

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF OCTOBER, 1986, AT 5:00 P.M.

On the 21st day of October, 1986, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward NO. 2
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Frank Starr, Minister, First Lutheran Church, Lufkin.

2. Mayor Garrison welcomed visitors present to the first meeting in the new City Hall Council Chambers.

3. APPROVAL OF MINUTES

Minutes of regular meeting of October 7, 1986, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - TAX ABATEMENT/REINVESTMENT ZONE - JOHN ROSS KAY - 200, 200-A, 202 and 204 EAST LUFKIN AVENUE 105 SOUTH SECOND STREET

Mayor Garrison stated that the Commission now had for consideration Second Reading of Tax Abatement/Reinvestment Zone for John Ross Kay, covering property located at 200, 200-A, 202 and 204 East Lufkin Avenue and 105 South Second Street.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden, Jr. that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - DELINQUENT TAX PENALTY

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance imposing 15% penalty on delinquent taxes.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - SECOND READING - TEXAS MUNICIPAL RETIREMENT SYSTEM - "UPDATED SERVICE CREDITS"

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for "Updated Service Credits" for Texas Municipal Retirement System.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - GARY ALEXANDER - LUFKIN AVENUE BETWEEN RENFRO AND LOOP 287 - RL to C

Mayor Garrison stated that the next item for consideration was First Reading of Ordinance for Zone Change Request by Gary Alexander covering property located on Lufkin Avenue between Renfro and Loop 287 from Residential Large to Commercial. Mayor Garrison stated that there was no opposition to the request when it was heard before the Planning and Zoning Commission and had been passed unanimously as presented.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - TABLED - NOISE ABATEMENT

Mayor Garrison stated that the Commission now had for consideration a Noise Abatement Ordinance which seeks to avoid unnecessary noises.

City Manager Westerholm stated that at last meeting it was requested that an ordinance be prepared regulating noise in the City and an ordinance prepared by the City Attorney had been included in the Commissioner's packets for approval.

In response to question by Commissioner Simond, City Attorney Flournoy stated that a permit issued by the City Secretary's office shall be for the calendar year.

In response to question by Commissioner Gorden, City Attorney Flournoy stated that it had been his intention to restrict unnecessary and loud noises in residential areas.

Commissioner Don Boyd stated that by restricting sound amplifiers and loud speakers in residential areas, it would inhibit candidates during election years from getting their campaign message to the people.

In response to request by Commissioner Foley that City Attorney Flournoy elaborate on item #3, City Attorney Flournoy stated that the "grating, grinding, rattling or other noise" dealt with defective mufflers or loud pipes on vehicles. City Attorney Flournoy stated that there is a State statute that deals with defective equipment and some vehicles are designed simply to make a loud noise. City Attorney stated that item #3 could also apply to three-wheelers and motorcycles.

Commissioner Foley stated that he would interpret item #7 to mean that a person could not blow their horn to get a person's attention without being in violation of the Noise Ordinance. Commissioner Simond stated that perhaps this item could be refined and not restrict blowing horn to attract attention.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Ordinance be tabled until next meeting of the Commission. A unanimous affirmative vote was recorded.

9. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE & STEPHENS - NEW CITY HALL

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of invoice from Tribble & Stephens for new City Hall.

Commissioner Percy Simond stated that he would like to know why there were not any drawers in the new Council table. Architect Jerry Hill stated that it was possibly an oversight on his part and it would not be a problem to add drawers.

Commissioner Simond stated that he would like to commend Mr. Hill for doing a good job on the new City Hall.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Resolution for payment of invoice in the amount of \$149,106.00 be approved as presented. A unanimous affirmative vote was recorded.

10. INVOICE - APPROVED - EVERETT GRIFFITH & ASSOCIATES - INTERCEPTOR AND WASTEWATER TREATMENT PLANT

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associates for work performed by them for the month ending September 25, 1986.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that invoice from Everett Griffith and Associates in the amount of \$16,188.00 be approved as presented. A unanimous affirmative vote was recorded.

11a. BID - APPROVED - TELETYPE SYSTEM - POLICE DEPARTMENT

Mayor Garrison stated that the Commission now had for consideration bid for a teletype system for the Police Department.

City Manager Westerholm stated that three (3) bids had been received and the low bid was from Layton and Associates for a five (5) year lease at \$148 per month.

Commissioner Simond stated that he had clipped a column out of an Austin newspaper which stated that funds were available to cities for fighting crime and wanted to know if our city is a participant in the program.

City Manager Westerholm stated that Lufkin does participate in the program through the Criminal Justice Division in Austin. City Manager Westerholm stated that \$6 out of each traffic fine is sent to be used for different programs which included drug abuse and traffic.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that bid of Layton & Associates at \$148 per month or a yearly cost of \$1,776, maintenance included, be accepted as the lowest and best bid. A unanimous affirmative bid was recorded.

11b. BID - APPROVED - SOUND SYSTEM - CITY HALL COUNCIL CHAMBERS

Mayor Garrison stated that the Commission now had for consideration bids for the sound system in the new City Hall Council Chambers. Mayor Garrison stated that the low bid had been received from Sound Tech for \$11,093.00.

Commissioner Pat Foley stated that he would like some assurance from Jerry Hill, architect, that this is a reliable firm and that they would be available to service the equipment.

Jerry Hill stated that Sound Tech could provide several local references and he would offer his personal recommendation. Assistant City Manager Brian Boudreaux stated that Sound Tech had installed the sound system in the old City Hall.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that low bid by Sound Tech in the amount of \$11,093.00 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

11c. BID - APPROVED - RADIO CONTROL SYSTEM - POLICE DEPARTMENT

Mayor Garrison stated that the next item for consideration was a Radio Control System to be used in the Police Department.

City Manager Westerholm stated that only one bid had been received for the radio control system and it was from Motorola. City Manager Westerholm stated that this item was included in the proposed cost of the new City Hall.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid from Motorola in the amount of \$38,659 be accepted as presented. A unanimous affirmative vote was recorded.

12. ADDITIONAL MATERIAL - APPROVED - PLANNING & ZONING COMMISSION - COMPREHENSIVE PLAN

Mayor Garrison stated that the next item for consideration was a request by the Planning & Zoning Commission to provide additional material for advisory board members.

City Planner Finan stated that the additional material consists of 125 reports from Bucher, Willis & Ratliff at a cost of \$120 and a 20"x28" map which Lufkin Printing could reproduce at a cost of \$442.

City Planner Finan stated that members of the Planning and Zoning Commission felt that another meeting was needed for more informed public input into the Future Land-Use Section and Bucher, Willis & Ratliff would charge \$264 for an additional meeting if it were attached to a scheduled meeting.

Mayor Garrison stated that there are five different colors on the Future Land-Use Map and that would be expensive to set up.

City Manager Westerholm stated that the total cost for the printed material and additional meeting would be \$826.00.

Commissioner Simond stated that he had talked with a lot of people who objected to an out of town firm coming in and telling us how to zone the City. Commissioner Simond stated that perhaps the City is too restrictive in its zoning. Commissioner Simond stated that someone had brought to his attention that there had not been any new construction inside the Loop in the past ten years. Commissioner Simond stated that perhaps it would be perceived that the City government doesn't want the City to grow.

Mayor Garrison stated that he did not believe that the City government stymied growth of the City.

In response to question by Commissioner Bronaugh, City Planner Finan stated that the reports could be ready by the end of the week and the maps will take five working days.

City Manager Westerholm stated that funds were available in the Contingency Fund of the new budget.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden authorizing the Planning and Zoning Commission to make and distribute copies of the Preliminary Reports and Maps to the participants of the Citizen's Committees and pay additional fees to have a representative of Bucher, Willis and Ratliff present for

another Public Hearing for a total cost of \$826.00. A unanimous affirmative vote was recorded.

City Planner Finan stated that copies of the preliminary report and map will be sent out with a letter inviting members of the Citizen's Committees to the next meeting. City Planner Finan stated that he could take care of postage out of his departmental budget.

13. DOG ORDINANCE - NO SMOKING ORDINANCE ON BUS - SEWER PLANT

Commissioner Percy Simond stated that he had spoken with City Manager Westerholm regarding the Dog Ordinance and he was unable to find in the Ordinance where dogs on the property do not need to be fenced or chained.

Mayor Garrison stated that a person cannot allow their dog to leave the premises without a leash and the person who allows their dog to get out has committed an offense. City Attorney Flournoy stated that he concurred with the Mayor's statement.

City Manager Westerholm stated that Commissioner Simond should be in touch with the person who had called him and have him file a complaint in Municipal Court.

In response to question by Commissioner Simond, City Manager Westerholm stated that since the City has not finalized a contract with the bus company, he had not asked the City Attorney to start working on a "No Smoking Ordinance" for buses. Commissioner Simond stated that he was also concerned that eating be prohibited on the buses. Commissioner Don Boyd stated that usually the bus company will post a sign inside the bus stating that there will be no eating, drinking, or loud radios allowed on the bus.

Commissioner Simond stated that he had received a copy of "Insight" magazine in his Commissioner's packet and he hoped the City was not paying for a subscription to this publication.

Mayor Garrison stated that he would like to give a word of commendation on the excellent performance of the Water Pollution Control Department as reflected on the September sewer report.

14. There being no further business for consideration, meeting adjourned at 5:55 P.M.



ATTEST:

Atha Stokes

Atha Stokes - City Secretary

Pitser H. Garrison
Pitser H. Garrison, Mayor