

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF FEBRUARY, 1977, AT 7:30 PM

On the 2nd day of February, 1977, 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
R. A. Brookshire	Commissioner, Ward No. 1
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
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by City Secretary in absence of regularly scheduled Pastor.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of January 18, 1977, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Crown Colony Sub-Division Section III-Annexation & Permanent Zoning-Ordinances Approved 2nd Reading-Sabine Investment Company

Mayor Garrison stated that Sabine Investment Company had recently requested annexation and permanent zoning of Crown Colony Sub-Division, Section III, covering property located on U. S. Highway 59 South, East of Angelina Junior College, containing approximately 93 acres. Mayor Garrison further stated that ordinances approving this annexation and permanent zoning had been passed on first reading at last regular meeting.

There were no persons present appearing in opposition to same. Comm. W. O. Ricks, Jr., made motion that both ordinances regarding annexation and permanent zoning of this property be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-Tommy E. Wood from RM to RS District

Mayor Garrison stated that zone change application by Tommy E. Wood from RM to RS District covering property located North of & fronting on Forest Park Boulevard, North of Butler Street intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. W. O. Ricks, Jr., made motion that zone change application by Tommy E. Wood from RM to RS District be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Speed Zone Ordinance Approved 2nd Reading-Pershing Avenue from Pierce Street to Loop 287

Mayor Garrison stated that an ordinance establishing 40 M.P.H. speed zone on Pershing Avenue from Pierce Street to Loop 287 had been approved on first reading at last regular meeting. Comm. W. O. Ricks, Jr., made motion that ordinance establishing 40 M.P.H. speed zone on Pershing Avenue from Pierce Street to Loop 287 be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Sub-Division Ordinance #1170 Amended-Sewer Main Construction

Mayor Garrison stated that an amendment to Sub-Division Ordinance #1170 had been discussed at last meeting to provide the use of vitrified clay pipe in certain areas in lieu of PVC. Mayor Garrison stated that the City Attorney had prepared an ordinance which would more clearly designate areas where vitrified clay pipe should be used.

Mayor Garrison requested that proposed ordinance reflect an effective date within the body of the ordinance and suggested the ordinance's approval on first and final reading due to the emergency nature of its enforcement. City Attorney Flournoy stated that ordinance could be amended to reflect this request and reminded members of Commission that same would go into effect ten (10) days following publication of ordinance.

Comm. W. O. Ricks, Jr., made motion to approve ordinance on first and final reading amending Sub-Division Ordinance #1170 to provide for the use of vitrified clay pipe as previously discussed. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Plan Approved for Compliance with Texas Water Quality Board Order

City Manager Westerholm explained in detail a proposed plan to be submitted to the Texas Water Quality Board with respect to their recent enforcement order for the City of Lufkin. A copy of this report is attached to minutes for permanent record.

Mayor Garrison inquired of City Manager Westerholm as to whether or not Henningson, Durham & Richardson had not previously been requested to furnish an operational manual for the treatment plant and train employees in that regard. City Manager Westerholm stated that this had been completed by HDR at an earlier date.

Comm. W. O. Ricks, Jr., expressed his opinion that the Water Pollution Control Plant was adequate, but infiltration was the City's problem and same should be eliminated.

Mayor Garrison expressed his opinion that the problem which existed now with the City regarding infiltration was the same problem that existed at the time the Water Pollution Control Plant was constructed, and this should have been recognized by HDR.

City Manager Westerholm stated that HDR could make a recommendation to the City, but they must also satisfy Texas Water Quality Board request. City Manager Westerholm further stated that a good inspection-repair program could limit the City's infiltration and inflow to 30 percent of its normal dry-weather flow, and if same could be accomplished, the present lift station could be modified to accommodate the City's anticipated flow for two or three years.

Comm. E. C. Wareing expressed his opinion that a high-water volume would reduce the possibility of the Water Pollution Control Plant meeting required standards on BOD regardless of any action the City could take.

It was further discussed that the City's main problem was due to amount of water received into the sewer lines through inflow and infiltration, and without this problem, the Water Pollution Control facility was operating at more than 90 percent effectiveness. City Manager Westerholm recommended that the infiltration and inflow study be pursued at the City's benefit.

City Manager Westerholm stated that the City could complete all inspections of grease traps and sand traps with existing personnel, and, of the approximately 97 existing sand and grease traps, they first be checked for proper construction and periodically reviewed for proper maintenance. City Manager Westerholm emphasized that the City must be in compliance by December 16 and proposed report was due on February 16, 1977.

Comm. E. G. Pittman inquired of City Manager Westerholm as to the requirements that would be imposed on private property owners when their lines were identified as being contributors to the infiltration problem. City Attorney Flournoy stated that the Texas laws should cover this problem to require the property owner to repair his sewer lines, but members of Commission may desire consideration of an ordinance which would impose this requirement on the property owner.

Comm. E. C. Wareing asked if this proposal by City Manager Westerholm would include consideration for ordinance changes. City Manager Westerholm stated that no ordinance changes would be involved at the present time.

Comm. R. A. Brookshire expressed his opinion that a different approach to industry should be considered with regard to effluents due to high surcharge which would not really stop pollution at the plant. Comm. Brookshire expressed his opinion that the City should help the industry build proper devices to control the problem at their own locations.

Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to proceed with the program as outlined for submission to the Texas Water Quality Board with the consideration that, providing problem with this plant existed at the termination of a 31-day period, same could be reconsidered. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

9. Turtle Creek Sewage By-Pass - Disc. of Proposed Alternatives

City Manager Westerholm stated that members of Commission had requested proposals for eliminating Turtle Creek sewer flooding problem at last regular meeting, and he had forwarded report reflecting the studies that had been made by Griffith & Associates concerning this problem which involved lift station study from August 1976 and a sanitary sewer interceptor, January 1977. City Manager Westerholm stated that this problem had been discussed with City staff and Griffith engineers, and in view of the Texas Water Quality Board enforcement order, two recommendations had been made as follows:

- (1) At the present time, we not pursue further modification to the lift station or the extension of the outfall line to the new plant.
- (2) Immediately and actively begin the infiltration-inflow study and repair of the City sewage collection system that enters into the Loop 287 lift station.

City Manager Westerholm re-emphasized the fact which he had previously stated that a good inspection and repair program could hopefully limit the City's infiltration and inflow to 30 percent of normal dry-weather flow.

Members of Commission were in agreement with recommendation by City Manager and Comm. W. O. Ricks, Jr., made motion that City Manager be authorized to proceed with recommendations and by-pass line remain open until better alternatives were available. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Sale of Old City Hall-Request by Angelina County-City Manager Authorized to Negotiate Purchase

City Manager Westerholm informed members of Commission that he had received a letter from Mr. Claude Welch indicating that the County desired to acquire the old City Hall building. City Manager Westerholm stated that if the County acquired the building, they would allow the NRCD to remain, but would ask the state welfare office to find a new location since the State Welfare Department had funds budgeted for this purpose. City Manager Westerholm stated that he would recommend this sale because present maintenance of the building was a burden to the City.

City Manager Westerholm also reminded members of Commission that the City had previously attempted to sell this property and no bids were submitted. City Manager stated that the appraised value of this property was approximately \$20,000.

Comm. W. O. Ricks, Jr., suggested that City Manager Westerholm be authorized to visit with the County Commissioners' Court to consider negotiation of this property for possible alternatives other than sale of building.

Comm. E. G. Pittman requested that a current appraisal of building be made available to members of Commission to review at next regular meeting.

City Attorney Flournoy was requested by Mayor Garrison to pursue the possibility of the City being able to sell this building to the County without formal bids inasmuch as it was another governmental agency.

Comm. R. A. Brookshire suggested that the City accept the Mayor's recommendation to lease this property to the County for \$1.00 a year with the request that the County maintain upkeep of the building.

Mayor Garrison suggested that City Manager Westerholm be authorized to discuss these possibilities with the County Commissioners' Court and report back at next regular meeting regarding their opinion. Members of Commission were in agreement with this request by Mayor Garrison and City Manager Westerholm was authorized to proceed with this decision.

11. Bid Awarded - Police Department - Seven 1977 Vehicles

City Manager Westerholm stated that bids had been received from Doug Williamson Dodge, Morrow Buick-Pontiac and Greater Lufkin Ford for the purchase of seven (7) police units. City Manager Westerholm further stated that due to the fact that Greater Lufkin Ford could not meet their projected delivery date, Morrow Buick-Pontiac was low bidder in accordance with information listed below:

<u>Name of Company</u>	<u>Bid</u>	<u>Trade-In</u>	<u>Total</u>	<u>Delivery Date</u>
Doug Williamson Dodge	\$36,106.14	\$ 9,200	\$26,906.14	45-60 Days
Greater Lufkin Ford Sales	\$35,535.57	\$10,800	\$24,735.57	60 Days
Morrow Buick-Pontiac	\$34,294.61	\$ 9,200	\$25,094.61	60 Days (LeMans)
Morrow Buick-Pontiac	\$38,949.12	\$ 9,200	\$29,747.12	60 Days (Catalina)

City Manager Westerholm recommended that low bid by Morrow Buick-Pontiac be approved.

Comm. W. O. Ricks, Jr., made motion to approve qualified low bid by Morrow Buick-Pontiac in the amount of \$25,094.61 for the purchase of seven new police units. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Tom Gann-Formal Closing of Alley-Decision Postponed

City Manager Westerholm stated that the City Planning and Zoning Commission had previously approved recommendation to the City Commission to formally close alley being a portion of Lot 30, Block 1 of the Townsend Addition near Lee and Chestnut Streets. City Manager Westerholm further reported that an appraisal of this alley had been submitted by City Tax-Assessor-Collector in the amount of \$105.12.

Mayor Garrison recognized Mr. Tom Gann who stated that he was not aware of the appraised value of this property, but explained that property had not been utilized since 1941 and only one property owner was involved who did not object to closing of alley. Mr. Gann stated that if this property owner did not desire to purchase his portion of this alley, he would buy the adjacent property owner's portion.

Comm. W. O. Ricks, Jr., made motion that decision to close this alley and sell to Mr. Gann for fair market value as appraised, be postponed until next regular meeting to determine whether or not appraisal was adequate for this property. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison requested that this item be placed on the agenda for next regular meeting.

13. Adjournment to Executive Session to Disc. Legal Involvements

City Attorney Flournoy stated that he desired an opportunity to discuss legal involvements with members of the City Commission and Mayor Garrison declared formal meeting closed at 8:45 p.m. for this purpose.

14. Regular Meeting Reopened-Disc. of Sewer Line Easement-Travis Ainsworth

Mayor Garrison stated that members of this Commission had discussed problems involved in a sewer line easement with Mr. Travis Ainsworth, Highway 103 West. Mayor Garrison announced that the City Attorney had asked for authority to proceed with his recommendation to secure the easement through condemnation. Comm. E. C. Wareing made motion that City Attorney Flournoy be authorized to proceed with condemnation to secure easement. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

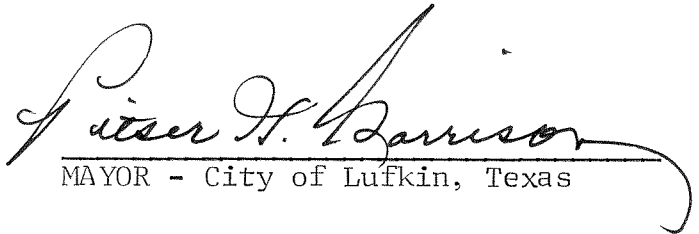
15. Jerry E. Hill - Loop Tree Beautification

Comm. E. C. Wareing made reference to the fact that he had recently received a letter from Mr. Jerry Hill, architect of a local firm in the city. Mr. Wareing stated that due to this letter by Mr. Hill, he was of the opinion that citizens should be reminded of the fact that trees were valuable to the City's scenic beauty, especially along the Loop in areas where construction was presently being made and would be made in the future. Mr. Wareing suggested that this Commission consider any avenue that would assist in the preservation of the Loop's scenic beauty in this regard.

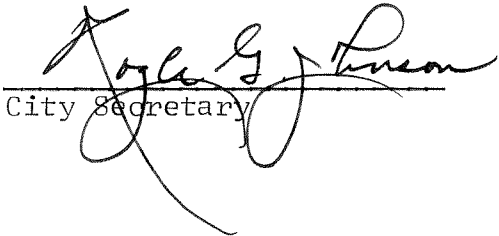
Various alternatives were discussed, but it was the unanimous decision of this Commission that the success of a program of this nature would depend on the citizens with encouragement of this Commission to accept the civic responsibility for a civic pride program to protect the City's local scenic beauty.

16. Adjournment

There being no further business for consideration, meeting adjourned at 9:20 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary