

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF AUGUST, 1987, AT 5:00 P.M.

On the 18th day of August, 1987, 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 H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	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
Nicholas Finan	City Planner
Ron Wesch	Public Works Director
Atha Stokes	City Secretary

being present when the following business was transacted.

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

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that minutes of August 4, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - TAXI CAB LICENSE - ANGELINA CAB CO. - PERNETTIE B. MOORE

Mayor Garrison opened Public Hearing to consider request by Pernetie B. Moore for a taxi cab license.

Mayor Garrison recognized Mrs. Moore in representation of the request. Mrs. Moore stated that, in her opinion, the City was in need of cab drivers who cared about the passengers. Mrs. Moore stated that she liked people and felt she could provide good service. Mrs. Moore stated that she planned to use handicapped personnel for dispatching.

In response to question by Mayor Garrison, Mrs. Moore stated that she would begin operating with two vehicles and planned to have as many as six vehicles in the future.

In response to question by Mayor Garrison, Mrs. Moore stated that she had submitted a copy of the liability insurance for the vehicles to the City Secretary along with a fee schedule.

There was no opposition present.

Mayor Garrison closed Public Hearing due to lack of discussion.

5. PUBLIC HEARING - PROPOSED STREET CLOSING - E. KERR AVENUE - BETWEEN MONTROSE AND HOMER - CALVARY BAPTIST CHURCH

Mayor Garrison opened Public Hearing to consider request by Calvary Baptist Church for proposed street closing covering a portion of East Kerr Avenue between Montrose and Homer.

Mayor Garrison recognized Eugene Childress, Chairman of Trustees, in representation of the request. Mr. Childress stated that the church had outgrown its present facilities and was requesting that this portion of East Kerr Avenue be closed for expansion of the church.

Mr. Childress stated that the church owns all the property on both sides of this portion of East Kerr Avenue and is willing to grant easements to the telephone and power companies. Mr. Childress stated that there are no utilities under the street and no curb and gutter. Mr. Childress stated that the parking lot and street blend together and it is hard to distinguish between the two. Mr. Childress stated that Kerr Avenue is not a thoroughfare and that there is a stop sign at every block. Mr. Childress stated that the Planning and Zoning Commission had voted unanimously to recommend closing of the street to the City Commission.

Mr. Childress stated that the daycare center presently has one hundred children enrolled and the Daycare Center and Sunday School enrollment have outgrown the present facilities. Mr. Childress stated that in addition to expanded educational facilities the church would like to provide for a fellowship hall, a new kitchen, a church parlor, and a room with a tile floor which could be used for basketball or skating.

Mr. Childress stated that the church needed the proposed facility to be annexed to the present building. Mr. Childress stated that the present cooling system is on top of the south side of the building and protrudes into the street. Mr. Childress stated that the church has assumed the liability for the cooling system.

Mr. Childress presented pictures to the Commission of the south entrance of the church where the proposed building will connect to the present building. Mr. Childress stated that if the church moves from this location it will be outside the Loop.

Mayor Garrison recognized Mr. M. L. Patrick, 604 Homer, appearing in opposition of the proposed street closing request. Mr. Patrick stated that the church did not pay for the street and should not have the right to close it. Mr. Patrick stated that a request to close the street had been brought before the City Commission some years ago and had been turned down at that time.

Mayor Garrison stated that the Commission had received a letter from Mrs. Ruth Scoggins, who owns rent property on Kerr Avenue, opposing the street closing.

In response to question by Commissioner Danny Roper, Mr. Childress stated that the church owns additional property to the south of the parking lot and if the building is expanded to the present parking lot the church will have adequate parking.

In response to question by Commissioner Louis Bronaugh, Public Works Director Ron Wesch stated that a traffic count had been conducted on this portion of Kerr Avenue on two different occasions and the traffic count was 105 vehicles on the first count and 115 vehicles on the second count. Mr. Childress stated that 90% of the vehicles counted were dropping off children for the daycare center at the south entrance of the church.

Mayor Garrison closed Public Hearing due to lack of discussion.

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - LULA SEXTON - CAMP STREET BETWEEN MCGREGOR AND SOUTHWOOD DRIVE - RESIDENTIAL LARGE TO RESIDENTIAL MEDIUM

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Lula Sexton covering property located on Camp Street between McGregor and Southwood Drive from Residential Large to Residential Medium.

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

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - GENEVA D. SHAW - 308 SINGLETON - RESIDENTIAL MEDIUM TO RESIDENTIAL MEDIUM, SPECIAL USE (AUTO REPAIR GARAGE)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Geneva D. Shaw covering property located at 308 Singleton from Residential Medium to Residential Medium, Special Use (Auto Repair Garage).

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

8. TAXICAB FRANCHISE - APPROVED - ANGELINA CAB COMPANY

Mayor Garrison stated that the Commission now had for consideration an action of the City Commission authorizing the operation of the Angelina Cab Company as requested by Pernetie B. Moore.

In response to question by Commissioner Danny Roper, City Secretary Atha Stokes stated that Mrs. Moore's insurance coverage for liability, bodily injury and property damage was in compliance with the requirements of the Taxicab Ordinance.

In response to question by Commissioner Louis Bronaugh, City Manager Westerholm stated that under Division 4-Liability Insurance, Section 25-71 Cancellation, it states that the insurer has the responsibility to inform the City when their insurance is cancelled.

In response to question by Commissioner Bronaugh, Mrs. Moore stated that the Ordinance requires the taxicab company to keep a log showing the time and location of each passenger pickup.

In response to question by Commissioner Foley, City Manager Westerholm stated that the fee schedule of the taxicab company is not regulated by the City. City Manager Westerholm stated that the fee schedule is filed with the City Secretary, is posted in each taxicab, and is in effect until a new schedule is filed with the City Secretary.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Resolution declaring the need for Angelina Cab Company as a public convenience in the City of Lufkin be approved as submitted. A unanimous affirmative vote was recorded.

9. ORDINANCE - DENIED - FIRST READING - PROPOSED STREET CLOSING - EAST KERR AVENUE BETWEEN MONTROSE AND HOMER - CALVARY BAPTIST CHURCH

Mayor Garrison stated that the Commission would now consider possible action in connection with the closing of East Kerr Avenue which had been discussed earlier in a Public Hearing.

In response to question by Commissioner Bronaugh, Mayor Garrison stated that this request had been heard previously by the Planning and Zoning Commission but had been withdrawn before it came before the City Commission. Mr. Childress stated that because of opposition in the church he had withdrawn the request.

In response to question by Commissioner Foley, Mr. Childress stated that because some church members are elderly and handicapped and could not climb stairs to reach an elevated crosswalk across the street, it would not be feasible for the church to consider same.

In response to statement by Commissioner Gorden, Mr. Childress stated that if this street is closed the church would build a building which will be connected to the present facility. Mr. Childress stated that the Building Committee of the church has met with consultants who are waiting to see if the street can be closed and if it is not closed they have recommended that the church move to the Loop.

Mayor Garrison stated that he disliked closing streets that were established streets. Mayor Garrison stated that closing one section of a street makes it inconvenient for somebody who is looking for a specific address. Mayor Garrison stated that he was concerned about closing the street because of the precedent.

Rev. Jimmy Hedges, pastor of the church, stated that it would not have been feasible to employ an engineer and architect to bring an exact proposal to the Commission until the church felt that the street would be closed. Rev. Hedges stated that the church was proposing a facility that would be a building of good quality and would be joined to the existing facility. Rev. Hedges stated that the church is concerned about the safety of children and adults crossing the street in order to reach another building. Rev. Hedges stated that the church is trying to improve the community by improving the area and trying to make a commitment to it by upgrading the church facilities.

Mr. Patrick stated that there are two houses for sale at the corner of Homer and Conn and if the church needed more property in order to expand they could purchase these two houses.

Commissioner Pat Foley stated that he had deep reservations about closing streets in the city because of the precedent it would set.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as presented.

Commissioner Boyd stated that he had reluctantly seconded the motion and would like to have more information by Second Reading and would like to see the crosswalk explored further.

In response to question by Commissioner Gorden, City Attorney Flournoy stated that the City could enter into a contract with the church stipulating that the street be closed for the purpose of expanding the present facilities.

The following vote was recorded:

Aye: Commissioners Simond and Boyd

Nay: Commissioner Bronaugh, Roper, Gorden, Foley and Mayor Garrison

Mayor Garrison declared that the motion failed by a vote of 2 to 5.

Mayor Garrison stated that it seems there is some solution to the problem other than closing the street. Mayor Garrison stated that even though there are not many people on the street they do have a vested interest in the street and of the value in it. Mayor Garrison stated that he would be receptive to hearing the request again after a full study had been made.

10. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - INVOICE CHANGE ORDER NO. 2 - SOUTHLAND NURSERY AND GREENHOUSE - LANDSCAPING FOR NEW CITY HALL

Mayor Garrison stated that the Commission now had for consideration Resolution authorizing Certificates of Obligation for payment of invoice from Southland Nursery and Greenhouse for landscaping of new City Hall and Change Order No. 2.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Resolution authorizing Certificates of Obligation in payment of invoice from Southland Nursery and Greenhouse in the amount of \$5,588.80, and Change Order No. 2 be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - CHANGE ORDER NO. 8 - TRIBBLE AND STEPHENS - CITY HALL EXPANSION AND RENOVATION

Mayor Garrison stated that the Commission would now consider Change Order No. 8 to the Contract with Tribble and Stephens for City Hall expansion and renovation.

Architect Jerry Hill stated that the Change Order was a total deduction of \$11,625.00. Mr. Hill stated that the amount included a credit for millwork in the Accounting Department and an \$8,000 Contingency Allowance. Mr. Hill stated that this Change Order and invoice finalizes the Contract with Tribble & Stephens.

In response to question by Commissioner Pat Foley, Mr. Hill stated that he had looked into screening to be placed around the air conditioning units on top of the Police Department and had been quoted a price of \$20,000. Mr. Hill stated that screening that penetrates the roof might jeopardize the roofing guarantee. Mr. Hill stated that he would like to look into the possibility of a free standing screen and would have information available at the next Commission meeting.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that Change Order No. 8 to the Contract with Tribble and Stephens be approved as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE & STEPHENS - CITY HALL EXPANSION AND RENOVATION

Mayor Garrison stated that the next item for consideration was a Resolution authorizing Certificates of Obligation for payment of invoice from Tribble and Stephens for new City Hall expansion and renovation.

Jerry Hill stated that this Resolution authorizes the final payment to Tribble and Stephens. Mr. Hill stated that the building has been accepted in Substantial Completion and is now under the one year warranty. Mr. Hill stated that there is still some fine tuning to be

done and it would be covered. Mr. Hill stated that the Contract with Tribble and Stephens has been completed.

Mayor Garrison stated that item 14 on the agenda is a Resolution requesting payment by Hoover Brothers and the work had not been completed. Mayor Garrison stated that paragraph four of the Resolution states "Whereas, the City Commission has been advised that the work, services and material, as the case may be, covered by such statement(s) or invoice(s) has been duly performed, rendered and delivered and all consents, approvals and conditions precedent for the payment thereof have been obtained, given or satisfied". Mr. Hill stated that it was his understanding that the City was trying to close out the Bonds on the City Hall and that the money for Hoover Bros. would be put into an escrow account. City Manager Westerholm stated that the bond market was fairly favorable at this time and it would be a good time to close out the Certificates of Obligation.

Mr. Hill stated that he had talked with a representative of Hoover Brothers yesterday and he had promised to take care of the problem within the next two weeks. Mr. Hill stated that he had talked with them on a number of occasions and they always promised to take action but never followed through. Commissioner Simond stated that it was inconceivable to him that the project has come this far and nothing has been done about the auditorium seating. Commissioner Simond stated that he was not in favor of paying Hoover Brothers until the work had been completed. Mr. Hill stated that a gentlemen from Hoover Brothers was down here about six weeks ago with a factory representative and promised to take care of the problem.

Mayor Garrison suggested that City Attorney Bob Flournoy contact Hoover Brothers to see if he could get the problem resolved.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Resolution authorizing Certificates of Obligation for invoice from Tribble and Stephens in the amount of \$157,789.00 be approved as presented. A unanimous affirmative vote was recorded.

13. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - INVOICE - MORGAN, O'NEAL, HILL & SUTTON - ARCHITECTURAL SERVICES

Mayor Garrison stated that the Commission now had for consideration Resolution authorizing Certificates of Obligation for payment of invoices from Morgan, O'Neal, Hill & Sutton for architectural services for building and interiors on the new City Hall expansion and renovation.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Resolution authorizing payment of invoices for Morgan, O'Neal, Hill & Sutton in the amount of \$26,778.76 be approved as presented. A unanimous affirmative vote was recorded.

14. RESOLUTION - TABLED - CERTIFICATES OF OBLIGATION - HOOVER BROS. AUDITORIUM SEATING - NEW CITY HALL COUNCIL CHAMBERS

Mayor Garrison stated that the Commission now had for consideration Resolution authorizing Certificates of Obligation for payment of invoice from Hoovers Bros. for auditorium seating in the new City Hall Council Chambers.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Resolution authorizing Certificates of Obligation for payment of invoice from Hoover Bros. in the amount of \$8,949.85 be held in abeyance until the City Attorney contacts

the firm in regard to correcting the problem with the seating. A unanimous affirmative vote was recorded.

15. APPOINTMENT OF CITY COMMISSIONERS - CONSOLIDATION OF POLLING PLACES

Mayor Garrison stated that at last meeting of the Commission he was authorized to appoint two members of the Commission and the City Attorney to represent the City in a discussion with the School and County in regard to consolidation of polling places.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper authorizing the Mayor to appoint Commissioners Louis Bronaugh and Jack Gorden and City Attorney Bob Flournoy to meet with the School and County in regard to consolidation of polling places. A unanimous affirmative vote was recorded.

16. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - STEP 3 INTERCEPTOR

Mayor Garrison stated that the next item for consideration was an invoice from Everett Griffith & Associates for work at the Sewer Treatment Plant.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that invoice from Everett Griffith & Associates in the amount of \$4,863.68 be approved as presented. A unanimous affirmative vote was recorded.

17. PROPOSED BUDGET FOR 1987-88 - APPROVED

Mayor Garrison stated that the proposed budget had been discussed earlier in a workshop session and the revisions recommended by the study committee were that provisions be made for increasing the tax rate to forty-six cents (46¢), eliminating some expenses in the general fund, increasing the water and sewer rates up to a level of the requirement under the Bond that the City has enough coverage (approximately 11-12%), a revision in the rates for the sanitation department to raise some additional revenue in order to provide for the acquisition of equipment, and that the entry salaries of the Police and Fire Department be put at the level where the salary is now provided for at fifteen months.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper that proposed budget be tentatively approved as submitted.

The following vote was recorded: Aye - Commissioners Roper, Gorden, Foley, Bronaugh, Simond, Mayor Garrison    Nay: Commissioner Boyd

Mayor Garrison declared motion approving proposed budget passed by a vote of six to one.

Commissioner Boyd stated that he had voted against the budget because enough funds had not been provided for in the Contingency Fund.

Commissioner Jack Gorden stated that basically the tax increase was to cover the lower valuations that came in and the City would have the same amount of money coming in with the tax increase. Commissioner Gorden stated that the City had not actually voted in a tax increase and is not proposing one for additional revenues.

Mayor Garrison stated that the Commission had set the tax rate at a level where the ad valorem tax revenue would equal last years ad valorem tax revenue.

Commissioner Gorden stated that, in his opinion, the Commission was in agreement that if revenues do come in stronger than has been proposed, the Commission would be willing to go back and look at certain items such as salary adjustments.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Pat Foley that Public Hearing for the proposed budget be set for the September 1st meeting of this Commission. A unanimous affirmative vote was recorded.

18a. BID - APPROVED - MOORE BROS. - CIVIC CENTER - ELEVATED STORAGE AREA

Mayor Garrison stated that the next item for consideration was a bid for an elevated storage area at the Civic Center.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that \$10,500 had been budgeted for this item in the Civic Center budget.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid from Moore Bros. in the amount of \$13,005.00 be accepted as presented and that the Civic Center budget be amended to reflect the additional cost. A unanimous affirmative vote was recorded.

18b. BID - APPROVED - SEWER PIPE - CHESTNUT STREET - BIG STATE UTILITIES

Mayor Garrison stated that the Commission now had for consideration bids for sewer pipe for the extension of the sewer system along Ginnway and Chestnut.

City Manager Westerholm stated that the pipe will be used to extend City water and sewer mains into a portion of the Fuller Springs area.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid from Big States Utilities in the amount of \$15,578.76 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

18c. BID - APPROVED - SEWER MANHOLES - CHESTNUT STREET - AQUA UTILITY

Mayor Garrison stated that the Commission now had for consideration bids for concrete manhole rings for a sewer extension on Chestnut Street (FM Road 58).

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that bid from Aqua Utility in the amount of \$2,999.15 be accepted as the lowest and best bid. A unanimous affirmative bid was recorded.

19. EXECUTIVE SESSION

Mayor Garrison stated that the City Commission would now go into Executive Session to discuss allegations of misfeasance in the Fire Department auto repair shop. Mayor Garrison recessed formal open



meeting of the City Commission at 6:40 p.m. Mayor Garrison re-convened meeting of the City Commission and made announcements to those present regarding results of the Executive Session at 7:00 p.m.

Mayor Garrison stated that a report of misfeasance in the Fire Department auto repair shop had been brought to the attention of the City Manager and that the complaint is now under investigation. Mayor Garrison stated that he was not in a position to make any public statement at this time. Mayor Garrison stated that the City Manager and staff will investigate the situation and will present a complete report to the City Commission at a Special Meeting Monday, August 24th at noon.

20. There being no further business for consideration, meeting adjourned at 7:07 p.m.

ATTEST:



*Atha Stokes*

Atha Stokes, City Secretary

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