

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF JULY, 1986, AT 5:00 P. M.

On the 1st day of July, 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 Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
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, and

Don Boyd

Commissioner, Ward No. 2

being absent, when the following business was transacted:

1. Meeting was opened with prayer by Major Cecil Sellers, Minister, Salvation Army, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of June 17, 1986, were approved on a motion by Commissioner Pat Foley and Seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - HOWARD HALL - 3403 SOUTH CHESTNUT - RL, NON-CONFORMING TO RL, SU NORTH LOT-CONVENIENCE STORE/SOUTH LOT-GAS PUMPS AND PARKING)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Howard Hall covering property located at 3403 South Chestnut from Residential Large, Non-Conforming to Residential Large, Special Use. Mayor Garrison stated that the Planning and Zoning minutes reflected considerable discussion regarding the permanent zone change. Mayor Garrison stated that the area residents did not object to retaining the Residential Large zone with a special use designation. There was no opposition present.

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

5. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - JAMES MATTOX - 404 KURTH DRIVE - RS TO C, SU (OUTSIDE PARKING LIMITED TO 9 CARS)

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by James Mattox covering property located at 404 Kurth Drive from Residential Small to Commercial, Special Use. Mayor Garrison stated that there had been some discussion before Planning and Zoning regarding the zone change to Commercial and that a special use had been designated for the pur-

pose of operating a used car sales. Mayor Garrison stated that the Zone Change had been unanimously approved by Planning and Zoning.

Commissioner Percy Simond stated that he was interested in the special use limiting Mr. Mattox to having nine cars on the property. Commissioner Simond stated that he had noticed an unsightly lot at the corner of First and Laurel which apparently did not have a limit as to the number of cars which were parked there, and requested that City Manager Westerholm check to see if the City has an ordinance pertaining to the number of cars parked in a lot, and if the business at this location was in compliance.

City Manager Westerholm stated that he has not seen an ordinance regulating the number of cars on a lot.

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.

6. ORDINANCE - APPROVED - FIRST READING - TONY AND JACKIE HUNTER - FINLEY AND THIRD - RS TO LB

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Tony and Jackie Hunter covering property located at the corner of Finley and Third. Mayor Garrison stated that the request was for a hair salon and retail shop to be located on this property. There was no opposition present.

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

7. ORDINANCE - APPROVED - FIRST READING - ARNOLDO GARCIA - 1406 SULSER - LM TO RS

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance covering property located at 1406 Sulser, from Light Manufacturing to Residential Small. Mayor Garrison stated that the Zone Change had been unanimously approved by Planning and Zoning for recommendation to City Commission. There was no opposition present.

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

8. ORDINANCE - APPROVED - AMENDING/RESTATING PROVISIONS OF ORDINANCE #2479 WATERWORKS AND SEWER SYSTEM - SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATION

Mayor Garrison stated that the Commission now had for consideration Ordinance amending and restating the provisions of Ordinance #2479 authorizing the issuance of \$200,000 "City of Lufkin, Texas, Tax and Waterworks and Sewer System Subordinate Lien Revenue Certificates of Obligation, Series 1986", passed and approved on January 21, 1986; enacting provisions incident and related to the sale of said certificates; and declaring an emergency.

Commissioner Percy Simond stated that, in his opinion, it looked like the City staff's time was being wasted by having to come back and approve an additional \$200,000 Certificate of Obligation. Commissioner Simond stated that the City should request enough money to do whatever needs to be done at one time.

In response to question by Commissioner Simond, City Manager

Westerholm stated that it would cost the City \$4500 for the \$200,000 Certificates of Obligation.

Commissioner Simond stated that reviewing the documents takes a lot of City Attorney Bob Flourney's time and that this was the third time this year that the Commission had approved CO's.

Mayor Garrison stated that he had learned earlier today that the exterior of the present City Hall building would not conform to the exterior of the new building. City Manager Westerholm stated that plans for the present building included the fascia conforming to the new building, a new roof, and the inside of the building renovated. City Manager Westerholm stated that present plans for the exterior of the building were for it to remain red brick.

Mayor Garrison stated that he had no idea what it would cost to redo the exterior of the present building to conform to the new building, and while it might not be feasible, he would still like to explore the cost.

City Manager Westerholm stated that the \$200,000 Certificates of Obligation were needed because of an overrun of bids for renovation to the Sewer Treatment Plant.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Ordinance amending and restating the provisions of Ordinance #2479 authorizing the issuance of \$200,000 "City of Lufkin, Texas Tax and Waterworks and Sewer System Subordinate Lien Revenue Certificates of Obligation, Series 1986" passed and adopted on January 21, 1986; enacting provisions incident and related to the sale of said certificates be approved as presented and passed on First Reading due to an emergency. A unanimous affirmative vote was recorded.

**9. RESOLUTION - APPROVED - PAYING AGENT/REGISTRAR AGREEMENT - WATERWORKS AND SEWER SYSTEM**

Mayor Garrison stated the Commission now had for consideration a Resolution approving and authorizing the execution of a Paying Agent/Registrar Agreement in relation to the "City of Lufkin, Texas Tax and Waterworks and Sewer System Subordinate Lien Revenue Certificates of Obligation, Series 1986" and resolving other matters incident and related thereto.

City Manager Westerholm stated that the purpose of the Resolution was to designate a paying agent for the bonds.

Tom Wolf, of First Southwest Company, stated that the Resolution parallels the other agreement paragraph for paragraph.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that Resolution approving and authorizing the execution of a Paying Agent/Registrar Agreement in relation to the "City of Lufkin, Texas, Tax and Waterworks and Sewer System Subordinate Lien Revenue Certificates of Obligation, Series 1986" be approved as presented. A unanimous affirmative vote was recorded.

**10. INVOICE - APPROVED - BUCHER, WILLIS & RATLIFF - COMPREHENSIVE PLAN**

Mayor Garrison stated that the Commission now had for consideration an invoice from Bucher, Willis and Ratliff for professional services for work done on the Comprehensive Plan.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that invoice from Bucher, Willis and Ratliff, in the

amount of \$7,172.55, be approved as presented. A unanimous affirmative vote was recorded.

11. PROPERTY TAX, DISCUSSED - NO SMOKING POLICY - JERRY GENE ALLEN CASE

Commissioner Simond stated that he had had property taxes on his mind for the past few days. Commissioner Simond stated that at a prior meeting of the Commission, City Manager Westerholm had stated that the school district collects more in property taxes than the City and that they would save between \$18,000 and \$18,750 by going over to the Appraisal District. Commissioner Simond stated that the school district will not retain the employees who worked in their tax department, but that they would be hired by the Appraisal District. Commissioner Simond stated that City Manager Westerholm had stated that the City would save between \$75,000 and \$80,000 by utilizing the services of the Appraisal District, and the City would absorb the three employees presently working in the Tax Department.

City Manager Westerholm stated that the cost to the City would be between \$65,000 and \$75,000 if the City doesn't use the Tax Department employees somewhere else, and he had made the statement that the City proposes to set up a Purchasing Department.

Commissioner Simond stated that he had attended a meeting last night and the Tax Assessor for Brazos County had stated that he collected taxes for the City, County and School at a cost of \$360 a year. Commissioner Simond stated that he would like for someone to get in touch with this gentleman and find out how he collects taxes at this low figure.

Mayor Garrison stated that he would like for City Manager Westerholm to be in touch with the Brazos County Tax Assessor and report back to the Commission with this information.

Mr. Simond stated that one county tax assessor stated that he collected 22¢ per parcel of land.

In response to question by Commissioner Simond, City Manager Westerholm stated that money received by the City is invested daily under the depository contract.

Finance Director Rita Jenkins stated that she invests the City's money in CD's and Repo's and that the City's checking account is a NOW Account which draws interest.

Commissioner Simond stated that he was reluctant to bring up the subject, but he would like to know if there would be a "No Smoking" policy in the new City Hall. City Manager Westerholm stated that he would welcome a directive from the Commission to establish a "No Smoking" policy and would like to restrict smoking in work areas. Mr. Simond stated that a City Hall employee had called him and asked him to bring up the subject at tonight's meeting.


In response to question by Commissioner Simond, City Manager Westerholm stated that the "No Smoking" policy would be placed on the Agenda for a future meeting for discussion.

Mayor Garrison stated that he would suggest that City Manager Westerholm be in touch with Methodist Hospital in Houston regarding their Wellness Program concerning smoking.

City Attorney Bob Flournoy stated that he had reported at a previous meeting that an appeal had been filed in the Jerry Gene Allen case in which the City had been successful in a Federal Court in Beaumont.

City Attorney stated that the plaintiff's attorney failed to file their brief in time and that the appeal has been dismissed.

12. There being no further business for consideration, meeting adjourned at 5:45 P.M.

  
Pitser Garrison - Mayor

ATTEST:

  
Atha Stokes - City Secretary