understood the property owners in the area were willing to wait for an on-going drainage program to be developed and this was not a pressing issue at this time.

Mayor pro tem Foley stated that the consensus of opinion among the Commission tonight was that the proposal being considered at this meeting should be presented to the property owners in the area, and information should be submitted regularly to property owners indicating how the City was attempting to handle the situation.

10. Resolution - Approved - Community Development Grant Application - Authorizing Submission of Application

Mayor pro tem Foley stated that one of the requirements of the Community Development Grant Application process is approval of a Resolution authorizing the submission of the application and designating a City official to sign all documents. Mayor pro tem Foley further stated that the grant application was for funds to improve the water system in the Herty and Lufkin Land areas.

Assistant City Manager Boudreaux stated that the City of Lufkin had requested a grant in the amount \$220,000 with the City participating in the amount of \$50,000 for a total project cost of \$270,000.

Mayor pro tem Foley recognized Billy Sims, Engineer with Kindle, Stone, and Associates, who stated that the areas of Lufkin Land and Herty have a need for additional water pressure in their area of town. Mr. Sims further stated that testing indicated the water pressure ranged from 4 to 34 pounds per square inch with the State requirement being 35 pounds per square inch minimum. Mr. Sims further stated that fire protection was needed in the area and installation of 8 and 6 inch water lines with 2 inch water lines beng installed where fire protection was not needed was proposed for the area.

Billy Sims further stated that two (2) Public Hearings had been held, the first Public Hearing had been held to gauge

Community need and gather citizen input, and the second Public Hearing had been held in the target area (Lufkin Land/Herty) to gather further citizen input and finalize the scope of the project. Assistant City Manager Boudreaux further stated that submission of the grant application must be made by June 20, 1984, and the City of Lufkin's application would be submitted by the end of the week (Friday, June 8, 1984).

In response to question by Mayor pro tem Foley, Assistant City Manager Boudreaux stated that the \$50,000 City's share would be paid from the next fiscal year's budget.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Resolution be approved as presented to allow the City to proceed with the application. A unanimous affirmative vote was recorded.

11. Resolution - Approved - City Funds Committed - 1984 Community Development Grant

Assistant City Manager, Brian Boudreaux, stated that the Community Development Grant Application also required the approval of a Resolution stated that the City of Lufkin would commit financial resources to the Herty/Lufkin Land project. Assistant City Manager Boudreaux further stated that the Resolution being presented to the Commission indicated a contribution of \$50,000 from the City funds which included \$13,000 from in-kind services and \$37,000 in cash.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Resolution be approved as presented. A unanimous affirmative vote was recorded.

12. Appointments - Approved - Lufkin Industrial Development Authority - Lufkin Housing and Finance Corporation - Lufkin Health Facilities Development Corporation

Mayor pro tem Foley stated that due to the election of three (3) new Commissioners to the City Commission, resignations had been received from previous members of the City Commission and vacancies existed in the Lufkin Industrial Development Authority, Lufkin Housing and Finance Corporation, and Lufkin Health Facilities Development Corporation.

Motion was made by Commissioner Percy Simond and second by Commissioner Don Boyd that the three (3) new members of the City Commission, Lynn Malone, Jack Gorden, Jr., and Louis A. Bronaugh be appointed to fill the vacancies on these three (3) Boards. A unanimous affirmative vote was recorded.

13. Zone Change - Approved - First Reading - Hood Davis - RS to C

Mayor pro tem Foley stated that zone change request by Hood Davis covering property located at 413 Kurth Drive between Lake and Mize Streets from Residential Small to Commercial had been recommended to City Commission by the Planning and Zoning Commission.

Mayor pro tem Foley recognized Hood Davis appearing in representation of his application, and Mr. Davis stated that the activity in this building has been commercial for 25 years and the Teen Disco would be covered under the Grandfather Clause of the Zone Ordinance.

City Attorney, Robert Flournoy, stated that if the building had been used for the same purpose during that time the use would be non-conforming, but the Teen Disco would be a new use of the property and a zone change would be required.

Prentice Castle, property owner in the area, stated that he was in opposition to the proposed zone change because of a parking problem on the subject property and the disruption of the quiet nature of the neighborhood.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that zone change request be approved on first reading as presented.

Commissioner Percy Simond stated that he would recuse from vote because of his relationship to the property owner.

Mayor pro tem Foley stated that the motion was approved by a vote of five (5) to zero (0) with Commissioner Simond abstaining from vote.

14. Zone Change - Approved - First Reading - John R. LaRue - RS to C

Mayor pro tem Foley stated that zone change request by John R. LaRue covering property located at 1907 Kurth Drive between Sellers and McMullen Streets from Residential Small to Commercial had been recommended for approval by the Planning and Zoning Commission. There was no opposition present.

Mayor pro tem Foley recognized John LaRue appearing in representation of his application, and Mr. LaRue stated that his property has been used for commercial activity since 1952, but he would need the proper zoning to obtain a building permit for renovation to outdated buildings on his property.

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

15. Zone Change - Approved - First Reading - William Harrison - C to C, And C, SU (Signs)

Mayor pro tem Foley stated that zone change request by William Harrison covering property located at 2209 East Denman Avenue between Joe C. Lane and Leslie Lane from Commercial to Commercial and Commercial, Special Use (Signs) had been recommended for approval by the Planning and Zoning Commission.

Assistant City Manager Boudreaux stated that the zone change was required because Mr. Harrison proposed to construct billboards on the property at the present time.

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

16. Name Change - Edgewood Circle - Englewood III Subdivision - Lost Pine Street

Mayor pro tem Foley stated that Edgewood Circle was located in the Englewood III Subdivision and another street in Angelina County had received the same name. Assistant City Manager Boudreaux stated that the identical names had been discovered when a builder had requested a building permit and the inspectors had gone to the wrong location. Assistant City Manager Boudreaux stated that the Planning and Zoning Commission had approved the request by the builder to change the name to Lost Pine.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the name of Edgewood Circle in the Englewood III Subdivision be changed to Lost Pine Street. A unanimous affirmative vote was recorded.

17. Curb and Gutter Petitions - Approved - Washington, Garner, and Packer Avenues

Mayor pro tem Foley stated that three (3) curb and gutter petitions had been received by the City of Lufkin within the last month and requested Staff recommendations from Public Works Director, Ron Wesch.

Mr. Wesch stated that each of these streets are 450 feet

in length and residents were requesting that a concrete street be constructed. Mr. Wesch further stated that one hundred percent of the linear footage had been signed by the property owners on Washington and Garner Avenues and that seventy-five percent participation had been received on Packer Avenue. Mr. Wesch further stated that the next budget would include these streets for curb and gutter in the order in which they were received.

Mayor pro tem Foley stated that the curb and gutter would improve the appearance of the property in the area and help with the drainage problems.

Public Works Director, Ron Wesch, stated that all three (3) streets had been included in next year's budget and would remain if finances permitted. Mr. Wesch further stated that storm sewers would not be needed in either of the three (3) areas.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that curb and gutter petitions be approved as presented. A unanimous affirmative vote was recorded.

18A. Bid - Approved - Pipe and Materials - Public Works Department - Nelson Utility Company

Mayor pro tem Foley stated that bids had been received for the purchase of pipe and materials to complete a 12 inch water line to the Crown Colony area and that the low bidder was Nelson Utility in the amount of \$52,409.33.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that low bid of Nelson Utility in the amount of \$52,409.33 be approved as presented. A unanimous affirmative vote was recorded.

18B. Bid - Approved - Ambulance - Fire Department - Sumners Ambulance and Coach

Mayor pro tem Foley stated that bids had been received for the purchase of a modular ambulance for use in the Fire Department and requested Staff recommendations.

Assistant City Manager Boudreaux stated that the City Commission had authorized obtaining bids on the modular ambulance and three (3) responses had been received with only one (1) bid from Sumners Ambulance and Coach in the amount of \$38,980 for a diesel engine.

Mayor pro tem Foley stated that he was always concerned when only one (1) bid was received on an item, but he appreciated the comments from the other two (2) bidders indicating that they could not bid.

In answer to question by Commissioner Don Boyd, Fire Chief Billy Stephens stated that the body of the ambulance is guaranteed for 15 years and could be transferred from one chassis to another.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Sumners Ambulance and Coach be approved as presented in the amount of \$38,980. A unanimous affirmative vote was recorded.

19 Aerial Fire Works Display - Approved - Ellen Trout Park - July Fourth Celebration

Mayor pro tem Foley stated that a request had been received from Parks and Recreation Director, Don Hannabas, for approval of the annual aerial fireworks display at Ellen Trout Park on July 4, 1984.

Assistant City Manager, Brian Boudreaux, stated that the Parks Department was ready to begin preparation for the annual celebration and approval was needed to begin work on the fireworks display.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that aerial fireworks display be approved for July 4th, 1984. A unanimous affirmative vote was recorded.

20 Invoices - April and May - Maury Stiver - Water Pollution Control Plant

Mayor pro tem Foley stated that Maury Stiver's bill for the month of April regarding work on the Water Pollution Control Plant was in the amount of \$2,980.45 and the agenda had been amended to include the bill for the month of May in the amount of \$3,381.35 for a total price of \$6,361.80.

In response to question by Commissioner Percy Simond, Public Works Director Ron Wesch stated that work at the Water Pollution Control Plant was almost complete.

Commissioner Percy Simond stated that he would like to have information regarding progress made by Mr. Stiver, the amount that he proposed his work would cost the City of Lufkin, and the status of the grant application for the Water Pollution Control Plant.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that invoices for the month of April and May in the amount of \$6,361.80 be approved for payment. A unanimous affirmative vote was recorded.

21. City Charter, Discussed - Public Works Intern, Gayland Brown - Introduced

Commissioner Don Boyd stated that in studying the present City Charter he became aware that there were several sections that had become outdated and requested information from City Attorney, Robert Flournoy, regarding updating same.

City Attorney Flournoy stated that the first step would be the appointment of a Charter Commission to study and make recommendations for updating and then the members of the City Commission could call an election for adoption of the new Charter.

Mayor pro tem Foley introduced Gayland Brown, who would be serving an internship in the Public Works Department while working on his masters degree from Texas A & M University.

22. There being no further business for consideration, meeting adjourned at 9:00 p.m.

*Pitser H. Garrison*  
Pitser H. Garrison, Mayor



ATTEST

*Ann Griffin*  
Ann Griffin, City Secretary