MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF NOVEMBER, 1985 AT 5:00 P.M.

On the 5th day of November, 1985, 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
Lynn Malone	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	Asst. City Manager
Ron Wesch	Public Works Director
Tommy Deaton	Asst. City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was conducted.

1. Meeting was opened with prayer by Rev. Roger Lewis, Minister, Glad Tidings Assembly of God Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of October 15, 1985, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - CERTIFICATES OF OBLIGATION - NEW CITY HALL

Mayor Garrison stated that the Commission had for consideration an Ordinance on Second Reading authorizing issuance of Certificates of Obligation in the amount of $4,000,000 for the new City Hall financing.

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

5. ORDINANCE - APPROVED - ZONE CHANGE - SECOND READING - MAYBELLE SMITHHEART - 1510 BRANCH - LM TO RS

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of a Zone Change Request from Maybelle Smithheart covering property located at 1510 Branch Street from Light Manufacturing to Residential Small. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - ZONE CHANGE - SECOND READING - MARSHALL CANON - RL TO RL, SU (PLUMING SUPPLIES: NO OUTSIDE STORAGE OR RETAIL SALES)

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Zone Change Request from Marshall Canon covering property located at 603 Sandybrook from Residential Large to Residential Large, Special Use (Plumbing Supplies: No Outside Storage or Retail Sales).

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - ZONE CHANGE - SECOND READING - KAROL GREEN - LB, SU (SHOPPING CENTER) TO LB, SU (POST OFFICE)

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Zone Change Request from Karol Green covering property located at northwest corner of Old Union Road and Loop 287 from Local Business, Special Use (Shopping Center) to Local Business, Special Use (Post Office). There was no opposition present.

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

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - MARTHA THOMPSON - 812 SHADY PINE

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request from Martha Thompson covering property located at 812 Shady Pine from Residential Large to Residential Small. There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - ROBERT RAY FRANK STREET BETWEEN PERRY & HILL STREETS - RL TO NR

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request from Robert Ray covering property located on Frank Street between Perry and Hill Streets from Residential Large to Neighborhood Retail. There was no opposition present.

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

10. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - DR. JOHN KOCH - LOOP 287 BETWEEN CROOKED CREEK & TURTLE CREEK - RL TO LB, SU (PROFESSIONAL OFFICES)

Mayor Garrison stated that the Commission now had for consideration a Zone Change Request from Dr. John Koch covering property located on Loop 287 West between Crooked Creek and Turtle Creek from Residential Large to Local Business, Special Use (Professional Offices).

Mayor Garrison stated that the Planning & Zoning Commission had placed some restrictions on the Zone Change Request before recommending same to the City Commission. Mayor Garrison stated there were no formal objections from the public but the restrictions were in accordance with ingress and egress to Loop 287. Mayor Garrison stated that the minutes of the Planning & Zoning Commission reflected that Dr. Koch agreed that the conditions would be complied with. Mayor Garrison stated that he would like to see the restrictions put in the Ordinance and a plat attached for the record.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading with the restrictions as set for by the Planning Zoning Commission. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - LUFKIN ASSOCIATES - 509 S. CHESTNUT

Mayor Garrison stated that the Commission now had for approval a Zone Change Request from Lufkin Associates covering property located at 509 Chestnut Village from Commercial to Commercial, Special Use (Private Club).

The Zone Change Request was presented by Attorney Claude Welch who stated that this would not be a restaurant with a private club but would be a private club with memberships available.

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

12. INVOICE - APPROVED - JERRY GENE ALLEN CASE

Mayor Garrison stated that the Commission now had for consideration invoices from Flournoy, Deaton & Stephens, Maroney & Taylor, and Hannah & Guthrie for final payment in the Jerry Gene Allen case.

Mayor Garrison stated that he would like to know if there was any reasonable opportunity that the City might be able to recover any of these expenditures from the insurance company who [illegible] to defend the suit and that declined to do so. Mayor Garrison requested Assistant City Attorney Tommy Deaton to ask City Attorney [illegible] Flournoy to explore the possibility of recovering same.

In response to question by Commissioner Don Boyd, Assistant City Attorney Deaton stated that if Jerry Gene Allen does appeal the decision of the Court, the case will probably be dismissed because there is no merit in his appeal. Assistant City Attorney Deaton stated that the City would have to respond to any appellate brief Mr. Allen files in New Orleans.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that invoices totaling $29,156.95 in payment of legal representation of the Jerry Gene Allen case be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that $29,156.95 be transferred from the contingency fund for payment of invoices for legal fees. A unanimous affirmative vote was recorded.

13. INVOICE - APPROVED - INSURANCE COVERAGE

Mayor Garrison stated that the Commission now had for approval an invoice for renewal of liability coverage in the amount of $36,331.[illegible] and an invoice for property insurance in the amount of $[illegible],273.04.

City Manager Westerholm stated that the staff was recommending the physical damage insurance on various city buildings be omitted for the coming year. City Manager Westerholm stated that a list had been provided for the Commission of all the City's property and those items to be deleted from coverage had been circled. City Manager Westerholm stated that with these deletions the physical damage insurance can be reduced by $15,191.[illegible]5.

Mayor Garrison stated that he was not in favor of reducing the coverage on. Commissioner Percy Simond stated that he agreed with the Mayor.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that the Commission accept the recommendation of the City Manager on the elimination of some of the insurance coverages. The following vote was recorded: Aye - Commission Foley, Commissioner Bronaugh Nay - Commissioners Malone, Boyd, Simond, Warren, and Mayor Garrison. Mayor Garrison declared motion failed by a vote of 5 to 2.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that payment of insurance coverages - $16,3[illegible]1.99 for liability and $6,229.04 for property insurance - be approved as presented. A unanimous affirmative vote was recorded.

14. AGREEMENT - APPROVED - TEXAS HIGHWAY DEPARTMENT - SAFETY LIGHTING

Mayor Garrison stated that the Commission now had for consideration an agreement from the Texas Highway Department for construction, maintenance and operation of safety lighting on US 59 at Loop 287.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that agreement and execution of contract with the Texas Highway Department be approved as presented. A unanimous affirmative vote was recorded.

15. BID - APPROVED - COMPUTER PRINTER - IBM - CITY SECRETARY'S OFFICE/PLANNING DEPARTMENT

Mayor Garrison stated that the Commission now had for approval a bid for a letter quality printer to be used in the City Secretary's Office and in the Planning Department.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that bid from IBM in the amount of $5,547.50 be accepted as presented. A unanimous affirmative vote was recorded.

16. CITY CHARTER REVISION - ARTICLE IV, SECTION 4 - DISCUSSED

Mayor Garrison stated that Commissioner Percy Simond had requested that possible revision to Article IV, Section 4 of the City Charter be discussed at tonight's meeting.

Commissioner Simond stated that he would like to see Article IV, Section 4 of the City Charter changed so that department heads appointed by the City Manager would be done so with the approval of the City Commission.

Commissioner Don Boyd stated that the Charter had not been updated since February, 1966, and he would like to see the Charter updated and some other things changed.

Mayor Garrison stated that the citizens of Lufkin would have to vote on any proposed changes. Mayor Garrison stated that in his opinion the City Manager should be able to employ the people whom he will work with and be responsible for. Mayor Garrison requested that City Attorney Flournoy research the law which authorizes the setting up of a City Charter Commission.

17. INVOICE - APPROVED - FIRE MANAGEMENT STUDY - LONG ASSOCIATES

Mayor Garrison stated that the Commission now had for consideration the final invoice from Long Associates for the Fire Management Study.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that invoice to Long Associates in the amount of

$3,742.00 was approved as presented. A unanimous affirmative vote was recorded.

18. Lynn Malone stated that he might have been hasty in voting for the time change of the City Commission meetings and since thought that it might be more convenient for the person who works from 8 to 5 to attend a night meeting.

Mayor Garrison stated that in his opinion the earlier meeting time would be more convenient because most of the meetings lasted a minimum of two hours which meant that it was often late when the meeting ended. Mayor Garrison stated that unless the Commission receives alot of requests from people on the agenda who state that it is a hardship to come at 5:00 P.M., the meeting time would remain the same.

Commissioner Percy Simmons stated that he would like to know what would happen if a train derailed in downtown Lufkin.

Chief Billy Stephens of the Fire Department stated that an evacuation would be conducted with the help of the Police Department. Chief Stephens stated that the firefighters would be wearing breathing apparatus to enter the scene of the derailment and every effort would be made to find out from the conductor the contents of the spillage. Fire Marshall Roy Carrell stated that railroad cars are required to have the contents of the cars clearly written on the outside of same. Fire Marshall Carrell stated that communication can be established with the railroad personnel quickly in the event the conductor is unable to give this information.

Commissioner Don Boyd stated that he was still waiting for an update on the Police Department study. Commissioner Boyd stated that he would like to know if the suggestions made by the study are being implemented in the Department and he wanted to see some action on this matter and would like a progress report.

City Manager Westerholm stated that groundbreaking ceremonies would take place at 12:00 noon, Thursday, November 7, 1985, for the new City Hall.

19. There being no further business for consideration, meeting adjourned at 7:25 p.m.

Pitser H. Garrison

Pitser H. Garrison - Mayor

ATTEST:

Atha Stokes

Atha Stokes - City Secretary