

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JULY, 1986, AT 5:00 P.M.

On the 15th day of July, 1986, 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:

Pitser Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Ron Wesch	Public Works Director
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Brian Boudreaux	Assistant City Manager
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being absent, when the following business was transacted:

1. Meeting was opened with prayer by Rev. L. D. Bell, Minister, Mount Olive Baptist Church, Lufkin.

2. Mayor Garrison stated that the Commission had a special honored guest present and would like to introduce Julia Whiteside from Eastbourne, England. Mayor Garrison stated that Miss Whiteside was visiting Lufkin as an exchange student from England through a program sponsored by the Rotary Club of Lufkin and the Rotary Club of Eastbourne, England.

Mayor Garrison stated that he would also like to recognize Ed Wareing, former Commissioner and Mayor pro tem of this Commission.

3. APPROVAL OF MINUTES

Minutes of regular meeting of July 1, 1986, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - HOWARD HALL - 3403 SOUTH CHESTNUT - RL, NON-CONFORMING TO RL, SU (NORTH LOT-CONVENIENCE STORE/SOUTH LOT-GAS PUMPS AND PARKING)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Howard Hall covering property located at 3403 South Chestnut from Residential Large, Non-Conforming to Residential Large, Special Use (North Lot-Convenience Store/South Lot-Gas Pumps and Parking).

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

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - JAMES MATTOX - 404 KURTH DRIVE - RS TO C, SU (OUTSIDE PARKING LIMITED TO NINE CARS)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by James Mattox

covering property located at 404 Kurth Drive from Residential Small to Commercial, Special Use (Outside Parking Limited to Nine Cars).

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST -
TONY AND JACKIE HUNTER - FINLEY AND THIRD STREET - RS TO LB -

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Tony and Jackie Hunter covering property located at the corner of Finley and Third, from Residential Small to Local Business.

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

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST -
ARNOLDO GARCIA - 1406 SULSER - LM TO RS

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance covering property located at 1406 Sulser, from Light Manufacturing to Residential Small.

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

8. ORDINANCE - APPROVED - FIRST READING - DORIS STRANGE - 703 SOUTH
FIRST - RS TO LB, SU (ANTIQUE SHOP)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request covering property located at 703 S. First Street from Residential Small to Local Business.

Mayor Garrison recognized Patsy Head, area resident, who stated that she had no objection to an antique shop at this location but for the protection of the neighborhood would like a Special Use designation. Mrs. Strange stated that she was willing to accept the change to her initial request.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be accepted on First Reading as presented. A unanimous affirmative vote was recorded.

9. DETCOG APPOINTMENTS - BOARD OF DIRECTORS

Mayor Garrison stated that the Commission had been notified that current appointments to the Board of Directors to the Council would soon expire and it was necessary to appoint four members to serve on the Council beginning October 1st.

City Manager Westerholm stated that presently Commissioners Gorden, Bronaugh and Boyd were serving on the Council and Commissioner Roper was serving out the unexpired term of Lynn Malone.

In response to question by Commissioner Simond, Mayor Garrison stated that due to the attendance requirements he had chosen not to be appointed to the Council.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Commissioners Don Boyd, Jack Gorden, Louis Bronaugh, and Danny Roper be appointed as representatives of the City

of Lufkin to serve on the Deep East Texas Council of Government's Board of Directors. A unanimous affirmative vote was recorded.

10a. BID - APPROVED - PLAYGROUND EQUIPMENT - BRANDON PARK

Mayor Garrison stated that the next item for consideration was a bid for playground equipment to be used at Brandon Park.

City Manager Westerholm stated that four bids had been received and the best bid for each individual item had been selected. City Manager Westerholm stated that the low bid for picnic tables had been received from B. J.'s Park and Recreational Products for \$488, the low bid for grills had been received from Miracle Recreational Equipment for \$65, the low bid for playground equipment was from Persenaire for \$3,511 and the low bid for litter receptacles was from Persenaire in the amount of \$486.

Parks and Recreation Director Don Hannabas stated that this project was funded by a \$5,000 grant from the Pineywoods Foundation which had been secured by Commissioner Percy Simond. Mr. Hannabas stated that the total bid was for \$4,550 and with the Commissioners' permission he would use the remaining \$450 to purchase one additional picnic table and litter receptacle.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the bid of \$488 from B. J.'s Park and Recreation Products for picnic tables, bid of \$65 from Miracle Recreation Equipment for grills, bid of \$3,511 from Persenaire for playground equipment and bid of \$486 from Persenaire Park and Playground Equipment for litter receptacles be accepted as the lowest and best bids, and that remaining \$450 be used to purchase one additional picnic table and litter receptacle. A unanimous affirmative vote was recorded.

10b. BID - APPROVED - UNIFORMS - RELIABLE UNIFORM SERVICE

Mayor Garrison stated that the Commission now had for consideration bids for uniforms to be used in various City departments.

City Manager Westerholm stated that twelve requests for bids had been sent out and five bids had been received. City Manager Westerholm stated that the lowest and best bid had been received from Reliable Uniform Service of Orange, Texas in the amount of \$45.78 per complete uniform.

Mayor Garrison stated that he had noticed there was a \$2.37 decrease in the bid price over last year's bid from the same company.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that bid from Reliable Uniform Service in the amount of \$45.78 per complete uniform be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

11. CHANGE ORDER - APPROVED - TRIBBLE & STEPHENS - CITY HALL CONSTRUCTION

Mayor Garrison stated that the Commission now had for consideration Change Order No. 4 to the contract with Tribble and Stephens for new City Hall Construction.

City Manager Westerholm stated that the amount of the Change Order was \$15,856 of which \$14,381 was for electrical work.

In response to question by Commissioner Simond, City Manager Westerholm stated that the reason for the electrical change was because the original plans of the old City Hall indicated that the

building had 3 phase electric service and after work was begun, it was discovered that the old City Hall was not served with phase 3 power and these revisions were necessary.

City Manager Westerholm stated that Jerry Hill had planned to be available for questions but had not returned from a trip to Orange.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Change Order No. 4 be approved as presented. A unanimous affirmative vote was recorded.

12. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - WASTEWATER TREATMENT PLANT IMPROVEMENTS

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associates for engineering services through June 25, 1986, for wastewater treatment plant improvements.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the invoice had been reviewed by the City staff.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that invoice from Everett Griffith and Associates in the amount of \$10,705.06 be approved for payment. A unanimous affirmative vote was recorded.

13. TML LITIGATION FUND PARTICIPATION - TABLED - EPA CASE

Mayor Garrison stated that a letter had been received from TML concerning possible participation by the City of Lufkin in the litigation fund on the lawsuit against the EPA by Sportsmen's Clubs of Texas, Sierra Club and Environmental Defense Fund, Inc. to try to force more strict compliance with EPA regulations.

Mayor Garrison stated that it would cost the City \$1,071.56 to participate in the intervention. Mayor Garrison stated that he did not see what good the City could do by it's participation in the case to help the outcome of it one way or another.

Commissioner Pat Foley stated that he was under the impression that TML was wanting to intervene in the event there was some type of settlement, then the cities would have some kind of say-so in what the settlement would be.

City Attorney Bob Flournoy stated that he thought that TML recognizes that what the EPA does is not always best for cities, and what they might accept in a settlement might not be good for cities and, in his opinion, the City of Lufkin should have some representation.

Commissioner Simond stated that he had some strong reservations about participating in the case.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the request by TML be held in abeyance until the City can get further information. A unanimous affirmative vote was recorded.

Commissioner Louis Bronaugh stated that he and several of the Commissioners would be attending a TML Region 16 meeting in Jasper Thursday, and they would be able to question Ted Willis, Executive Director of TML.

14. CONTRACT - APPROVED - CENTRAL APPRAISAL DISTRICT - COLLECTION OF CITY TAXES

Mayor Garrison stated that the Commission, at a previous meeting, had agreed to contract with the Central Appraisal District to authorize them to collect the City's delinquent taxes. Mayor Garrison stated that the Commission had agreed with the Appraisal District on the terms of the contract with the exception of the City's requirement of an Angelina County attorney be employed to handle the delinquent tax program. Mayor Garrison stated that the Appraisal District Board met last week and authorized the use of two law firms, the law firm of John Ross Kay, an Angelina County lawyer, and the firm of Calame, Linebarger and Graham of Austin. Mayor Garrison stated that the Appraisal Board would allow the taxing entities to select whichever of the two attorneys they wanted. Mayor Garrison stated that he did not execute the contract the Commission had authorized awaiting the decision of the Central Appraisal District. Mayor Garrison stated that, in his opinion, it would be appropriate to execute the agreement now with the addendum to the effect that the Appraisal District has chosen Mr. Kay to represent the City and that the City acknowledges that he is an Angelina County attorney and does meet the City's requirements.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that an addendum to the contract with the Angelina County Appraisal District be added stating that the City of Lufkin elects to use the law firm of John Kay of Angelina County to collect delinquent taxes. A unanimous affirmative vote was recorded.

15. SMOKING POLICY - NEW CITY HALL

Mayor Garrison stated that the Commission now had for consideration an issue to determine whether or not there will be any restrictions on smoking in the new City Hall.

Mayor Garrison stated that Commissioner Simond had requested that the issue be placed on the agenda at last meeting after he had received a telephone call from a City employee asking that smoking be restricted in the new City Hall. Commissioner Simond stated that he had received five calls since last meeting from City employees regarding a no-smoking policy. Commissioner Simond stated that he was reluctant to bring up the subject when he found out that Commissioner Danny Roper was a smoker.

Mayor Garrison suggested that City Manager Westerholm make a study of the areas in the new City Hall which could be designated as "smoking areas".

Commissioner Boyd stated that it should be left up to department heads as to the designated areas.

Commissioner Bronaugh stated that perhaps the City Manager could designate the areas.

Mayor Garrison stated that it was the Commissioner's place to determine the designated areas and that they could not delegate their legislative authority to the City Manager to make the decision.

Commissioner Boyd stated that limiting smoking to lounge areas could cut down on efficiency.

Commissioner Roper stated that smokers are far more sensitive today to other people's feelings and he didn't think the City needed an "us vs them" oppressive type of proposal.

Mayor Garrison requested that City Attorney Flournoy explore ordinances from other cities to obtain some general guidelines and that he and the City Manager come back with a proposed ordinance within 30 days.

16. EXECUTIVE SESSION - CANCELLED

Mayor Garrison stated that he had requested an Executive Session be placed on the agenda for the purpose of discussing the hiring of an attorney for the Appraisal District, but since that had been taken care of the executive session was no longer necessary.

17. WATER PLANT IMPROVEMENTS - STREET REPAIRS - INTERNAL AFFAIRS OFFICER - PRELIMINARY BUDGET - OLYMPIC TORCH

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that the water meter for improvements at the water plant had arrived Saturday and would not be installed until the hot weather was over. City Manager Westerholm stated that it was hoped that the repairs could be completed before the summer season and the high demand for water, however, it was a matter of waiting for a part to come in.

Commissioner Simond stated that he had noticed a pot hole at Second and Laurel that has been patched numerous times and wondered if the problem could be corrected by using concrete instead of asphalt.

Public Works Director Ron Wesch stated that the answer to that question was "no", and since the reason why concrete could not be used was rather lengthy, he would discuss the matter with Commissioner Simond after the meeting.

Commissioner Simond stated that he hoped no one would be offended when he brought up the subject of taking the \$85,000 the City would save by using the services of the Tax Appraisal District and hiring a chief investigator to investigate any misconduct by City employees. Commissioner Simond stated that, in his opinion, this will give citizens a better perception of the City.

Mayor Garrison stated that some of the larger cities have Internal Affairs Officers, and that it was a subject the Commission might give some consideration.

Commissioner Simond stated that he had read where the City of Cincinnati, Ohio had such an office and someone on the staff could be in contact with them for information as to how the office operates.

City Manager Westerholm stated that he will be distributing the preliminary budget by Friday evening and that the budget will be finalized by September 25th.

Commissioner Bronaugh stated that there will be a brief ceremony in connection with the Olympic torch passing through the City Thursday morning at 7:20 A.M., and Mayor Garrison will make a brief speech.

18. There being no further business for consideration, meeting adjourned at 6:10 P.M.


Pitser Garrison - Mayor

ATTEST:


Atha Stokes - City Secretary

DATE 7/15/86

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