

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF DECEMBER, 1978, AT 7:30 P.M.

On the 5th day of December, 1978, 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
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. W. E. Lockett, Pastor of Long's Chapel C.M.E., Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of November 21, 1978, be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

4. Annexation & Permanent Zoning Approved 1st Reading-Crown Colony Subdivision Section VII-A

Mayor Garrison stated that open hearing was held at last regular meeting for annexation and permanent zoning request by Crown Colony Subdivision Section VII-A covering property located East of U. S. Highway 59 South in the Crown Colony Subdivision area.

There were no persons present appearing in opposition to proposed annexation and permanent zoning. Comm. E. C. Wareing made motion that ordinance annexing this property be approved as advertised on first reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded. Comm. Pat Foley made motion that ordinance zoning this property as advertised be approved on first reading. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

5. Annexation & Permanent Zoning Approved 1st Reading-R. B. Thompson & Exeter Investments

Mayor Garrison stated that open hearing was held at last regular meeting for annexation and permanent zoning request by R. B. Thompson and Exeter Investments covering property located North of Angelina College Campus and West of Daniel McCall Drive (FM 35).

There were no persons present appearing in opposition to proposed annexation and permanent zoning. Comm. Jack McMullen made motion that ordinance annexing this property be approved as advertised on first reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded. Comm. W. O. Ricks, Jr., made motion that ordinance zoning this property be approved as advertised on first reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-R. B. Thompson & Exeter Investments from RL to NR & A District, Special Use (Townhouses)

Mayor Garrison stated that zone change application by R. B. Thompson & Exeter Investments from RL to NR & A District, Special Use (Townhouses), covering property fronting on West side of Daniel McCall Drive (FM 35), North of Angelina Junior College, had been approved on first reading of ordinance at last regular meeting.

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There were no persons present appearing in opposition to zone change request. Comm. Pat Foley made motion that zone change application by R. B. Thompson & Exeter Investments from RL to NR & A District, Special Use (Townhouses), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-James S. Henry from LB to CB District

Mayor Garrison stated that zone change application by James S. Henry from LB to CB District covering property located at Southwest corner of intersection of Chestnut & Denman, and property located across from Kelsey's at intersection of Virgil & Denman Avenues, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Pat Foley made motion that zone change application by James S. Henry from LB to CB District be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Zone Change Denied-Earl T. & Fannie B. Hanner from RM to C District

Mayor Garrison stated that the City Planning and Zoning Commission had recommended approval of zone change application by Earl T. & Fannie B. Hanner from RM to C District covering property being Lots 7 & 8, Block 2, North Vinson Addition, fronting on Hoskins Street, East of Timberland Drive intersection.

Mayor Garrison recognized Mr. Ralph Stephens who lived across from proposed zoning in this area owning Lots 4 & 5, Block 1 in this same addition. Mr. Stephens stated that due to a conflict he had not appeared at the City Planning and Zoning Commission meeting. Mr. Stephens stated that he opposed the application based on the fact that the commercial zoning would add to the traffic problem in this area and devalue his residential property.

There were no additional property owners present in opposition to application. Comm. W. O. Ricks, Jr., stated his opposition to this application and opinion that Hoskins Street would experience a considerable traffic burden as an addition to a presently crowded area. Mr. Ricks stated that in the event traffic could be prohibited from entrance to Hoskins Street from this lot, he would be in agreement to approval of application for Commercial District as requested.

Mayor Garrison recognized Mrs. Janie Chappell appearing in representation of applicants. Mrs. Chappell stated that her clients proposed to purchase the property for the expansion of a commercial zone for the purpose of possibly adding warehouse storage areas in conjunction with the restaurant business located on Timberland Drive.

Comm. E. C. Wareing stated that as an alternative to the proposed commercial property, Mrs. Chappell may desire to consider a residential medium and special use parking application inasmuch as additional zoning of property in this area was due to need of extra parking. Comm. Wareing stated that this would also preclude further commercial infringement in a residential area. Mrs. Chappell stated that her client had discussed this possibility, but the future consideration of storage in this area would not make this proposal possible.

Comm. Pat Foley stated that inasmuch as opposition was present at this meeting which had not appeared at the City Planning and Zoning Commission meeting, members of Commission may desire to defer consideration of application until the City Planning and Zoning Commission had reconsidered same. Mayor Garrison was in agreement with Comm. Foley.

Comm. E. C. Wareing suggested that members of Commission consider voting on application inasmuch as applicant desired to have an answer from this Commission as soon as possible. Comm. Wareing then made motion that zone change application by Earl T. & Fannie B. Hanner from RM to C District as presented be denied and applicant be provided additional opportunity for further consideration of this application with fees waived based on previous recommendation and discussion by this Commission. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

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Comm. W. O. Ricks, Jr., abstained from vote in this application due to the nearness of his residence in this area.

Mayor Garrison suggested that Mrs. Chappell discuss further consideration of this application with applicant.

9. Flashing Signs Regulation & Control-Ordinance Preparation Authorized-Texas Dept. of Highways & Public Transportation

City Manager Westerholm stated that members of Commission had been furnished a copy of letter from Mr. J. L. Beaird of the Texas Dept. of Highways & Public Transportation regarding flashing signs and use of same on thoroughfares throughout the city. City Manager Westerholm also stated that considerable concern had been noted by the Texas Dept. of Highways & Public Transportation regarding the use of mobile trailer signs with flashing capabilities. City Manager Westerholm further stated that members of Commission had previously considered regulation of portable signs at an earlier meeting and no regulation had been determined by this Commission.

Comm. E. C. Wareing inquired as to why this Commission would need to adopt a local regulation if a state law was already in effect regarding same. City Attorney Flournoy stated that with regard to control of signs, the City Commission still had regulatory control and reserved this particular power. City Attorney Flournoy further stated that the City could not be in conflict with state laws regarding same.

Comm. W. O. Ricks, Jr., made motion that City Attorney Flournoy be authorized to prepare a proposed ordinance for consideration by members of this Commission at next regular meeting regulating the control of flashing signs as recommended by the Texas Dept. of Highways & Public Transportation. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. City Service Center-Initial Construction Authorized

City Manager Westerholm stated that the City Commission had not approved any definite construction plans for the City Service Center when initial discussion of this proposal was presented. City Manager Westerholm requested that the area on Hill Street which had been designated for the new service center be cleared by City forces and fenced during this fiscal year with the intent of developing same at this location within the next two to three years. City Manager Westerholm stated that the clearing and fencing of this property could be completed within the budget year using City forces and obtaining bids for clearing of property in this area.

Comm. W. O. Ricks, Jr., inquired of City Manager Westerholm as to whether or not this clearing and construction would interfere with the existing activities at the rodeo arena and other areas presently in use. City Manager Westerholm stated that this would not conflict with same.

Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to proceed as planned and discussed at a previous meeting. Prior to second of motion, Comm. Pat Foley inquired as to whether or not costs for construction of same had been determined. City Manager Westerholm stated that no particular costs had been established for these services inasmuch as clearing could be completed by City forces to include construction of fences. City Manager Westerholm stated that a buffer zone of trees would be left along Hill Street as previously discussed to provide an attractive appearance. Comm. W. O. Ricks, Jr., requested that his previous motion to authorize City Manager Westerholm to proceed in this activity be amended to provide that bids also be obtained by the City Manager for removal of trees. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Water Pollution Control Plant-Bids Approved-Purchase of Steam Generator

City Manager Westerholm stated that the Water Pollution Control Plant was in need of a steam generator and made reference to letter from Mr. Bobby Mott, Water Pollution Control Plant Superintendent, regarding same. It was determined that letter from Mr. Mott provided recommendation to purchase the steam generator from the only bidder in this case, Clayton

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Engineering, as a specialty item which could not be obtained through other sources in the amount of \$3,770.00 from a budgeted figure of \$4,000 which did not include transportation costs. Motion was made by Comm. W. O. Ricks, Jr., that bid from Clayton Engineering in the amount of \$3,770.00 be approved as the only bid submitted for the purchase of this steam generator. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

12. Water Pollution Control Plant-Earthworm Treatment of Sludge Processing-First Stage Development Authorized-Recommendation to Texas Dept. of Water Resources and State Health Department

City Manager Westerholm stated that members of Commission had been furnished drawings of the first phases of the City's proposed project of processing sludge with earthworms. City Manager Westerholm stated that it was necessary to obtain approval from the City Commission of the first stage as outlined in drawing presented to members of Commission in order to submit same to the Texas Department of Water Resources and the State Health Department for their approval.

City Manager Westerholm stated that the City had not employed a consulting engineer to design this phase and same could be constructed with the City's forces for an estimated cost of \$10,000 to \$15,000 for materials. City Manager Westerholm stated that Mr. Ed Green was present to answer any questions members of Commission may have regarding same. City Manager Westerholm stated that this cost estimate did not include the purchase of the worms as previously discussed by members of Commission.

Comm. W. O. Ricks, Jr., inquired as to the procedure for changing the plastic on the building from a light to a dark type plastic. Mr. Green explained that the use of the dark plastic in the large 100-foot sheets would be the most economical way of providing this particular need and same was a necessity to restrict heavy sunlight from entry into the bedding areas during the hot summer months.

There were no additional questions by members of Commission and Comm. Pat Foley made motion that City Manager Westerholm be authorized to proceed with this first stage of development as outlined by Mr. Ed Green for submission of same to proper authorities as stated. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

13. Administrative & Sanitation Depts.-Bids Awarded-Sedan, Residential Trailer & Front-Loading Compactor

City Manager Westerholm stated that the following bids were received for the purchase of equipment in the Sanitation and Administrative Departments:

ONE RESIDENTIAL TRAILER

<u>Name of Company</u>	<u>Bid Amount</u>
Pak-Mor, Inc.	\$25,674.00

ONE FRONT-LOADING COMPACTOR

<u>Name of Company</u>	<u>Bid Amount</u>
Pak-Mor, Inc., San Antonio	\$18,674.00
Industrial Disposal Supply, Plano	\$22,236.00
Gulf State Crane & Equipment Co., Houston	\$21,080.00(**)
American Environmental Systems SW, Inc.	\$27,757.00
(**) Does Not Meet Specifications	

ONE FOUR-DOOR SEDAN

<u>Name of Company</u>	<u>Bid Amount</u>
Morrow Buick-Pontiac, Inc.	\$6,474.89
Ralph New Motor Company	\$6,423.56
Angelina Chevrolet-Cadillac Co.	\$6,222.59
Greater Lufkin Ford Sales	\$6,173.00

City Manager Westerholm stated that of the above listed bids, Pak-Mor Company of San Antonio was the only bidder for the one residential trailer in the amount of \$25,674.00. City Manager Westerholm stated that the purchase of this particular equipment would provide the City a replacement unit and the tractor for this trailer had already been purchased by

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Commission. Comm. Pat Foley made motion that the only bid received from Pak-Mor in the amount of \$25,674.00 be approved for the purchase of this residential trailer. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. Pat Foley inquired as to the budgeted amount for the above stated equipment and City Manager Westerholm stated that some of the items were above and some were under the proposed budget, but the combined total was within the budget by \$4,910.67.

City Manager Westerholm stated that the low bidder for the front-loading compactor was Pak-Mor of San Antonio in the amount of \$18,674.00. Comm. Pat Foley made motion to purchase the front-loading compactor from Pak-Mor in the amount as stated above as being the low bid submitted. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

City Manager Westerholm stated that Greater Lufkin Ford Sales was low bidder for the purchase of the administrative vehicle for his particular use in the amount of \$6,173.00. Comm. W. O. Ricks, Jr., made motion to purchase the administrative vehicle for use by the City Manager from Greater Lufkin Ford Sales in the amount of \$6,173.00 as submitted. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Executive Session-Employment of Engineers-WPCP

Mayor Garrison requested that members of Commission adjourn to an executive session for discussion of employment of engineers to conduct study of operations for the WPCP in view of the possible legal problems that same may be involved. Members of Commission were in agreement and Mayor Garrison declared open meeting of Commission temporarily closed for adjournment to executive session at 8:25 p.m.

Mayor Garrison reconvened regular open meeting of City Commission at 9:20 p.m. and announced that members of Commission had discussed employment of an engineering firm to conduct study of operations for the WPCP and Engineering Science, Inc., of Austin, Texas, had been selected as the engineering firm to conduct this particular study. Mayor Garrison stated that the study would involve a determination by the engineering firm selected of the problems which existed at the WPCP and the proposed plan to be recommended by this firm to correct these problems. Mayor Garrison also announced that in the event a firm price which had been discussed by Engineering Science, Inc., could not be established, reconsideration for another engineering firm would have to be considered by this Commission. Mayor Garrison also announced that the selection of this particular firm by members of Commission was extremely difficult and the final determination was made due to the experience of this particular company in the Southwest Region with municipal and industrial wastes, which in the opinion of the Commission best related to the specific problem at the WPCP.

Mayor Garrison inquired of individuals present as to whether or not they desired to present any questions regarding this subject to members of Commission. There were no questions from individuals present and Mayor Garrison inquired of City Commission as to whether or not they proposed to make formal selection of engineers regarding this matter. Comm. Pat Foley made motion that Engineering Science, Inc., of Austin, Texas, be employed to analyze and determine the problem and propose a plan for resolving the problems at the WPCP. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison thanked all individuals present regarding consideration of this particular item.

15. Adjournment

There being no further business for consideration, meeting adjourned at 8:45 p.m.



Boyle G. Johnson
Assistant City Manager

Peter H. Garrison
MAYOR - City of Lufkin, Texas