

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF NOVEMBER, 1982, AT 7:30 P.M.

On the 2nd day of November, 1982, 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
Bob McCurry	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 Attorney
Ann Griffin	City Secretary

being present, when the following business was transacted.

1. Meeting opened with prayer by Rev. Bob Lewis, pastor of First Assembly of God, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of October 19, 1982, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Open Hearing - Alley Closing Request - Approved - First Reading First Baptist Church

Mayor Garrison stated that a request had been received from First Baptist Church to consider closing of an alley located between the streets of Bremond and Groesbeck and First and Third. Mayor Garrison further stated that the alley closing had been recommended by the Planning and Zoning Commission. There was no opposition present. Mayor Garrison stated that the property would have to be appraised and ordinance approved with the retention of utility easements on the property. Mayor Garrison officially opened and closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Don Boyd that alley closing be considered on first reading at November 16th meeting of City Commission. A unanimous affirmative vote was recorded.

5. Open Hearing - Downtown Area - Declared "Blighted" - Resolution Approved - Property and Improvements Subject to Tax Free Financing

Mayor Garrison stated that a group of downtown property owners had requested that the downtown area bordered by Abney Avenue, Laurel, Chestnut, Groesbeck, Timberland, Conn, Denman, South Angelina, and Herndon Streets be considered for tax exempt financing.

City Attorney Bob Flournoy stated that the City Commission by action tonight would be determining the area a blighted area and give anyone in the area an opportunity to have financing with tax free bonds.

In answer to questions by Commissioners concerning difference between tax free bonds for blighted areas and tax abatement program, City Attorney Bob Flournoy stated that the blighted areas required a resolution by the City Commission, while the tax abatement areas are designated by ordinance. City Attorney Bob Flournoy further stated that the same area could be designated for both types of financing, but two (2) actions are required by the City Commission.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that the downtown area bounded by Abney Ave, Laurel, Chestnut, Groesbeck, Timberland, Conn, Denman, South Angelina, and Herndon Streets be designated as a blighted area for industrial development financing. A unanimous affirmative vote was recorded.

6. Reinvestment Zone - John Ross Kay - First Reading - Approved

City Attorney Bob Flournoy stated that all property within a reinvestment zone would have to be treated the same way: i.e. length of time for abatement and percentage of improvement abated, etc. City Attorney Flournoy further stated that once the area is established, each individual property owner within the zone must come to the City Management with an agreement stating what their intentions are and the agreement must be approved by the City Commission.

Mayor Garrison declared the public hearing open, and John Kay, property owner, stated that he had purchased a building on the corner of Lufkin Avenue and Second Street in April of this year and since that time desires to have his lot declared a reinvestment zone.

In regard to discussion as to whether advertisement was adequate for tax abatement hearing, City Attorney Bob Flournoy stated that he was not sure whether the statute required advertisement, but if it did, another public hearing would be required. City Attorney Flournoy further stated that he felt that the John Kay application could be considered on first reading at this time under public hearing as set on the agenda, and if it is established that advertisement requirements have not been met, it could be considered on first reading again.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that the property of John Ross Kay, located at 123 E. Lufkin Avenue at the intersection of East Lufkin Avenue and Second Street be approved as a reinvestment zone in accordance with schedule of concessions as set forth for John Estes and John Duke's reinvestment zones. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that area bounded by Abney Avenue, Laurel, Chestnut, Groesbeck, Timberland, Conn, Denman, South Angelina, and Herndon Streets be considered in the future for tax abatement treatment. A unanimous affirmative vote was recorded.

7. Annexation and Permanent Zoning - Duncan Construction - First Reading - Approved - A, C, and R

Mayor Garrison stated that the annexation and permanent zoning request by Duncan Construction covering property fronting on Highway 94 west of Loop 287, to be zoned Apartment, Commercial, and Residential had been approved previously, but due to the fact that the on-site hearing was held out of sequence, the City Commission was now redoing the annexation and permanent zoning to comply with Texas Department of Community Affairs request. Mayor Garrison further stated at the last meeting of City Commission it was recommended that all property be annexed, and Mr. Woody Gann and Mr. Weldon Largent, who own Tract 15 and 16, are asking that their property receive a commercial zoning designation. There was no opposition present.

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

Commissioner E.C. Wareing stated that lots 15 and 16 were approved as residential at original hearing on annexation of property. Commissioner Wareing further stated that he would be hesitant to establish a lesser restrictive zone of commercial on these two (2) lots without consideration of the Planning and Zoning Commission.

City Attorney Bob Flournoy stated that when he discussed the commercial designation with Woody Gann, he understood these were the only two (2) lots that were designated residential, but according to map, there are residential lots adjacent to 15 and 16.

Mayor Garrison stated that he was concerned that residential property owners have not had an opportunity to comment on commercial

Bill Fenley, Attorney for Woody Gann, stated that property owners had an opportunity to come to the on-site hearing, and his client feels adequate notification was given by newspaper advertisement.

Commissioner E.C. Wareing stated that the advertisement indicated lots 15 and 16 being zoned as commercial and was not authorized by the City Commission but was changed between the public hearing and the advertisement for the on-site hearing.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that lot 15 and 16 be approved for permanent zoning as Residential Large and zone change fee be waived for property owners of Lots 15 and 16 to request changes on their property. The following vote was recorded: Aye: Commissioners Wareing and Simond. Nay: Mayor Garrison, Commissioners Thompson, McCurry, Foley, and Boyd. Mayor Garrison declared motion defeated by a vote of 5 to 2.

Mayor Garrison stated that the City Commission does not agree on a zone during a public hearing which is for the purpose of listening to proponents and opponents of the annexation.

City Attorney Bob Flournoy stated that the zones might be considered at the public hearing, but they are not designated at the public hearing.

Mayor Garrison stated that the original request for annexation only included the property owned by Duncan Construction and Planning and Zoning increased the area to provide boundary lines that would conform to the City Limits. Mayor Garrison further stated that many of the property owners did not request to be annexed, therefore, the property owners should be allowed to ask for zoning that would fit their particular needs.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that permanent zoning ordinance be approved with lots 15 and 16 being shown as Commercial and adjacent property owners to be given notification to appear before the City Commission at second reading of Ordinance if they have any questions or objections. The following vote was recorded: Aye: Mayor Garrison, Commissioners Thompson, McCurry, Foley, and Boyd. Nay: Commissioner Wareing and Simond. Mayor Garrison declared the motion approved by a vote of 5 to 2.

8. Annexation & Permanent Zoning - Steel Martin Enterprises - Second Reading - Approved - LM and C

Mayor Garrison stated that Annexation and Permanent Zoning request by Steel-Martin Enterprises covering 32.53 acres of property in the Herty Subdivision to be zoned Light Manufacturing and Commercial 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 Richard Thompson that annexation ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that permanent zoning of property to Light Manufacturing and Commercial be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second Reading - Charles E. Lucas, III - RL to NR

Mayor Garrison stated that zone change application by Charles E. Lucas, III, covering property located at 205 Joyce Lane, south of Highway 69, from Residential Large to Neighborhood Retail had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

10. Zone Change Application - Approved - Second Reading - Fred L. Walker & Dr. C.A. Allen - RL to LM

Mayor Garrison stated that zone change application by Fred L. Walker and Dr. C.A. Allen covering property located on Hill Street between Lotus Lane and North Raguet from Residential Large to Light Manufacturing had been approved on first reading at last meeting of City Commission. There was no opposition present.

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

11. Zone Change Application - Approved - First Reading - James Wilcox - RL to C

Mayor Garrison stated that zone change application by James Wilcox covering property located on Denman Avenue between Harbuck Street and Howard Street from Residential Large to Commercial had been recommended to City Commission by Planning and Zoning Commission for approval. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

12. Hearing Date Established - Annexation & Permanent Zoning - Sabine Investments - A & SU, (Townhouses)-Crown Colony

Mayor Garrison stated that a request for annexation and permanent zoning had been received from Sabine Investments covering approximately 3.2 acres adjacent to Crown Colony Subdivision Section VI-A, to be zoned A, SU (Townhouses), had been recommended to City Commission by Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that public hearing date be established as November 16, 1982, at 5:00 p.m. A unanimous affirmative vote was recorded.

13a. Bid -Approved - Sedan for Fire Department - Angelina Chevrolet-Cadillac

Mayor Garrison stated that bids had been received from two (2) companies for a new model four door sedan for use in the Fire Department.

City Manager Harvey Westerholm stated the low bid of Angelina-Chevrolet-Cadillac Co. in the amount of \$9,100.00 was recommended and that \$9,500.00 had been budgeted for the vehicle.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that low bid of Angelina Chevrolet-Cadillac Co. in the amount of \$9,100.00 be accepted. A unanimous affirmative vote was recorded.

13b. Bids - Approved - Pipe & Materials, Utility Supply - Fire Hydrants, Big State Utility - Water & Sewer Department

Mayor Garrison stated that bids had been received for the annual supply of pipe and materials and fire hydrants to be used in the water and sewer departments.

City Manager Harvey Westerholm stated that the City Staff was recommending the bid of Utility Supply in the amount of \$43,293.60 for the purchase of pipe and materials and the bid of Big State Utility in the amount of \$9,040.00 for the purchase of fire hydrants.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that the bid of Utility Supply in the

amount of \$43,293.60 for the purchase of pipe and materials be approved. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that that bid of Big State Utility in the amount of \$9,040.00 be approved for the purchase of fire hydrants. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the amount of the low bids was approximately \$2,000.00 less than the \$55,000.00 that had been budgeted.

13c. Bid - Approved - Waste Collection Vehicle - Sanitation Department - Davis Truck & Equipment Co, Inc.

Mayor Garrison stated that bids had been received for the purchase of a side -loading Sanitation truck for use in the Sanitation Department.

City Manager Harvey Westerholm stated that the bid of Davis Truck and Equipment Co., Inc. in the amount of \$60,995.00 for a 1981 International Harvester side-loading sanitation unit was recommended

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Don Boyd that the bid of Davis Truck & Equipment Co. in the amount of \$60,995.00 be approved. A unanimous affirmative vote was recorded.

13d. Bid - Approved - Rescue and Salvage Vehicle - Fire Department - Angelina-Chevrolet-Cadillac

Mayor Garrison stated that bids had been received for the purchase of a new model rescue and salvage truck for use in the fire department.

City Manager Harvey Westerholm stated that the bid of Angelina-Chevrolet-Cadillac in the amount of \$16,106.20 was recommended for approval.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that the bid of Angelina-Chevrolet-Cadillac in the amount of \$16,106.20 be approved. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the bid was \$600.00 over the budgeted amount, but this could be absorbed due to the sale of the old firetruck in excess of a \$1,000.00 earlier in the year.

13e. Bid - Approved - Underground Electric System - Kit McConnico Park - Pineywoods Electric - Parks and Recreation Department

Mayor Garrison stated that bids had been received for the installation of underground electric cable from the metering point to overhead lines at Kit McConnico Park.

City Manager Harvey Westerholm stated that the bid of Pineywoods Electric in the amount of \$19,000.00 had been recommended for approval.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that the low bid by Pineywoods Electric in the amount of \$19,000.00 be approved. A unanimous affirmative vote was recorded.

City Manager Harvey Westerholm stated that \$15,000.00 was budgeted from Revenue Sharing Budget and the Staff would recommend that the balance be budgeted from the Oil and Gas lease funds.

14. City Attorney - Retainer Increased - Budget Amended

Mayor Garrison stated that during the preparation of the annual budget no consideration was given to an adjustment in the attorney's retainer fee, and this item had been placed on the agenda at this time for consideration.

City Manager Harvey Westerholm stated that the City Employees received a 6% salary adjustment effective October 1, 1982, and the City Staff would recommend that the City Attorney's retainer receive the same adjustment.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that City Attorney's retainer be increased by 6%, and budget be amended accordingly to obtain an increase from the contingency fund. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the 6% increase be made retroactive to the beginning of this fiscal year. A unanimous affirmative vote was recorded.

15. Facility Plan - Water Pollution Control Plant - Approved - Griffith Engineers - EPA Grant

Mayor Garrison stated that a public hearing was held on October 28, 1982, to consider the facility plans for improvements to the water pollution control plant as submitted by Griffith Engineers. Mayor Garrison further stated that it was necessary that a resolution be approved accepting the facility plan before the EPA Grant could progress.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the resolution adopting the facility plan for improvements to the water pollution control plant be approved as presented. A unanimous affirmative vote was recorded.

16. Map of Fire Hydrants - Discussed

City Manager Harvey Westerholm called attention to the map prepared by the engineering department which indicated the location of fire hydrants in the entire City.

Mayor Garrison stated that he would like to see an indication on the map of the type of buildings and residences in the areas not covered by the 500 foot radius from each fire hydrant. Mayor Garrison further stated that he would like to see what areas are improved and unimproved sections of the city.

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

Pitser H. Garrison
Pitser H. Garrison, Mayor



ATTEST:

Ann Griffin
Ann Griffin, City Secretary