MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF OCTOBER, 1977, AT 7:30 P.M.

On the 4th day of October, 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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

E. G. Pittman	Commissioner at Large, Place B

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

1. Meeting opened with prayer by Rev. John Caskey, Pastor of St. Cyprian's Episcopal Church, Lufkin, Texas.

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. W. O. Ricks, Jr., made motion that minutes of regular meeting of September 20, 1977, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Speed Zone Ordinance Approved 1st Reading-Frank Avenue & Bynum Street

Mayor Garrison stated that this Commission had discussed in previous meetings recommendations from the Texas Department of Highways & Public Transportation regarding speed zone changes for Frank Avenue and Bynum Street. Mayor Garrison stated that it had been decided at last regular meeting to consider these recommended changes for ordinance at this meeting.

There was no opposition present with regard to speed zone changes. Comm. E. C. Wareing made motion that ordinance be approved on first reading changing speed zones on Frank Avenue and Bynum Street. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. City Budget Amended Fiscal Year 1977-78 - Additional Personnel

Mayor Garrison stated that members of Commission were unable to reach a decision at last regular meeting with regard to the proposal for addition of new personnel in the City Budget for fiscal year 1977-78. Mayor Garrison explained that the City Budget for the 1977-78 fiscal year was adopted at last meeting with the exception of this consideration and invited comments from members of Commission regarding same based on information furnished by City Manager at request of City Commission at last meeting.

Comm. R. A. Brookshire stated that he desired to remove all new employees from proposed budget and made motion that the City Budget for fiscal year 1977-78 be amended to eliminate these new personnel. Motion by Comm. Brookshire did not receive a second and Mayor Garrison opened floor for further discussion for consideration of these personnel by department.

Comm. W. O. Ricks, Jr., stated his support for the three new personnel in the Police Department and desired that they remain in the City Budget as proposed. Discussion developed with regard to the use of money in the Police Department budget for overtime and other areas not closely regulated.

Comm. Pat Foley inquired of Fire Chief Billy Stephens with regard to proposal for a new fireman and training officer in his department. Chief Stephens reviewed information concerning a need for same.

Comm. Pat Foley also inquired as to the proposal for a new inspector and City Manager Westerholm explained the purpose for which this employee would be used and had been used in the past.

Comm. W. O. Ricks, Jr., made motion that the City Budget for fiscal year 1977-78 be amended to delete proposal for a training officer, draftsman, grounds keeper and education director. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, Comm. Pat Foley inquired as to whether or not Comm. Ricks would amend his motion to substitute omission of training officer for omission of a firefighter on request by Chief Stephens. Comm. Ricks stated that he would agree to this amendment and asked that his motion reflect same.

Mayor Garrison then stated that motion had been made and seconded to omit a firefighter, 3/4-time draftsman, grounds keeper in the Parks & Recreation Department, education director in the Zoo Department and grounds keeper/maintenance ½-time in the Zoo Department with the stipulation that balance of this money be placed in the contingency fund for future use, and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen and W. O. Ricks, Jr.

Voting Nay: Comm. E. C. Wareing

Mayor Garrison declared same approved by majority vote of five to one.

6. Zone Change Approved 2nd Reading-Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign)

Mayor Garrison stated that zone change application by Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign), covering property located on Harmony Hill Baptist Church property fronting on West side of FM 58 (Chestnut), South of Fuller Springs Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. R. A. Brookshire made motion that zone change application by Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign), be approved on second and final reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

7. Water & Sewer Rates Adjusted 2nd Reading

Mayor Garrison stated that ordinance adjusting water and sewer rates for the City of Lufkin had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in opposition. Comm. W. O. Ricks, Jr., made motion that ordinance adjusting water and sewer rates for the City of Lufkin be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Consulting Engineers Selected-Traffic Engineering Survey-HDR

Mayor Garrison stated that the City Manager had been requested to furnish members of Commission additional information with regard to traffic engineering survey to be conducted in the city of Lufkin. Mayor Garrison stated that information had been supplied members of Commission for review and Mayor Garrison invited comments regarding same.

City Manager Westerholm stated that it was difficult to make a recommendation with regard to qualifications inasmuch as individuals who had applied for this service seemed to be qualified equally.

Comm. W. O. Ricks, Jr., made motion that the City consider HDR for this traffic engineering survey as consulting engineers. Motion was seconded by Comm. Pat Foley and the following vote was recorded:

Voting Aye: Comms. Pat Foley, Jack McMullen, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Mayor Garrison and Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of four to two.

9. Zone Change Approved 1st Reading-Joe & Mary Trevathan from RL to C Dist.

Mayor Garrison stated that zone change application by Joe & Mary Trevathan from RL to C District covering property fronting on West side of College Drive (FM 819), South of Angelina College between Highway 59 South and Daniel McCall Drive, being Lots 11 & 12 of Blount Subdivision, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. R. A. Brookshire made motion that zone change application by Joe & Mary Trevathan be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading-Foy Bradshaw from RL & LB District, Special Use (Farm Tractor Repair) to RL & LB District, Special Use (Conditions)

Mayor Garrison stated that zone change application by Foy Bradshaw from RL & LB District, Special Use (Farm Tractor Repair) to RL & LB District, Special Use (Conditions), covering property located North of Wayne Street at intersection with Lawnview being Lot 4, Block 2 of the Pinedale Drive Addition, had been recommended for approval by the City Planning and Zoning Commission, at which meeting one property owner had appeared in opposition. Mayor Garrison stated that as a result of this opposition, members of Commission had been presented a petition of support for this application reflecting a majority of the property owners in this area who did not oppose application. Mayor Garrison stated that these conditions would allow Mr. Bradshaw to repair and sell tractors and parts on his property.

Comm. Pat Foley inquired as to whether or not this zoning would revert back to Residential in the event property was sold. It was explained that application could indicate this type zone change, if desired.

There was no opposition present regarding this application. Comm. Pat Foley made motion that zone change application by Foy Bradshaw from RL & LB District, Special Use (Farm Tractor Repair) to RL & LB District, Special Use (Conditions), be approved with the added stipulation that in the event property was sold, it would revert back to residential zoning. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading-R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center)

Mayor Garrison stated that zone change application by R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center), covering property located South of Highway 94, East of Loop 287 in the J. A. Bonton League containing 21.68 acres, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Mayor Garrison and Comm. R. A. Brookshire requested that they not be considered in formal action of this zone change application due to their affiliation with same. Mayor Garrison requested that Mayor Pro Tem Wareing conduct this particular portion of the meeting concerning zone change as presented.

There was no additional information presented by Mr. Walter Borgfeld, attorney for applicant in this zone change, and no discussion developed. Comm. Pat Foley made motion that zone change application by R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center), be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded. Mayor Pro Tem Wareing declared motion approved by unanimous vote of 4 to 0 and requested that record reflect Mayor Garrison and Comm. R. A. Brookshire abstained from voting.

12. Zone Change Approved 1st Reading-J. S. Allred from RL to NR District

Mayor Garrison stated that zone change application by J. S. Allred from RL to NR District covering property located West of & fronting on Loop

287, East of Largent Street across from Pin Oak Lane, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. Pat Foley made motion that zone change application by J. S. Allred from RL to NR District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Bids Awarded-Trash Liners & Refuse Containers-Marketing Services

City Manager Westerholm explained that bid tabulations had been prepared for the purchase of trash liners and refuse containers and the following bids were reviewed:

Name of Company	Trash Liners Per Roll or Each	Leaf Bags-Cost Each
Century Papers, Inc.	$3.22	.1244 each
Winzen Research, Inc.	$2.61	.124 "
Bemis Company, Inc.	$2.84	.1265 "
Pak Rite Plastics Corp.	No Bid	No Bid
Marketing Services & Co.	.04915 or $2.51(Opq)	.11546 "
Adams Industries, Inc.	.05095	.1192 "

Motion was initially made by Comm. W. O. Ricks, Jr., to purchase low bid submitted by Adams Industries and seconded by Comm. R. A. Brookshire.

Prior to vote on motion, it was explained by City Manager Westerholm that the individual cost of roll bags was lower as was the bid for leaf bags as furnished by Marketing Services. City Manager Westerholm stated that he would personally recommend the purchase of the random opaque bag which was considerably cheaper and would service the City as well. It was further explained that the individual cost on the roll bags was .04915 for Marketing Services and Adams Industries' bid was .05095 for the regular black bag.

Comm. R. A. Brookshire stated that he was not concerned as to whether or not the bags were a particular color and the City would experience approximately $800 in savings. Comm. W. O. Ricks, Jr., then amended his previous motion to reflect that low bid be awarded to Marketing Services for the purchase of the all-black bag in accordance with low bid as stated. Motion was seconded by Comm. Pat Foley, and the following vote was recorded:

Voting Aye: Comms. R. A. Brookshire, Pat Foley and W. O. Ricks, Jr.

Voting Nay: Mayor Garrison, Comms. Jack McMullen and E. C. Wareing

Mayor Garrison declared motion received a tie-vote of 3 to 3 and requested further action from members of Commission.

Comm. R. A. Brookshire then made motion that members of Commission purchase the random opaque bag from Marketing Services as the best and lowest bid as previously stated in the amount of .04827 each with the four colors being 60 percent black and the balance of this amount tan, green or grey, and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen and E. C. Wareing

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of five to one.

Comm. W. O. Ricks, Jr., made motion that Marketing Services be awarded low bid for purchase of leaf bags in the amount as stated. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Members of Commission also reviewed the following trash container bids:

Name of Company	Quantity	Size	Bid Per Container
Parks Metal Fabricators, Inc.	25	4 cu.yd.	$231.00
	15	6 cu.yd.	$336.00
Duncan Equipment, Inc.	25	4 cu.yd.	$268.00
	15	6 cu.yd.	$378.00

War-Pack, Inc.	25 15	4 cu.yd. 6 cu.yd.	$249.65 $356.07
Pak-Mor Manufacturing Co.	25 15	4 cu.yd. 6 cu.yd.	$284.00 $362.00
Dempster Dumpster Systems		No Bid	No Bid
American Environ.Systems,SW	25 15	4 cu.yd. 6 cu.yd.	$297.00 $425.25
Benjamin Feld & Associates	25 15	4 cu.yd. 6 cu.yd.	$256.00 $342.00
Industrial Disposal Supply	25 15	4 cu.yd. 6 cu.yd.	$293.00 $377.67

City Manager Westerholm stated that it had been previously recommended members of Commission purchase low bid submitted by Parks Metal Fabricators, but it was discovered that this company had not met specifications furnished by the City of Lufkin and he would personally recommend the purchase of the 4 cu.yd. containers from War-Pak and the 6 cu.yd. containers from Benjamin Feld & Associates. City Manager Westerholm stated that he was not aware of whether or not these individuals would be desirous of breaking their bids on this basis.

Comm. E. C. Wareing made motion to accept low bid submitted for 4 cu.yd. containers from War-Pak and 6 cu.yd. containers from Benjamin Feld & Associates as explained by category if they would accept bids on this basis. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

14. Southern Pacific Railroad-ROW Substitution Approved-Shepherd & Kiln Crossings

City Manager Westerholm stated that the proposed closing of Kiln Avenue and the opening of Shepherd Avenue crossings would involve deeding back Kiln Avenue crossing to the railroad as a substitute for the crossing at Shepherd. City Manager Westerholm stated that the railroad had requested this action which he personally recommended. Comm. W. O. Ricks, Jr., made motion to provide for this crossing substitution as requested. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Lufkin Industries - Bonner Street Closed

City Manager Westerholm stated that Lufkin Industries desired to begin construction of their building on the newly acquired property, but it was necessary to do some construction on Bonner Street and Bonner was not a key street to the public, which he would recommend a temporary agreement be made with Lufkin Industries allowing the closing of this street for construction purposes. Comm. W. O. Ricks, Jr., made motion that Bonner Street be closed for construction purposes by Lufkin Industries as recommended by City Manager Westerholm. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

16. Cedar Creek-Funds Approved for Continued Channelization

City Manager Westerholm explained that members of City Commission had previously authorized channelization work on Cedar Creek in the Southridge Subdivision, not to exceed $5,000. City Manager Westerholm explained that this money had enabled the City to do approximately 3200 feet of channel work instead of the anticipated 1600 feet and the City had spent $5,000 and could complete the 1600 additional feet with another three weeks work at an estimated cost of $1,000, which he would personally request members of Commission to approve and would provide extension of this channel to near Copeland Street. Comm. W. O. Ricks, Jr., made motion to authorize further channelization of Cedar Creek as explained. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. City Commission Meeting Date Cancelled

Mayor Garrison stated that the Texas Municipal League convention would be held on October 15 through 18 which would be a conflict with next regular scheduled meeting of the City Commission for October 18, 1977. A brief discussion developed with regard to whether or not a new meeting time should be set for October or postpone regular scheduled meeting for this date. Comm. E. C. Wareing made motion that, in view of information presented, he would recommend meeting for October 18 not be held and all items scheduled for this meeting be placed on next regular meeting of City Commission for November 1, 1977, at 7:30 p.m. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

18. DETCOG - Section 8 Housing - Resolution Postponed

Mayor Garrison stated that a letter had been received regarding application by DETCOG to HUD for funds to operate Section 8 Housing in this region not presently covered by Housing Authority. Mayor Garrison further stated that DETCOG had requested resolution be considered recognizing the city's need for low-income rental housing subsidies in the city and throughout the region.

Mayor Garrison stated that this resolution would authorize the Mayor to concur with and to instruct in its behalf the DETCOG to do those actions and/or decisions that would result in the award of HUD to DETCOG Human Resources Division, etc., which would enable them to properly initiate and administer the Section 8 Housing assistance program on a regional basis.

Considerable discussion developed and it was the general concensus of opinion that more information be provided prior to approval of this resolution. Comm. E. C. Wareing made motion that proposed resolution be deferred until more information could be provided. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

19. Texas Power & Light Co.-Information Disc. Regarding Recent Rate Increase

City Manager Westerholm furnished members of Commission detailed information furnished by Texas Power & Light Company regarding comparison of monthly fuel cost adjustments per KWH, with other major utilities, from December 1976 to January 1977. Members of Commission reviewed this information and requested that City Manager Westerholm provide more information prior to next regular meeting for further discussion.

20. Adjournment

There being no further business for consideration, meeting adjourned at 9:10 p.m.

Pitser H. Garrison
MAYOR - City of Lufkin, Texas

ATTEST:

Roger G. Johnson
Roger G. Johnson, Asst. City Mgr.