

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 6TH DAY OF DECEMBER, 1983, AT 7:30 P.M.

On the 6th day of December, 1983, 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
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	Commissioner, Ward No. 3
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Ron Wesch	Public Works Director

being present, and

Pat Foley	Commissioner, Ward No. 4
Libby Sims	Assistant City Secretary

being absent when the following business was transacted.

1. Meeting opened with prayer by Commissioner Don Boyd in the absence of the Chaplain.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 15, 1983, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner Gil Fears. A unanimous affirmative vote was recorded.

4. Public Hearing - David Curry - Industrial Development Bond Financing Resolution - Approved

Mayor Garrison stated that a request for determination of "blighted or economically depressed areas" had been made by David Curry in regard to approximately 7 acres near the intersection of Loop 287 and Highway 94 West. Mayor Garrison officially opened public hearing and recognized Bob Cain, local attorney.

Mr. Cain stated that the purpose of the public hearing was to determine whether approximately 7 acres of land was eligible for tax exempt financing. Mr. Cain stated that the resolution had been prepared for this particular area only, and the basis for declaring the area "blighted" was the large percentage of unemployment in the City of Lufkin. Mr. Cain stated that in support of the high unemployment rate, the Texas Employment Commission shows October figures of 9.4% unemployment which is a climb of 2.4% from the last report. Mr. Cain stated that this figure was higher than the state-wide figure of 6.9%, and that these figures justify including the area in question as a depressed or economically blighted area. Mr. Cain stated that if Mr. Curry's project were approved by the City Commission and the Lufkin Industrial Development Authority, it would employ approximately 300 persons during construction and 150 full-time people once the construction is completed.

In response to question by Commissioner Gil Fears regarding a definition of the term "blighted," Mr. Cain stated that he had previously submitted a letter to the City Commission requesting that the hearing date be established and suggested that the City might want to consider the entire corporate area of the City of Lufkin as "blighted." Mr. Cain stated that 25 other Texas cities have declared their area as "blighted" to facilitate industrial development and to avoid declaring projects within the City on a case by case basis. Mr. Cain stated that it would be more difficult in the future to declare areas "blighted" because of pending legislation and improvement in the rate of unemployment.

In response to question by Mayor Garrison, Mr. Cain stated that the area is "blighted" and is in the City Limits of Lufkin which has a high unemployment rate. Mr. Cain stated that he could not say it

was "blighted" because of deteriorating buildings, because it is undeveloped. Mayor Garrison asked if Mr. Cain were requesting that the entire City of Lufkin be declared "blighted" because of the unemployment figures. Mayor Garrison stated that he could not agree that the entire City should have this designation. Mr. Cain stated that while Lufkin is a fine City, many other fine cities in the State of Texas have declared their corporate limits "blighted", but at the present time, he was only asking for this particular tract. Mr. Cain further stated that the resolution, if adopted, would allow financing of a project that would be an improvement to the City of Lufkin and would decrease unemployment in the area.

Commissioner Percy Simond stated that the City Commission should consider Mr. Curry's tract at the present time and consider designation of the entire City at a later date.

David Curry stated that many cities have elected to declare their city "blighted" to be eligible for the Industrial Development Financing, and the City of OakCliff adopted this because it is under-developed and there is no income producing industry in their area. Mr. Curry stated that he did not wish to indicate that Lufkin is not a fine place to operate a business, and his company would like to build their facility under Lufkin Industrial Development Authority Financing to improve the unemployment in the City. In response to question by Mayor Garrison, Mr. Curry stated that he could bring a copy of the minutes of the City of Longview where they declared their City "blighted." Mayor Garrison stated that he did not feel he should have the entire City declared as "blighted."

Commissioner Don Boyd stated that the City of Lufkin is "blighted" because of delapidated buildings and the high unemployment rate. Commissioner Boyd further stated that government terms do not always say what we want, but the meaning is there and Lufkin's unemployment is higher than the state average. Mayor Garrison stated that he understood unemployment had to be 150% over the state average. Bob Cain stated that was true is under new legislation that has not become effective at the present time.

Commissioner Gil Fears stated that the City of Lufkin does have delapidated housing, and he agreed that the City should be declared "blighted."

Commissioner E.C. Wareing stated that the word "blighted" is an unfortunate use of terms that the legislature wrote into a law. Commissioner Wareing further stated that the writing of a number of laws have words that he did not agree with, but the City of Lufkin is an economically depressed area and Mr. Curry's tract being considered tonight is undeveloped. Commissioner Wareing suggested that the City Commission first consider the approximately 7 acre tract as requested to allow development by Mr. Curry, and consider the entire City at a later date.

Mayor Garrison stated that if the facts were satisfactory to the City Commission, he had no objection to declaring Mr. Curry's tract "blighted." Mayor Garrison further stated that if it could be simply stated that the tract is in an economically depressed area with unemployment at 9.4%, he would feel that this term is justified. Mr. Cain stated that the factual findings required of the City Commission are:

- a. The City of Lufkin's economical base depends in substantial part on manufacturing and industrial activities, distribution of products in interstate state intrastate commerce, as well as international commerce, commercial and tourist activities.
- b. The City is experiencing a need for an increased tax base, increased commercial activities, and a need for jobs of a character suitable for its unemployed population.
- c. That the provisions of the act and regulations will assist the City in achieving these objectives in the "blighted" area, and the City as a whole.
- d. That the availability of financing of projects for commercial uses under the Act and the regulations will contribute significantly to the elevation of the "blighted" conditions

found to exist in the "blighted" area.

Mr. Cain stated that the Economic Development Commission requires the term "blighted" to be included in the resolution. In response to question by Commissioner Percy Simond, Bob Cain stated that the law requires that the term "blighted" be used in the resolutions.

City Attorney read the definition of "blighted" area from the Development Corporation Act of 1979:

"Blighted Areas"- Those areas and areas immediately adjacent thereto within a City which by reason of the presence of a substantial number of substandard slum, deteriorated or deteriorating structures, or which suffer from a high relative rate of unemployment, or which have been designated and included in a tax incremental district created under Chapter 695, Acts of the 66th Legislature regular session of 1979, Article 1066-d, VACS or any combination of the foregoing which the City finds and determines after a hearing held pursuant to Rule .002 (b) (9), substantially impair or arrest the sound growth of the City or constitute an economic or social liability and/or a menace to the public health, safety, or welfare in the present condition and use."

Mayor Garrison stated that he would like to have this definition included as the basis on which the "blighted" determination is made with the addition that there is presently 9.5% unemployment which the City Commission feels will improve in the future.

In response to question from Commissioner Gil Fears, Mr. Cain stated that in order to declare the entire City as "blighted" and eligible for Industrial Development Bond Financing, another public hearing would have to be held with 15 days notice being published in the newspaper and posted on the bulletin board.

Commissioner Richard Thompson stated that as unemployment improved in the City of Lufkin, it would no longer qualify for this type of financing.

Commissioner Gil Fears stated that if unemployment did improve, the City could qualify under the Substandard Housing section.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the resolution designating Mr. Curry's land as "blighted," be approved as presented. A unanimous affirmative vote was recorded.

A question was raised as to whether action could be taken on the resolution because the agenda only contained an item for the public hearing. City Attorney Flournoy stated that notice has been given that the resolution would be considered. Mr. Cain stated that the agenda item stated that it was a public hearing to determine, and that only the City Commission is eligible to determine, therefore, he believed the resolution could be approved under this agenda item.

5. Annexation and Permanent Zoning Ordinance - First Reading - Approved
Sabine Investments - Crown Colony, Section VI-B - RL and A, SU
(Townhouses)

Mayor Garrison stated that annexation and permanent zoning request from Sabine Investments covering property located in Crown Colony Section VI-B to be zoned Residential Large and also Apartment, Special Use (Townhouses) had been considered by public hearing at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that annexation ordinance be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zoning ordinance be approved as presented establishing the zones as RL and A, SU (Townhouses). A unanimous affirmative vote was recorded.

6. Ordinance - Approved - Second Reading - Zone Change - Oscar
Hightower & Charles Alexander - RM to C

Mayor Garrison stated that zone change request by Oscar Hightower and Charles Alexander covering property located on Maxwell Street between Highway 103 East and South Medford Drive from Residential Medium to Commercial had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

7. Ordinance - Approved - Second Reading - Zone Change - Joe Treadwell RL to C

Mayor Garrison stated that zone change application by Joe Treadwell covering property located on South John Redditt Drive between Lane Drive and Sandy Lane from Residential Large to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that zone change be approved on second and final reading. A unanimous affirmative vote was recorded.

8. Ordinance - Approved - Second Reading - Zone Change - Lufkin Telephone Exchange Inc. - RM to RM, SU (Item #11 - Tower)

Mayor Garrison stated that zone change request by Lufkin Telephone Exchange, Inc. covering property located on Standley Drive between York and Virgil Avenue from Residential Medium to Residential Medium, Special Use (Item #11-Tower) had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

9. Appointment of Medical Director - Agreement - Approved - Paramedic Program - Dr. Jim Culp

Mayor Garrison stated that the City of Lufkin had been attempting to establish a paramedic program which requires that a medical director should be employed to supervise same. Mayor Garrison requested that City Manager Harvey Westerholm report on negotiations with Dr. Jim Culp regarding this position.

City Manager Westerholm stated that the Commissioners had received a copy of a contract which he had presented to Dr. Culp for his approval, requesting that if he had any changes or problems with the contract that City Manager be contacted. City Manager Westerholm stated that Dr. Culp had not contacted him, therefore, he understood that Dr. Culp would be willing to accept the contract as presented and the City Commission must now decide if the contract is acceptable for a fee of \$22,000.00 which is \$10,000.00 more than budgeted.

In response to question by Commissioner E.C. Wareing, City Manager stated that the triage is a staging area before the emergency room to determine which patients will be treated in the emergency room first.

In response to question by Commissioner Gil Fears, City Manager Westerholm stated that there are few paramedic programs in existence to pattern our contract after, but the City Attorney has drafted the submitted contract to fit the City of Lufkin's situation.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that if Dr. Culp was not available in the emergency room, any doctor on duty either at Memorial or Woodland Heights would respond to a call by the paramedics. City Manager Westerholm stated that Dr. Culp can designate the supervision of the program, and his main objective would be to establish the protocol and procedures for the paramedic program. City Manager

Westerholm stated that the City Staff is aware that Dr. Culp would not be available 24 hours of every day. City Manager Westerholm further stated that the contract is not for a specific time period, but can be terminated by either party with 30 days notice.

Commissioner E.C. Wareing stated that according to the contract, if Dr. Culp is doing his work, we cannot terminate, and a time limit should be established in the contract. Mayor Garrison stated that a time limit was needed that was mutually agreeable to both parties because any type of personal contract has to have a means of termination. Mayor Garrison stated that a section should be included indicating that Dr. Culp is rendering services according to his skills and that the City of Lufkin has no authority to direct him in any of his work. City Attorney Bob Flournoy stated that he could add a section to the contract indicating that Dr. Culp is an independent contractor for the City of Lufkin.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that contract be approved as presented with suggested revisions as the City Attorney deems permissible, and that the budget be amended transferring \$10,000.00 from the contingency fund to this account. A unanimous affirmative vote was recorded.

10. Ordinance - Approved - First Reading - Zone Change - Homes by Smelley - RM, C, SU, (Construction Warehouse and Office and Cabinet Shop) to C

Mayor Garrison stated that zone change request for Homes by Smelley covering property located at 2512 Atkinson Drive between Maxwell Street and Neches Street from Residential Medium, Commercial, Special Use (Construction Warehouse and Office and Cabinet Shop) to Commercial had been recommended to City Commission for approval by Planning and Zoning Commission. There was no opposition present.

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

11. Establishment of Hearing Date - Annexation and Permanent Zoning - R. H. Duncan - Brookhollow, Section #10 - RL

Mayor Garrison stated that a request had been received for the establishment of a hearing date to consider approval of annexation and permanent zoning request by R.H. Duncan covering Brookhollow Section #10 to Residential Large. Mayor Garrison stated that the earliest possible date the public hearing could be conducted to provide for the 15 day advertisement period would be January 3, 1984.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Gil Fears that hearing date be established for January 3, 1984. A unanimous affirmative vote was recorded.

- 12a. Bid - Approved - Fire Hydrants - Public Works Department - Big State Utility

Mayor Garrison stated that bids had been received for the purchase of fire hydrants to be used in the Public Works Department and asked that City Manager Westerholm provide the Staff recommendations.

City Manager Westerholm stated that the Staff would like to recommend that the bid of Big State Utility Supply, Inc. in the amount of \$11,321.00 be approved as the lowest and best bid. Mr. Westerholm stated that \$20,000.00 was budgeted for the purchase of this item.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that Big State Utility bid in the amount of \$11,321.00 be approved. A unanimous affirmative vote was recorded.

- 12b. Bid - Approved - Side Loading Waste Collection Vehicle - Sanitation Department - Heil Company

Mayor Garrison stated that bids had been received for the purchase of a side loading waste collection vehicle for use in the Sanitation Department and requested that City Manager provide Staff recommendations.

City Manager Westerholm stated that the bid of Heil Company of Houston, Texas, for a 1982 International Harvester Cab and Chassis with a 25 cubic yard packer unit in the amount of \$48,750.00 was considered the lowest and best bid for the purchase of this equipment. City Manager Westerholm stated that the amount budgeted for this item was \$75,000.00.

Motion was made by Commissioner Gil Fears and seconded by Commissioner E.C. Wareing that bid of Heil Company in the amount of \$48,750.00 be approved as presented. A unanimous affirmative vote was recorded.

12c. Bid - Approved - Sewer Pipe and Materials - Public Works Department Dickey Company

Mayor Garrison stated that bids had been requested for purchase of clay pipe to be used in the Public Works Department and that only one (1) bid had been received. Mayor Garrison requested that City Manager Westerholm provide Staff recommendations regarding this purchase.

City Manager Westerholm stated that only one (1) bid had been received because the Dickey Company is the only manufacturer of clay pipe and thier bid was \$23,195.70. City Manager Westerholm further stated that this bid was to establish the price on a yearly basis, and that it is possible that the City would not purchase this amount of clay pipe.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that bid of Dickey Company in the amount of \$23,195.70 be approved as presented. A unanimous affirmative vote was recorded.

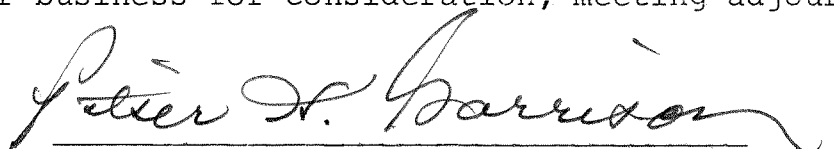
13. Christmas Decorations - Discussed - Report on EPA Conference Concerning Sewer Plant - Discussed - Bond Election - Discussed

Commissioner Gil Fears stated that the Christmas decorations that have been erected by the City of Lufkin were in need of repair and possible replacement. City Manager Westerholm stated that the Christmas decorations belong to the Chamber of Commerce and are eight (8) years old. City Manager Westerholm stated that he would contact the Chamber of Commerce regarding possible replacement or maintenance on the Christmas decorations.

City Manager Westerholm stated that he had submitted a report to the City Commission regarding the EPA Conference in Dallas on December 5, 1983. City Manager Westerholm further stated that he would have a report suggesting some interim alternatives regarding the present Sewer Plant that could possible improve the operation, along with estimated cost, to present to the City Commission for consideration at next meeting. Mayor Garrison stated that in order to satisfy the Environmental Protection Agency it would be necessary to construct a new Sewer Plant because the City of Lufkin is spending more time and money attempting to remodel the present facility. Mayor Garrison stated that he was ready to make arrangements to begin work on a new plant that would take care of the problems being experienced by the City of Lufkin. Mayor Garrison further stated that the City of Lufkin had built the present plant according to the Environmental Protection Agency approved plan, and possibly even a new plant would not be agreeable with the EPA. Mayor Garrison stated that he felt the EPA was not being practical, but he City of Lufkin is obligated to comply with their demands.

Commissioner Percy Simond stated that a bond election should be held to provide funds for construction of a new Sewer Plant as well as construction of a new City Hall.

14. There being no further business for consideration, meeting adjourned at 8:28 p.m.


Pitser H. Garrison, Mayor



Ann Griffin, City Secretary