

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON THE 19TH DAY OF APRIL, 1983, AT 5:00 P.M.

On the 19th day of April, 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 A. Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Tommy Deaton	Assistant City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present, and

Robert Flournoy	City Attorney
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, Pastor of First Lutheran Church, Lufkin.
2. Mayor welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of April 5, 1983 were approved on a motion by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing. A unanimous affirmative vote was recorded.

4. Public Hearing - Amendment - Revenue Sharing Fund - O'Quinn Street - Curb & Gutter

Mayor Garrison stated that at the last City Commission meeting it was authorized to expend \$20,000.00 for the reconstruction of O'Quinn Street from Cain to Culverhouse with funds being appropriated from Revenue Sharing. Mayor Garrison further stated that the law requires a public hearing to be held for any amendment to the Revenue Sharing Budget and Mayor Garrison officially opened public hearing.

City Manager Harvey Westerholm stated that the estimated cost of the curb & gutter was \$17,512.00 and the amendment to the Revenue Sharing Fund should not exceed \$20,000.00. There was no opposition present.

Mayor Garrison officially closed public hearing due to lack of discussion and stated that the amended Revenue Sharing Budget would be considered at next meeting of this Commission.

5. Sewer Use Ordinance - Approved - Second Reading

Mayor Garrison stated that on first reading of the sewer use ordinance at last City Commission meeting it was requested that Jimmy Griffith of Griffith Engineers prepare a short summary of the basic changes in the present Sewer Ordinance and same is provided for consideration by Commissioners.

Commissioner Gil Fears stated that he would like to see a few amendments to the Sewer Use Ordinance with the word "shall" being replaced by the word "may" to compel present users to comply with the requirements. Commissioner Fears further stated that he felt the use of the word "may" is too lenient in Section 3.2 and 4.2.4. of the ordinance. Commissioner Fears further stated that he would like some clarification of new guidelines for pretreatment of sewage.

Jimmy Griffith, Griffith Engineers stated that at present only guidelines for pretreatment by certain industries have been established, and when the guidelines were completed, the City of Lufkin would adopt same.

Commissioner Gil Fears requested information on inspection and sampling of the effluent and if the industry was advised when the samples would be taken.

Mayor Garrison stated that he understood that the samples were taken at random and usually once a month.

Commissioner Gil Fears stated that in a letter from the Texas Water Quality Control Board, it was stated that three (3) major industries in the City of Lufkin are creating the present sewer plant problems, and more stringent guidelines should be developed to bring these industries into compliance. Commissioner Fears further stated that citizens of Lufkin should not be required to pay for the indiscretions of three (3) major industries with increased sewer rates.

Mayor Garrison stated that industry is not the problem with the present sewer plant, that most of the problems stem from infiltration of the system.

Commissioner Pat Foley stated that the last rate increase referred to by Commissioner Gil Fears was necessary because of an increase in electrical rates in the City of Lufkin.

Commissioner Gil Fears stated that he wondered if the City of Lufkin had followed the provisions of the ordinance or had been too lenient on the industries. Commissioner Fears further stated that the Mayor might be biased on the industrial sewer problem because of his connection with Land-O-Pines, which is one of the major industries cited as creating problems for the sewer plant. Commissioner Fears further stated the citizens of the City of Lufkin should not have to pay 7 million dollars for a new sewer plant when the problem is caused by industry non-compliance.

Commissioner E.C. Wareing stated that the 7 million dollar figure quoted by Commissioner Gil Fears was not accurate. Commissioner Wareing further stated that part of the 7 million dollar cost was to extend an outfall line on the far side of the City which would replace some pumping units in that area. Commissioner Wareing further stated that the figure for the new sewer plant would be approximately 4 million dollars. Commissioner Wareing stated that 3.7 million dollars is for upgrading of the present system which would be necessary regardless of the new plant because of City growth.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that the Sewer Use Ordinance be approved on second and final reading as presented. The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, Boyd, Foley, Thompson, and Wareing. Nay: Commissioner Fears. Mayor Garrison declared motion approved by a vote of 6 to 1.

6. Ordinance Approved - First Reading - Lufkin Daily News - Tax Abatement Program

Mayor Garrison stated that ordinance authorizing Lufkin Daily News to participate in the Tax Abatement Program covering property located at the Intersection of Ellis Avenue and Herndon Street had been approved on first reading at last meeting of this Commission. Mayor Garrison stated that the Tax Abatement Program encourages property owners to invest new money in dilapidated areas of the City. Mayor Garrison further stated that the Lufkin Daily News had been encouraged to move to another location, but the staff felt that it would better serve the area by remaining at the present location. Mayor Garrison stated that under the Tax Abatement Program, the tax on the property is frozen for the next 10 years, and the completion of the addition to the building would increase the value of property in the area.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that ordinance for Lufkin Daily News to participate in the Tax Abatement Program be approved on first reading as presented. A unanimous affirmative vote was recorded.

7. Guidelines - Contractor's Performance Bonds - Discussed

Mayor Garrison stated that performance bonds for contractors in the City of Lufkin had been discussed at last meeting of the City Commission, and in the absence of City Attorney Bob Flournoy, he requested that Commissioner Percy Simond provide any comments pertinent to this subject.

Commissioner Percy Simond stated that he had discussed this at last meeting of the City Commission, and felt that contractors should be liable to complete a job. Commissioner Simond stated that he was not concerned about businesses in the area, but property owners that have paid big deposits and do not see completion of the work should be protected. Commissioner Simond further stated that he had talked to several people and found that a performance bond would not be acceptable because of the high cost involved. Commissioner Percy Simond stated that a suggestion was offered that the property owner put a percentage of the money into an escrow account, and when the job was finished to the satisfaction of the property owner, the payment could be drawn from the escrow account.

Mayor Garrison stated that there was a provision that owners of buildings had the right to hold 10% of the completion cost until an affidavit was secured

from the contractor stating that the job had been finished and that the contractor had paid all of his suppliers.

Assistant City Attorney Tommy Deaton stated that there is a penal ordinance that could be used in regard to misappropriation of funds. Tommy Deaton further stated that misappropriation of funds would be a penal action and would be heard by different courts depending on the amount of money involved.

Mayor Garrison stated that he would like to receive a copy of the referred to penal ordinance for consideration at next meeting.

Commissioner Percy Simond stated that he would like to receive information on whether a building contractor could be required to go through the licensing process that is now mandatory for plumbers that work within the City. Commissioner Simond further stated that he had noticed the carpet at the Civic Center had several holes around the walls indicating that the carpet had not been installed properly and that the wall behind the bar had peeling paint.

Mayor Garrison suggested that this report be investigated, and that the City Manager report back to the City Commission on his findings.

8. Citizens Advisory Committee - Members Appointed

Mayor Garrison stated that at last meeting of the City Commission a motion was approved asking each Commissioner to appoint two (2) citizens from his single member district to serve on a citizens' advisory committee along with the City Manager and Police Chief as proposed in the Arthur Young Police Management Consultation Report. Mayor Garrison further stated that the duty of this committee would be to define the role of the police officer serving the City of Lufkin, Texas, and report back to the City Commission within 60 days.

The following members were appointed: Commissioner Percy Simond - Mrs. Truey Smith, Rev. Ed Lockett; Commissioner Don Boyd - Mrs. Ella Austin, Robert McGee; Commissioner Gil Fears - Lester Adkison, Rev. C.A. Berry; Commissioner Pat Foley - Bayo Hopper, Oscar Brookshire; Commissioner Richard Thompson - Don Brister, John Henderson; Commissioner E.C. Wareing - Linette Scagliola, Walter Atwell; Mayor Garrison - Kenzy Hallmark, Royce Garrett.

Mayor Garrison stated that a Resolution had been prepared for consideration and appointment to the Citizens' Advisory Board.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that Resolution be approved on first and final reading, that the persons previously named be designated as the committee to serve with the City Manager and the Police Chief, that the City Manager be authorized to establish a meeting date for the committee at which time the committee would organize and appoint a chairman, and that the committee report back to the City Commission within 60 days from this meeting. A unanimous affirmative vote was recorded.

9. Zone Change - Approved - First Reading - Sabine Investment - Crown Colony, Section XI - D to A, SU (Condominiums or Townhouses)

Mayor Garrison stated that zone change application by Sabine Investments covering property located on Champions Drive, Crown Colony, Section XI, between Brentwood Drive and Champions Drive north of Windsor Court covering a 3.5 acre tract from Duplex to Apartments, Special Use (Condominiums or Townhouses, six foot sight bearing fence on north and south boundary line required, 15 foot building setback on south boundary line required) had been recommended to City Commission for approval by Planning and Zoning Commission.

Commissioner Pat Foley stated that he would abstain from vote or discussion on this item because of his employment with Home Savings and Loan which had an interest in the property. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that zone change application be approved on first reading with the following provisions suggested by the Planning and Zoning Commission minutes: Duplex to Apartment, Special Use (Condominiums or Townhouses, six foot sight bearing fence on north and south boundary line required, 15 foot building setback on south boundary line required). A unanimous affirmative vote was recorded with Commissioner Pat Foley abstaining from vote.

10a. Bid - Approved - Pipe & Materials - Public Works Department - Big State Utility - Central Utilities - Fire Hydrants

Mayor Garrison stated that bids had been invited for the purchase of pipe and materials and fire hydrants for use in the Public Works Department to extend

water mains and provide adequate fire protection to Howard, Lilac, and Whipperwill Streets.

City Manager Westerholm stated that the low bid for pipe and materials was received from Big State Utility in the amount of \$14,593.20 and the low bid for fire hydrants was received from Central Utilities in the amount of \$2,380.85.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that low bids be approved as presented. A unanimous affirmative vote was recorded.

10b. Bids - Approved - Insurance - Deep East Texas Property Fund

Mayor Garrison stated that the latest Attorney General's opinion required that insurance coverage for cities must be advertised on a competitive bid basis. Mayor Garrison further stated that to fulfill this requirement, advertisement for bids had been published regarding various insurance needs. Mayor Garrison requested that City Manager Harvey Westerholm present recommendations of the City Staff.

City Manager Westerholm stated that the limits of coverage for the City of Lufkin had been increased, building and property values were brought up to date, and police liability coverage had been included. City Manager Westerholm further stated that with the new additions, the insurance cost would be \$2,604.00 less than last year if the \$5,000.00 deductible on the Law Enforcement Liability Insurance were approved.

Mayor Garrison recognized Frank Strother, with the Deep East Texas Property Fund, who stated that in the event of a loss, the claim would be paid by Hartford Insurance Company by direct acknowledgement, and the City would receive a policy from same.

Commissioner Richard Thompson stated that he would like to know if there was any danger that the City of Lufkin would lose this coverage in the event of large claims.

Mr. Strother stated there will not be any termination in the event of large losses, and the volume of premium from the City of Lufkin is very attractive compared to individual businesses.

City Manager Westerholm stated that Ernest Bartlett of Bartlett, Baggett, & Shands helped the City to draft notices of bids, and the City would like to express their appreciation to him.

In answer to question by Mayor Garrison, Brian Boudreaux, Assistant City Manager, stated that The Wayne Jones Agency had bid only on fire protection and bonding of City Employees. Mr. Boudreaux further stated the bids could not compare with the other companies because of the limited coverage.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that low bid of Deep East Texas Property Fund in the amount of \$100,930.00 be approved with a \$5,000.00 deductible on the Law Enforcement Liability Insurance. A unanimous affirmative vote was recorded.

10c. Bid - Approved - Ambulance for Fire Department - Summers Ambulance & Coach Sales - Duncanville, Texas

Mayor Garrison stated that bids had been requested for the purchase of a modular type ambulance for use by recently licensed Fire Department paramedics and that one (1) bid had been received from Summers Ambulance & Coach Sales in Duncanville, Texas. Mayor Garrison recognized City Manager Westerholm, who stated that the Fire Department had not anticipated ordering this type of ambulance so quickly, but due to the certification of the six (6) paramedics, this type of ambulance was needed with the walk through from the cab to the back in case assistance of the driver was needed. City Manager Westerholm further stated that Fire Chief Billy Stephens feels he can stay within his total budget and absorb the amount over budget. City Manager Westerholm stated that the bid of Summers Ambulance & Coach Sales was in the amount of \$32,000.00 with the trade-in of the 1977 Cadillac ambulance.

Mr. Don Boyd stated that he had seen the inside of the present ambulance with the paramedic equipment, and the space was too small for any of the firemen to work with the equipment inside.

In answer to question by Commissioner Boyd, City Manager Westerholm stated that 75% of ambulance bills were being collected at the present time, and that the County participates in ambulance service in the amount of \$18,000.00.

Commissioner Pat Foley stated that he was in favor of purchasing this type of ambulance, but was concerned about the receipt of only one (1) bid.

Chief Billy Stephens stated that this type of ambulance is a very recent design and most companies have not been able to manufacture the design.

Commissioner Don Boyd stated that he understood this type of ambulance would save money in the long run because the modular body could be placed on another chassis and only the chassis would have to be replaced.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the bid of Summers Ambulance & Coach Sales be approved as presented. A unanimous affirmative vote was recorded.

11. Executive Session - Personnel and Lawsuit - Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss personnel and attorney-client matters. Mayor Garrison recessed formal open meeting of the City Commission at 6:15 p.m. At 6:30 p.m. Mayor Garrison reconvened regular meeting of the City Commission and made announcements to individuals present regarding results of the Executive Session.

Mayor Garrison stated that the City Commission had discussed an item of personnel but did not reach an exact conclusion. Mayor Garrison stated the City Commission felt that a solution might have been arrived at and announcement would be made at next meeting of City Commission. Mayor Garrison stated that the Commission also considered a lawsuit that the City was reviewing, but because City Attorney Bob Flournoy was out of town, it was decided to table consideration at the present time and it could only be announced that methods of action were being considered.

12. Amplifier for City Commission Room - Substandard Housing - Discussed

Commissioner E.C. Wareing stated that when a large group is present in the City Council Room, it is hard for the people in the back of the room and outside in the hall to hear what is being discussed and he would suggest that a drop microphone and amplifier be added to the present system. Commissioner Wareing further stated that if the people take the trouble to attend a City Commission meeting, they should be able to understand what is being said.

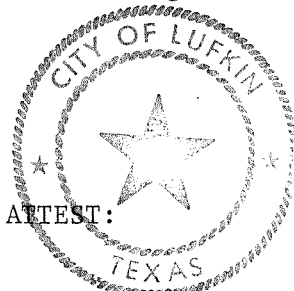
Commissioner Gil Fears stated that he had several calls from property owners in Herty that were concerned about fire protection in their area of town. Commissioner Fears stated that he understood a program was underway, but this was a matter of urgency that should be considered. Commissioner Fears further stated that in view of recent articles by Lufkin Daily News regarding substandard housing in the City of Lufkin, he felt minimum housing requirements should be established because it is evident the landlords are not willing to upgrade their property.

Mayor Garrison stated that he was of the opinion that the present Housing Ordinance is adequate to cover the substandard housing and require landlords to upgrade their property. Mayor Garrison further stated that the big problem is whether the City should displace people living in substandard housing.

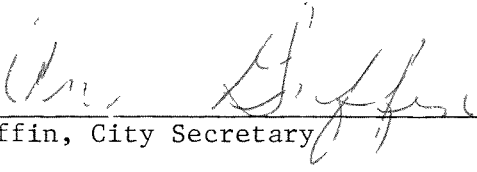
Commissioner Don Boyd stated that several years ago the City of Lufkin could have applied for a Federal Housing Program, but the people of Lufkin did not want to use federal funds. Commissioner Boyd further stated that something has to be done because people just cannot live in substandard housing. Commissioner Boyd stated that the City of Lufkin has used the Tax Abatement Program extensively and maybe the City could build low rent housing under some program to provide for those presently in substandard housing.

Mayor Garrison stated that more low rent housing was needed in the Lufkin area, and if he thought boarding up substandard housing would be helpful, he would be in favor of doing so.

13. There being no further business for consideration, meeting adjourned at 6:40 p.m.



Pitser H. Garrison
Pitser H. Garrison, Mayor


Ann Griffin, City Secretary