

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON THE 21ST DAY OF JUNE, 1983, AT 5:00 P.M.

On the 21st day of June, 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
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Manager
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Dr. Curtis L. Keith, Jr., Pastor of First Christian Church, Lufkin.
2. Welcome of visitors by Mayor.
3. Approval of Minutes

Commissioner E.C. Wareing stated that three (3) words had been omitted from the minutes of June 7, 1983, under item number 13 where Commissioner Simond stated that the minutes indicated that the members discussed their personal views instead of seeking, "answers to the questions".

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that minutes be approved with the addition of the words, "answers to the questions. " A unanimous affirmative vote was recorded.

4. Public Hearing - Alley Closing - Hood Davis

Mayor Garrison stated that alley closing request had been submitted by Hood Davis covering property located between Carver Avenue and O'Quinn Street and Keltys Street and Cottonbelt. Mayor Garrison stated that the alley closing had been recommended to City Commission by the Planning and Zoning Commission. Mayor Garrison recognized Hood Davis appearing in representation of alley closing.

Mr. Davis stated that in order to develop his present business, he was requesting the alley be closed to provide an additional area of land.

Mayor Garrison officially opened public hearing, and there was no opposition present.

Commissioner Pat Foley stated that the fair market value of the property had been appraised at \$420.00 or \$.05 per square foot.

Mayor Garrison officially closed public hearing, and motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that alley closing be considered on first reading at July 5, 1983, meeting of the City Commission. A unanimous affirmative vote was recorded.

5. Report from Citizens' Advisory Committee - Approved

Mayor Garrison recognized Mr. Oscar Brookshire, Chairman of the Citizens' Advisory Committee, who was present to submit the final draft of the committee's definition of the, "Role of the Lufkin Police Officer." Mr. Brookshire stated that the Citizens' Advisory Committee had been appointed to define the role of a Lufkin Police Officer, that the committee had met on two (2) occasions, and were now ready to present their final draft to the City Commission. Mr. Brookshire further stated that the committee had invested much time and effort in the draft that was being presented to the City Commission tonight, and each committee member was well pleased with the results which they hoped would be incorporated into the police handbook. Mr. Brookshire further stated that the committee would like to thank City Manager Harvey Westerholm and Police Chief Leonard Latham for the help and aid they gave to them while carrying out

their charge.

Commissioner Gil Fears stated that he would like to thank Mr. Brookshire personally and each member that had been appointed to the commission for the work that had been done.

Mayor Garrison stated that he was impressed with the thoroughness and the extraordinary good wording of the draft, and the City Commission was indebted to the committee for their work in this area.

Mr. Brookshire stated that with the presentation of the recommendation of the Citizens' Advisory Committee he would ask that the committee be discharged by the City Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the report of the Citizens' Advisory Committee, a copy of which is attached to and made a permanent part of these records, be accepted and the committee be discharged with the completion of their duties. A unanimous affirmative vote was recorded.

6. Ordinance - Approved - Second Reading - Robert Cherry - RL to RS

Mayor Garrison stated that zone change application by Robert Cherry covering property located on Loop Lane between Loop 287 and Highway 103 West from Residential Large to Residential Small had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Ordinance - Approved - Second Reading - Hood Davis - RM to RS

Mayor Garrison stated that zone change application by Hood Davis covering property located at 1600 Sayers Street between Kurth Drive and Country Club Drive from Residential Medium to Residential Small had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that zone change ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Fire Protection Contract - Angelina County - Tabled

Mayor Garrison stated that it had been suggested that the City of Lufkin enter into a contract with Angelina County for the extension of fire services into the County after it was determined that the City of Lufkin could be liable for damages incurred in answering fire calls outside the City. Mayor Garrison further stated that this item was discussed at last meeting of the City Commission and was tabled for further consideration tonight. Mayor Garrison stated that questions had been voiced at last meeting of City Commission regarding the obligation of the City of Lufkin to answer a fire alarm outside the City if it would be inadvisable, and what the City's obligation would be regarding safety of citizens inside the City.

In answer to question by Commissioner E.C. Wareing, City Attorney Bob Flournoy stated that the use of the word unincorporated to designate areas of the County should be changed because the County would not authorize the City of Lufkin to go into incorporated areas.

Commissioner Richard Thompson stated that he had reservations about an individual being able to call the City of Lufkin and report a fire. Commissioner Thompson further stated that he felt the calls should be received from a volunteer department. Mayor Garrison stated that it should be left to the discretion of the Fire Chief and his Staff to determine if the City of Lufkin should answer a call, and that it be noted that the City retains the right to refuse to answer a call in the County. In answer to question by Commissioner Richard Thompson and Mayor Garrison, Fire Chief Billy Stephens stated that the call for fire protection is relayed to the Lufkin Fire Department first whether it is from individuals or Volunteer Fire Departments.

Mayor Garrison stated that if the report seemed reliable the City of Lufkin should respond because an individual should be able to call the fire department to the site of the fire.

Commissioner Pat Foley stated that under Article Four the second sentence

should read "the County or its Agents" should have any right at any time to direct or supervise the City or its agents or employees in performance.

Fire Chief Billy Stephens stated that when calls are answered in the County one (1) unit is dispatched to the scene with one (1) emergency vehicle, and the City of Lufkin presently has eleven major pieces of equipment.

City Manager Harvey Westerholm stated that a survey indicated that approximately 90 fires were answered during the year within the County, and that it was difficult to establish a value on fire protection within the County. City Manager Westerholm further stated that County residents pay City Sales Tax which support many operations of the City, but the wear and tear on City fire equipment used to answer calls within the County must be considered. City Manager Westerholm stated that when a call is answered in the County, often the only water available is what the tanker takes to the site.

Commissioner E.C. Wareing stated that the main reason a contract was considered between the City of Lufkin and Angelina County was the aspect of liability protection but the cost of providing the service should be a factor.

Fire Chief Billy Stephens stated that the dispatching of one (1) pumper truck and emergency vehicle usually involves three (3) to four (4) men.

Mayor Garrison stated that the City of Lufkin had been providing the service without compensation from the County and it must be assumed that the expenses have not been very great.

After some discussion of establishing charges on a per run basis, it was suggested by Commissioner Don Boyd that a charge of \$5,000.00 per year be discussed with the County.

Commissioner Pat Foley noted from information previously provided to the City Commissioners that among charges made by three (3) cities of comparable population, two (2) charged more than \$5,000.00.

Mayor Garrison stated that it might be advisable for the City Manager to present recommendations to the County Judge to determine if the \$5,000.00 per year fee would be acceptable pointing out how many runs are made outside the City of Lufkin per year, and the City Attorney could redraft the proposed contract incorporating suggestions at tonight's meeting.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that contract be revised in accordance with discussions, and that City Manager consult with the County Judge and Commissioners Court on fees. A unanimous affirmative vote was recorded.

9. Certification Pay - Approved - Advanced Emergency Medical Training

Mayor Garrison stated that it had been proposed by Fire Chief Billy Stephens that a raise of \$40.00 be granted to the firemen who have achieved their special skills certificate and a \$60.00 raise be provided to the fire department personnel who have achieved their paramedic certification.

Commissioner Percy Simond requested information regarding a comparable program for the police department. City Manager Westerholm stated that at present the police and fire departments receive the same compensation on intermediate and advanced certifications, and the emergency medical training is an additional certification received through special training.

In answer to question by Commissioner Percy Simond regarding possibility of police officers being trained in this type of certification, Mayor Garrison stated that in order to perform as a paramedic, equipment provided in the ambulance would be necessary.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that recommendations be approved, that \$40.00 increase be provided to those members of the fire department that have achieved special skill training and that \$60.00 increase in salary be awarded to those members of the fire department that have completed their paramedic training.

Mayor Garrison stated that a limit should be established for the paramedics because; the City provided the time for the fire department personnel to receive the training, the City paid the cost of the courses, and management personnel had been recommended for a \$50.00 raise to provide that officers from the rank of Lieutenant up were not superceded in pay by recently certified employees. Mayor Garrison stated that for the present time he would like to limit the number, but the men who have completed the special skills and paramedic

training should receive the recommended increases because the training was undertaken without hope of receiving a pay increase. Mayor Garrison further stated that the number should be static until a vacancy occurs among this group of men, and that the paramedics should be limited to 10 or 12.

Fire Chief Billy Stephens stated that a problem would result if the opportunity to receive the paramedic training were not offered to every person in the department. Chief Stephens further stated that this would establish a special group and a test would have to be developed to insure fair competition. Chief Stephens stated that the six (6) paramedics were hand picked, then a notice was posted for volunteers to receive the training, but the opportunity has not been provided for others in the department.

Mayor Garrison suggested that if a \$50.00 per month raise were granted to the men who have received their special skills and paramedic training, the supervisory personnel would not need a raise to insure that officers were paid more.

City Manager Westerholm stated that the increase in ambulance rates would be used to pay the additional salaries.

Amendment to previous motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that an increase of \$40.00 be awarded to those men who have completed their special skills training for certification and that an increase of \$60.00 be awarded to those men who have completed their training for paramedic certification, that supervisory personnel who have completed training for certification in special skills or paramedics also receive an increase in pay, and that all fire department personnel who acquire training later receive pay increases as stated. The following vote was recorded: Aye: Mayor Garrison, Commissioners Boyd, Simond, Wareing, Foley, and Thompson. Nay: Commissioner Fears. Mayor Garrison declared motion approved by a vote of six (6) to one (1). Mayor Garrison stated that he would like to receive a report on how many paramedics are needed by the department because of the amount of encumbrance that was added to the City budget.

10. Emergency Charges - Ambulance Service - Approved

Mayor Garrison stated that emergency charges for ambulance service had been considered at last meeting and the City Staff was requested to prepare proposed fees for emergency ambulance runs outside the City rather than the designation of a flat emergency fee.

City Manager Harvey Westerholm stated that a schedule of charges for drug and special procedures had been submitted as a substitute for an emergency charge. City Manager Westerholm further stated that under this fee schedule the patient would pay for only the services that were required for his particular situation.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Gil Fears that emergency service charges as presented in the proposed fee schedule, copy of which is attached to and made a permanent record of these minutes, be adopted as presented. A unanimous affirmative vote was recorded.

Mayor Garrison suggested that other cities continue to be monitored to determine if Lufkin fees are in line with same.

11. Guidelines Discussed - Affirmative Action Committee

Mayor Garrison stated that it had been suggested at the last meeting of City Commission that guidelines for appointment to the Affirmative Action Committee be considered at this meeting.

Commissioner Percy Simond stated that he would like to make a motion that the present Affirmative Action Committee be augmented by members that were appointed by the City Commission and the Mayor. Motion died for lack of a second.

Mayor Garrison stated that the City Manager is charged with the responsibility of appointing people and must comply with the EEOC regulations. Mayor Garrison further stated that the present committee should be given a chance to complete their work, and that while Commissioner Percy Simond had brought it to the attention of the City Commission numerous times that EEOC guidelines were not being followed by the City of Lufkin, no specific examples had been provided for consideration.

Commissioner Simond stated that the City of Lufkin has a 28% ratio of blacks in the City Limits and 7% of the City of Lufkin employees are black which would indicate that the Affirmative Action Plan is not being implemented.

Commissioner Simond stated he would hope that the Affirmative Action Committee would attempt to recruit blacks interested in positions within the City of Lufkin and that an effort had not been made by the present City Staff to obtain this.

Mayor Garrison stated that the law states that an attempt must be made to get a balance between minority employees and that a certain percentage is not required to be reached. Mayor Garrison suggested that a Recruitment Committee made up of City Commissioners be formed to interest minorities in seeking jobs with the City of Lufkin.

City Attorney Bob Flournoy stated that an Affirmative Action Committee is not mandated by law, but that the City has an affirmative action plan that calls for a committee. City Attorney Flournoy further stated that there is no Federal or State Law that requires the committee, but any political subdivision that does business with the Federal Government is required to have an affirmative action plan to see that employment of minorities is encouraged. City Attorney Flournoy stated that he had talked with the head of the EEOC office in Houston, Texas, who confirmed there is no requirement for an affirmative action committee.

In regard to the appointing of persons other than city employees, City Attorney Flournoy stated that he had learned from the head of the EEOC in Houston that there were no instances brought to his attention where people outside the organization served on the Affirmative Action Committee. City Attorney Flournoy further stated that the Commissioners should recognize that when they begin to get involved in appointments to this committee they may be violating the Charter which prohibits the interference by the City Commission in personnel matters. City Attorney Flournoy further stated when a City Commissioner attempts to recruit a person to work for the City of Lufkin it could be a violation of the City Charter unless a blanket invitation were issued to a group to make application rather than an individual.

Mayor Garrison stated that the City Manager could not employ anyone before advertisements were made stating that there was a vacancy on the City Staff.

Commissioner Don Boyd stated that he noticed from the minutes that the Affirmative Action Committee had been meeting at 2:00 p.m. and that he would suggest the time be changed to 5:00 p.m. to allow participation by other city employees that wish to attend.

City Attorney Flournoy stated that the Affirmative Action Committee has no rule making power, and therefore are not required to obey the open meeting law, but the committee had decided to conduct open meetings.

In answer to question by Commissioner Don Boyd, City Manager Westerholm stated that a Grievance Committee had been appointed in previous years and had been acting.

Commissioner Wareing stated that he understood a grievance committee was to receive problems from various city employees and to establish those problems in the proper form to present to the designated authority.

Mayor Garrison stated that he was not aware of any unfairness to any employee of the City of Lufkin and that he wanted to encourage minority employment by the City of Lufkin. Mayor Garrison stated that he did not have personal knowledge of any minority representative that had been turned down for employment without valid reasons.

Commissioner Percy Simond stated that he had sent people to the personnel office that had been told there were no vacancies after he had spoken with a department head who stated that he did have a job opening.

12. Ordinance - Approved - First Reading - Rose Marie Williams - RM to NR, SU (Beauty Shop, One Operator)

Mayor Garrison stated that zone change application by Rose Marie Williams covering property located at 200 Arena between Nesbitt Avenue and Andrews Avenue from Residential Medium to Neighborhood Retail, Special Use (Beauty Shop, One Operator) had been recommended to City Commission for approval by Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

13. Application Authorized - Texas Department of Community Affairs Grant

Mayor Garrison stated that under the new jobs bill, the Texas Department of Community Affairs has received funds available to Cities and Counties with high unemployment that could be used for improving the landscaping of publicly owned property and that the City Staff was requesting authorization to submit an application. Mayor Garrison further stated that most of the money must be used for labor for unemployed persons and the project must be completed by September 30, 1983.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the location suggested in the resolution was selected because of large medians and the landscaping of these areas would coordinate with the Main Street Project which would benefit from the upgrading of the areas which were high traffic areas.

Commissioner Don Boyd suggested that funds be provided for work in the Jones Park area and medians on Kurth Drive.

Mayor Garrison stated that he felt the Civic Center and the Historical and Creative Arts Center should not be considered for work under the grant because of previous beautification projects at these locations.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the 30 to 35 people who would be hired under the grant would receive pay at the rate of \$4.37 an hour and any plants bought with grant funds must be obtained from small business or minority owners.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that resolution authorizing participation in TDCA Grant be approved with deletion of landscaping at the Civic Center and Historical Creative Arts Center and that Jones Park be added along with the medians at both ends of Kurth Drive. A unanimous affirmative vote was recorded.

Mayor Garrison stated that if it were possible to apply for grant in excess of \$60,000.00 that the maximum be requested.

14. Planned Unit Development Amendment - First Reading - Approved

Mayor Garrison stated that a number of requests for a Planned Unit Development Ordinance had been submitted and that City Planner Ed Richie had provided a sample ordinance to amend the present zoning ordinance.

Commissioner E.C. Wareing stated that the proposed amendment would not fit into the present zoning ordinance because of the use of terms that were not compatible with same. Commissioner E.C. Wareing suggested that the Planned Unit Development Amendment to the Zoning Ordinance be considered at next meeting with changes being completed.

Mayor Garrison stated that he did not want to delay on the Planned Unit Development Amendment because of several applications that were pending approval of same.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Gil Fears that Planned Unit Development Amendment to the Zoning Ordinance be accepted for first reading with provisions that amendment be reworded before second reading to fit in with the present zoning ordinance. A unanimous affirmative vote was recorded.

15. Hearing Date Established - Annexation & Permanent Zoning - Glad Tidings Assembly of God - RL

Mayor Garrison stated that the Commission had now for consideration establishment of a hearing date to consider the annexation and permanent zoning request by Glad Tidings Assembly of God covering 12.919 acres of FM 325 across from Lufkin Junior High East to be zoned Residential Large.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that annexation and permanent zoning hearing date be established for July 19, 1983. A unanimous affirmative vote was recorded.

16a. Bid - Approved - City Depository Contract - First City Bank

Mayor Garrison stated because of his affiliation with the First City Bank he would recuse himself from vote or discussion on approval on the City's depository contract.

Mayor pro tem E.C. Wareing stated that one (1) bid had been received for the City Depository Contract from First City Bank.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that bid of First City Bank under proposed Plan C of the City Depository be approved as presented. A unanimous affirmative vote was recorded with Mayor Garrison recusing himself from vote.

16b. Bid - Approved - Ductile Iron Pipe - McWane Cast Iron Pipe Company

Mayor Garrison stated that three (3) bids had been received for the purchase of ductile iron pipe to be used in construction of the sewer line under Gobbler's Knob road and that McWane Cast Iron Pipe Company was low bidder in the amount of \$6,798.80.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that low bid of McWane Cast Iron Pipe Company be approved as presented. A unanimous affirmative vote was recorded.

17. Plans Approved - Sewer Plant Improvements and Pre-treatment Program - Interceptor Main - Collection Lines - Rehabilitation

Mayor Garrison stated that pre-treatment program had been submitted to Commissioners for review along with the plans and specifications for improvements to the sewer plant, interceptor lines, and rehabilitation of collection lines.

Motion was made by Commissioner Gil Fears and seconded by Commissioner E.C. Wareing that pre-treatment program and improvements to sewer treatment plant be approved as presented by Griffith Engineers. A unanimous affirmative vote was recorded.

In answer to question by Mayor Garrison, Jimmy Griffith stated that at present the estimate of cost of the project had been increased to seven million four hundred thousand dollars because of the addition of the chlorine chamber required by the EPA. Jimmy Griffith further stated that his engineering firm would be required during the first year to be responsible for the working of the plant and to make sure that it is providing adequate service.

In response to question by Commissioner Pat Foley, Jimmy Griffith stated that he was representing that the plans for consideration for tonight were adequate to meet all requirements of the EPA.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the interceptor line plans and specifications be approved as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that plans and specifications were being presented for approval tonight of the collection line rehabilitation based on tests that were conducted by smoke and video.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that plans for collection line rehabilitation be approved as presented. A unanimous affirmative vote was recorded.

18. Lease Agreement - Approved - Southern Pacific Railroad - Downtown Parking Lot - First Baptist Church - Participation

Mayor Garrison stated that the City Staff had been negotiating with Southern Pacific Railroad for a lease agreement to develop a downtown parking lot on their property immediately south of Groesbeck Street between First and Second Streets and that contact had been made with First Baptist Church regarding their willingness to participate in development of the parking lot at a portion of the cost.

City Manager Westerholm stated that the lease would be in the amount of \$2,340.00 per year with insurance as required by Southern Pacific in the amount of \$500.00 to \$700.00 annually. City Manager Westerholm stated that First Baptist Church had indicated they would be willing to participate in the cost of the parking lot at a figure of \$750.00 per year. City Manager Westerholm further stated that the Downtown Merchants Association had not been approached regarding their participation in the project and the parking lot would increase the number of parking spaces in the downtown area by a 103 spaces. City Manager Westerholm stated that it had been proposed that parking fines be increased to \$5.00 because off street parking would now be furnished to individuals working in the downtown area.

Commissioner Pat Foley stated that he felt the downtown merchants should participate in providing additional parking spaces to individuals working in the area. Commissioner Foley further stated he would prefer to meter the

spaces on the new parking lot.

City Manager Westerholm stated that plans were now underway to re-stripe existing parking lot behind the Parks and Recreation Building to provide 35 additional spaces in this area.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that City Manager be authorized to negotiate a lease agreement with Southern Pacific Railroad. A unanimous affirmative vote was recorded.

19. Appointment to City Boards - Tabled

Mayor Garrison stated that executive session had been scheduled for this meeting of City Commission to consider appointment to various City Boards and possible consideration of lawsuits, but because of the lateness of the hour and the agreement of the City Commissioners this item would be tabled until next meeting of the City Commission.

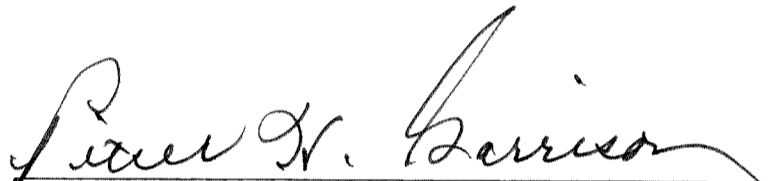
20. Open Garbage Containers - Ordinance to be Enforced - Vision Obstruction on Paul Avenue

City Commissioner Percy Simond stated that there was an open garbage container in his Ward that provided an excellent breeding ground for rats and was a detriment to the health of the neighborhood.

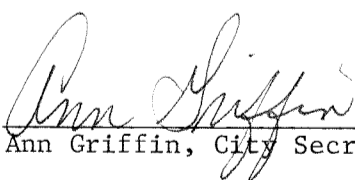
City Manager Westerholm stated that City Ordinance states garbage containers must be enclosed with a tight fitting lid and that he would take steps to insure the ordinance was enforced.

Commissioner Gil Fears stated that at the intersection of Garvin and Paul Avenue and Lubbock and Paul Avenue there were obstructions to motorist view that should be taken care of to prevent accidents in the area.

21. There being no further business for consideration, meeting adjourned at 8:15 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary