

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF NOVEMBER, 1982, AT 5:00 P.M.

On the 16th day of November, 1982, 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:

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| Pitser H. Garrison | Mayor                    |
| Percy Simond       | Commissioner, Ward No. 1 |
| Don Boyd           | Commissioner, Ward No. 2 |
| Bob McCurry        | Commissioner, Ward No. 3 |
| 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           |

being present, and,

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| Pat Foley       | Commissioner, Ward No. 4 |
| Robert Flournoy | City Attorney            |

being absent, when the following business was transacted.

1. Meeting opened with prayer by City Manager Harvey Westerholm.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 2, 1982, were approved on motion by Commissioner Don Boyd and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. OPEN HEARING - Reinvestment Zone Designated - John Ross Kay - Tax Abatement Program

Mayor Garrison stated that John Ross Kay was requesting that his property on the corner of Lufkin Avenue and Second Street be designated as a "Reinvestment Zone" to take advantage of tax abatement. Mayor Garrison further stated that Mr. Kay planned to renovate the building to house his law office. Mayor Garrison stated that the property had been considered for tax abatement previously and declared eligible for this type of financing. Mayor Garrison officially opened public hearing, and recognized John Ross Kay, who was present in representation of reinvestment zone.

Mr. Kay stated that the building was presently being renovated and when finished would resemble the original building as closely as possible. Mayor Garrison officially closed public hearing due to lack of discussion. There was no opposition present.

5. Ordinance Approved - First Reading - Reinvestment Zone - John Ross Kay

Mayor Garrison stated that the Commission should consider the approval of an ordinance designating Mr. Kay's property as a reinvestment zone.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that John Kay's property being the south one-half of lot 13 in Block #9 of the original town of Lufkin, Texas, be approved as a tax reinvestment zone. A unanimous affirmative vote was recorded.

6. OPEN HEARING - Annexation & Permanent Zoning - Sabine Investment Crown Colony Subdivision Section VI-A- A & SU (Townhouses)

Mayor Garrison stated that Sabine Investments had requested the annexation of 3.2 acres in the Crown Colony Subdivision for the purpose of building townhouses. Mayor Garrison further stated that the development is in agreement with the master plan of Crown Colony, and an on-site public hearing was held on the property. Mayor Garrison officially opened and closed public hearing due to lack of discussion.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that annexation and permanent zoning ordinances be considered on first reading at City Commission meeting on December 7, 1982. A unanimous affirmative vote was recorded.

7. Ordinance Approved - First Reading - Alley Closing - First Baptist Church

Mayor Garrison stated that alley closing request by First Baptist Church covering alley located between the streets of Bremond and Groesbeck and First and Third had been considered in open hearing at last meeting of City Commission and there was no opposition present. Mayor Garrison stated that the property has been appraised by Tax Assessor/Collector Roy Sinclair at \$630.00 per alley for a total price of \$1,260.00.

Commissioner E.C. Wareing stated that the City would retain a utility easement on subject property. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Bob McCurry that ordinance for alley closing be approved on first reading as presented. A unanimous affirmative vote was recorded.

8. Annexation & Permanent Zoning - Approved - Second Reading - Duncan Construction - Apartment, Commercial, and Residential

Mayor Garrison stated that annexation & permanent zoning request by Duncan Construction was approved on first reading at last meeting of City Commission, but there was some question about the zoning of two (2) lots on the east side of the apartment zone to commercial. Mayor Garrison stated that it was decided that adjoining property owners should be given special notice of the zone change to commercial to allow them opportunity to voice any objection they might have. Mayor Garrison further stated that a petition had been received stating that there was no opposition by adjacent property owners. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Bob McCurry that annexation ordinance be approved as presented on second and final reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that permanent zoning ordinance be approved as presented on second and final reading. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second 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 approved at last meeting of City Commission. There was no opposition present.

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

10. Zone Change Application - Approved - First Reading - Phillip Morris - LB to C

Mayor Garrison stated that zone change application by Phillip Morris covering property located between Lufkin Avenue and Ford Chapel Road from Local Business to Commercial has been recommended to City Commission for approval by Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

11. Zone Change Application - Approved - First Reading - Mile Post Inn's - A to C

Mayor Garrison stated that zone change application by Mile Post Inn's covering property located on the corner of Church and Myrna Streets from Apartment to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

12a. Bid - Approved - Trenching Machine - Water & Sewer Department - Ditch Witch of East Texas

Mayor Garrison stated that bids had been received for the purchase of a trenching machine to be used in the Water & Sewer Department and asked City Manager Harvey Westerholm to voice his recommendation.

City Manager Harvey Westerholm stated that the machine proposed by the low bidder did not meet the specifications due to the fact that it is an articulated machine which bends in the middle, steering is hydraulic, and the motor speed governs the chain speed. City Manager Westerholm further stated that the next low bid was from Ditch Witch of East Texas in the amount of \$16,354.29, and he would recommend the approval of this bid as the lowest and best bid.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that City Manager Westerholm's recommendation be followed and bid be awarded to Ditch Witch of East Texas in the amount of \$16,354.29. A unanimous affirmative vote was recorded.

12b. Bid- Approved - Fencing for Parks Department - Southland Fence Company

Mayor Garrison stated that bids had been received for the purchase of fencing for use in the Parks Department and asked City Manager Harvey Westerholm to state his recommendation.

City Manager Harvey Westerholm stated that the bids were for a six(6) foot fence at Kit McConnico Park and a 10 foot fence at Jones Park. City Manager Westerholm further stated that notice of bids had been mailed to four (4) different companies with only one(1) bid being received from Southland Fence Company in the amount of \$5,795.00.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Don Boyd that low bid of Southland Fence Company in the amount of \$5,795.00 be approved. A unanimous affirmative vote was recorded.

12c. Bid - Approved - Ceiling & Roof - Isolation Building - Zoo - Larry Allen

Mayor Garrison stated that bids had been requested for the framing and installation of the roof and decking on the isolation building at the zoo and asked that City Manager Harvey Westerholm make his recommendation.

City Manager Westerholm stated that two (2) bids had been received and that he would recommend the bid be awarded to Larry Allen in the amount of \$2,200.00, which would cover the entire job. City Manager Westerholm further stated that the bid from Commercial Roofing Company was only for the installation of the roof and did not include the framing of same. City Manager Westerholm further stated that the materials would be purchased by the zoo.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that bid for the labor to install the roof and ceiling on the isolation building at the zoo be awarded to Larry Allen in the amount of \$2,200.00. A unanimous affirmative vote was recorded.

13. Proposals for Police Management Study - Tabled

Mayor Garrison stated that the City Commission had requested that City Manager Westerholm obtain proposals for a management study of the Police Department and proposals had been received from Arthur Young & Co. and Peat, Marwick, and Mitchell.

Commissioner Richard Thompson stated that he had decided after a study of the proposals that Peat, Marwick, and Mitchell were suggesting a comparison of the Lufkin Police Department with other cities and that proposal of Arthur Young & Co. was to develop an entire program based on the needs of the Lufkin Police Department, which would indicate the reason for the higher estimate of \$22,000.00.

Commissioner E.C. Wareing stated that the proposal by Arthur Young & Co. would accomplish the goals this Commission desired from the Management Study. Commissioner E.C. Wareing stated that the City and Police Department had grown to a point where this type of study would be of great benefit, and the Police Department should not feel this was a reflection on the department because the City of Lufkin has an excellent police department with an opportunity to improve even further.

Mayor Garrison stated that the Police Management Study would make the police department better and provide a book of policies and procedures in keeping with the professionalism of the department.

City Manager Harvey Westerholm stated the money for the Police Management Study would have to be obtained from the unallocated funds in the budget.

Commissioner Richard Thompson stated that the City of Lufkin should contact cities previously served by Arthur Young & Co. and Peat, Marwick, and Mitchell to obtain an opinion of their work.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that City Manager Westerholm check references of Arthur Young & Co. and Peat, Marwick, and Mitchell with action on this item being tabled until the next meeting of the City Commission on December 7, 1982. A unanimous affirmative vote was recorded.

14. Ordinance Approved - First Reading - Hill Street Speed Zone Established

Mayor Garrison stated a speed study had been conducted on that portion of Hill Street recently opened from Lotus Lane to Frank Avenue, and the City Staff was recommending a speed zone of 40 miles per hour on this section.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that ordinance be approved on first reading establishing the speed zone at 40 miles per hour. A unanimous affirmative vote was recorded.

15. Municipal Maintenance Agreement - Approved - Texas Department of Highways & Public Transportation

Mayor Garrison stated that a revised Municipal Maintenance Agreement had been received from the Texas Department of Highways and Public Transportation with only minor revisions. Mayor Garrison further stated the only change is that in the future the City of Lufkin would maintain traffic signs on all streets abutting the Highway Department System.

City Manager Harvey Westerholm stated that there would be no additional cost to the city.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that Municipal Maintenance Agreement be approved as presented. A unanimous affirmative vote was recorded.

16. Water Pollution Control Plant - Plans and Specifications for Improvements and Modifications - Griffith & Associates Authorized To Begin Work

Mayor Garrison stated that a hearing was held on October 28, 1982, to consider facility plans for the Water Pollution Control Plant and the next step in the process to receive a grant from the Environmental Protection Agency would be the development of plans and specifications for this facility.

City Manager Harvey Westerholm stated that he had visited with the Texas Department of Water Resources in Austin and received the encouragement that the City of Lufkin would receive funding if required steps could be completed by September 20, 1983. City Manager Westerholm further stated that if steps were not completed before October, 1983, funding would be reduced from 75% to 55% of total cost with no funding for installation of the facilities that would provide for the growth of the city. City Manager Westerholm further stated that the City Commission should move with dispatch to meet deadlines and insure 75% financing. City Manager Westerholm stated that the total cost of the engineering phase of the program would be \$317,000.00 for preparation of plans and specifications.

Mayor Garrison stated that he could not agree to spending this type of money if the plans will not provide a plant that will function as required by the State. Mayor Garrison further stated that there were no guarantees that construction of the plant would insure the City would be in compliance with EPA Guidelines after completion.

In answer to question by Mayor Garrison, Jimmy Griffith, Griffith & Associates, stated that there were no bonds available to assure that the City of Lufkin would be in compliance with State regulations, but the City would have recourse if an engineer is negligent in the drafting of plans.

Commissioner E.C. Wareing stated that he voted for the present sewer plant which uses the zimpro process, which was to meet the sewer needs of the City of Lufkin for the next 20 years. Commissioner E.C. Wareing stated hydraulic overloads in the event of heavy rains and repairs to the collection system were two (2) major problems that had to be faced.

Mayor Garrison stated that the problems should have been taken into consideration by the engineering firm when plans were developed, and there was not a sewer system anywhere without the problem of infiltration.

Commissioner E.C. Wareing stated that there are some sewer systems that are in better shape than the City of Lufkin, and the cost of repairing the lines to prevent infiltration was estimated to be \$260,000.00.

Mayor Garrison stated that once the system was repaired, infiltration would begin again due to the shifting of the land.

Commissioner E.C. Wareing stated that the plant was designed to receive nothing greater than 300 ppm of total suspended solids and BOD.

Mayor Garrison stated that the City of Lufkin had adopted an Industrial Waste Ordinance to enforce this limitation, but commercial and industrial loads are many times greater than they should be, and the state will require the City of Lufkin to rewrite the Industrial Waste Ordinance to provide more stringent penalties perhaps through increased surcharges.

Commissioner E.C. Wareing further stated that if the infiltration problem and the amount of suspended solids were kept in the 300 ppm range, the present City Sewer Plant would be in compliance more often.

City Manager Westerholm stated that \$200,000.00 had been budgeted this year to defray expenses for preparing the plans and specifications for a new sewer plant, and when the grant was received, the City of Lufkin would be reimbursed for funds already spent.

Mayor Garrison stated that he would prefer to try for a 55% funding in order to receive assurance that the effluent from the new sewer plant would meet state standards.

Commissioner Richard Thompson stated that the process that would be used in the new sewer plant, anaerobic digestion, is a tried and true method of treating waste water that works naturally.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that if the City of Lufkin did not attempt to bring the plant into compliance, the State could prevent the issuance of any new building permits.

Commissioner Bob McCurry stated that he had received many complaints about the present sewer plant, and felt a bond issue would be hard to sell to the people at this time.

City Manager Westerholm stated that the sewer plant is doing a good job except for the problem of infiltration and the large amount of industrial waste.

Mayor Garrison stated that he felt the Environmental Protection Agency should review their guidelines when the City of Lufkin is held responsible for circumstances they cannot control and are penalized for being out of compliance one day out of thirty.

Jimmy Griffith stated that the plant was out of compliance 50% of the time for the first seven months in 1982. Mr. Griffith stated that if his company were authorized to proceed, they would prepare plans and specifications for the plant, invite bids from construction firms, and once the amount of needed money is determined, a bond proposal would be presented to the citizens of Lufkin for approval.

Commissioner Don Boyd stated that once the Texas Department of Water Resources places the City of Lufkin under an enforcement order to correct their problems, correction must be made, and the longer the City delays, the more expensive it will become.

City Manager Westerholm stated that the order to make the modifications to the present sewer plant was received in 1979.

In response to a question by Commissioner E.C. Wareing, Jimmy Griffith stated that if his firm proceeded with the plans and specifications for a new plant, in a three (3) week period, the liability of the City would be approximately \$5,000.00 to \$6,000.00, but this would allow the Commissioners time to meet with the Texas Department of Water Resources in Austin and still stay on the timetable for completion of plans and specifications.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that Jimmy Griffith and Associates be authorized to proceed with development of plans and specifications until the next City Commission meeting to meet the deadline for 75% financing, that the City Commissioners would attempt to obtain an appointment in Austin with the Texas Department of Water Resources, and that the City Attorney draft a contract with Griffith Engineers for consideration at the next meeting. A unanimous affirmative vote was recorded.

Mayor Garrison stated that he would like to see the steps required before construction of the new sewer plant can begin.

17. Marilyn Moritz - Lufkin News - Moving to Waco; Location of New Post Office - Discussed

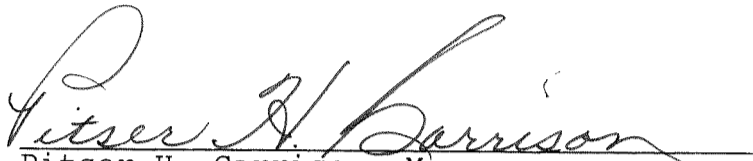
Mayor Garrison stated that Marilyn Moritz, reporter for Lufkin Daily News, has accepted a position as reporter for a television station in Waco, Texas, and this would be her last City Commission meeting that she would cover for the City of Lufkin. Mayor Garrison further stated that he would like to inform Miss Moritz that the City Commission appreciates her coverage of their meetings and that her reporting has been factual, objective, and straight forward. Mayor Garrison further stated that the City Commission would like to wish her every happiness in her new venture.

Commissioner Richard Thompson stated that he understood the City Commission had recommended that the new post office be located in the vicinity of the Federal Building now under construction.


Commissioner Richard Thompson stated that he understood from the Lufkin Daily News that the Post Office will not be in this vicinity and would suggest that the City Commission make their recommendation known again.

Mayor Garrison stated that it would be in order for the Manager to restate the position of the City Commission, and that the location of the Post Office might be placed on the agenda for further consideration at the next meeting of the City Commission.

- 18. There being no further business for consideration, meeting adjourned at 6:50 p.m.

  
Pitser H. Garrison, Mayor



  
Ann Griffin, City Secretary