MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF MAY, 1987, AT 5:00 P.M.

On the 5th day of May, 1987, 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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Nick Finan	City Planner
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bill Troth, Minister, Believers Bible Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that minutes of April 28, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

4. PROCLAMATION - TOP LADIES OF DISTINCTION

Mayor Garrison stated that at the suggestion of Commissioner Percy Simond that special recognition be given to some special people in our community, the Top Ladies of Distinction.

Mayor Garrison presented a proclamation to Dorothy Allen Chimney proclaiming May 5, 1987 as Lady Dorothy Allen Chimney Day in Lufkin.

Mayor Garrison stated that the City Commission was grateful to Mrs. Chimney for the service she has rendered and it was a pleasure to acknowledge her many accomplishments.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd authorizing the execution of the Proclamation to Dorothy Allen Chimney. A unanimous affirmative vote was recorded.

Commissioner Simond stated that there was no way that all the accomplishments of the Top Ladies of Distinction could have been listed on the Proclamation. Commissioner Simond stated that this group of ladies has undertaken the job of cleaning two miles of Highway 69 under the Anti-Litter program.

5. PROCLAMATION - JERRY HUFFMAN

Mayor Garrison stated that at last meeting Commissioner Simond had suggested that the Commission take special notice of the fine service that Jerry Huffman as Chairman of the Chamber of Commerce is rendering to the Community.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh authorizing the execution of a proclamation in appreciation of Jerry Huffman. A unanimous affirmative vote was recorded.

Mr. Claude Smithhart, President of the Chamber of Commerce, presented to Mayor Garrison the Texas flag that flew over the capitol on April 21st, Pitser Garrison Day, and the gavel that was used by Gib Lewis on that day. Mr. Smithhart stated that the flag and gavel had been made available through the generous efforts of State Representative Billy Clemons.

6. CONTRACT - APPROVED - PAPER RECYCLING

Mayor Garrison stated that at last meeting the Commission had discussed a contract for the recycling of paper in Lufkin whereby the City garbage workers would pick up trash that was subject for paper recycling and deliver it to the recycling plant.

Mayor Garrison stated that a formal contract of the proposed agreement had been drafted and was now before the Commission for their consideration.

In response to question by Commissioner Pat Foley, City Attorney Flournoy stated that after the first year the contract can be cancelled on sixty (60) days notice, and at that time the Commission would be in a position to re-negotiate the fee. Mr. Flournoy stated that whether the containers are full or half full they will be charged for a full container.

Mayor Garrison stated that in Article IV there is a provision that the City will empty the containers when notified to do so within 24 hours, and this statement may be too restrictive. Mayor Garrison stated that by adding "will endeavor to" would make the statement less restrictive.

City Manager Westerholm stated that there will be Saturday pickup.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd authorizing the execution of the Contract with C.A.R.T. with the stipulation that Article IV be amended to read: "The City will endeavor to empty C.A.R.T.'s containers when notified to do so within a period of 24 hours thereafter." A unanimous affirmative vote was recorded.

7. CITY HALL ANNEX - SALE - DISCUSSED

Mayor Garrison stated that in 1971 the City had purchased the City Hall Annex building to house the tax office and City Attorney's office and now that all the City offices are housed in the new City Hall building, there is no longer a need for the annex building. Mayor Garrison stated that when the budget was prepared this year, consideration had been given to selling this building, and that the funds from such a sale had not been allocated to any particular project.

City Manager Westerholm stated that the City has an old appraisal on the building made by Roy Sinclair in 1979.

In response to question by Commissioner Simond, City Attorney Flournoy stated that the law says you shall not sell for less than fair market value, which may or may not be the appraised value, but should be close to it. Mayor Garrison stated that the Commission could reserve the right to reject any or all bids.

Commissioner Foley stated that he would not like to see any funds from the sale of this building be put into the General Fund, but would like to see the funds applied towards the City Hall or some other special project within the City. Mayor Garrison stated that he would agree that the funds be devoted to Capital Improvements.

In response to question by Commissioner Boyd, City Manager Westerholm stated that there has been one party interested in buying the building.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden authorizing the City Manager to offer the property for bids with the provision that the City Commission can reject all bids. A unanimous affirmative vote was recorded.

In response to question by Mayor Garrison, City Manager Westerholm stated that bids would be open for a minimum of 30 days.

8. RESOLUTION - APPROVED - CHAMBER OF COMMERCE - STATE PRISON SYSTEM

Mayor Garrison stated that the Chamber of Commerce has been working on a program to try to induce the State to build a new Department of Corrections facility in the Lufkin area.

Mayor Garrison stated that he had heard that the prison system expected to build a facility possibly in the East Texas area that would house 2,200 people at a cost of $80,000,000 and employ approximately 1,000 people.

Mayor Garrison stated that the Chamber of Commerce would like for the Commission to support their efforts in trying to get the prison located in our area by passing a Resolution that might be sent to State authorities showing them that the City would welcome the opportunity to work with them.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh authorizing Resolution supporting the Chamber of Commerce in its efforts to locate a Texas Department of Corrections prison unit in our area. A unanimous affirmative vote was recorded.

9. ORDINANCE - FIRST READING - DENIED - JOHN PERKINS - NORTH MEDFORD DRIVE BETWEEN MOFFETT ROAD AND ATKINSON DRIVE - RL TO C

Mayor Garrison stated that the next item for consideration was a Zone Change Request by John Perkins covering property located on North Medford Drive between Moffett Road and Atkinson Drive from Residential Large to Commercial.

Mayor Garrison stated that the request had been heard before the Planning and Zoning Commission and there had been some opposition at the meeting, but the request was approved for recommendation to the City Commission by a vote of four to one. Mayor Garrison stated that since that meeting a petition had been received by the City Secretary opposing the request.

Mayor Garrison recognized John Perkins in representation of the request. Mr. Perkins stated that the closest houses to the proposed building would be 150' to the south and 150' to the East. Mr. Perkins stated that the opposition to the request had been concerning the paint fumes, and, in his opinion, his shop will not have any more paint fumes than any other paint and body shop in town. Mr. Perkins stated that a 10' privacy fence would be installed on the South and East sides of the property, and there would be landscaping across the front of the property for a buffer. Mr. Perkins stated that he had met with Morgan Prince of the Highway Department and was told that there would be no danger at the exit from the Loop if the yellow lines were extended farther out.

Commissioner Danny Roper stated that he was concerned about the access road coming from Highway 103 going west at that point. Commissioner Roper stated that if an 18-wheeler were driving on the inside lane, the turning radius would require more to get into the property.

In response to statement by Mayor Garrison, Mr. Carl Aucoin stated that all paint booths in paint and body shops are filtered similar to the system he will be using. Mayor Garrison stated that if a paint and body shop needs such a complex system for filtering, it presupposes that the fumes and particles are a problem to adjoining properties when you have to go to these lengths to make them compatible to the neighbors.

Commissioner Don Boyd stated that with three paint and body shops in this one area, it might have some effect on the environment. Commissioner Boyd stated that he would like to see something in writing from the Highway Department regarding exiting from the Loop into the property.

In response to question by Commissioner Bronaugh, Mr. Aucoin stated that he was required to adhere to OSHA and EPA rules regarding the painting booth.

Those appearing in opposition to the request:

Donna Russell
Diana Collard
Betty Radke

The following points of opposition were recorded:

1) Traffic problems exiting from Loop.
2) Paint fumes.
3) Water lines through middle of property.
4) Value of property would decrease.

In response to question by Commissioner Simond, City Manager Westerholm stated that the question of the water line is a personal problem. City Manager Westerholm stated that at one time this was one tract of land that had been served by one water line, and now the property has been divided up among family members and part of it is for sale. City Manager Westerholm stated that the City brings water to the property line and stops.

Mrs. Radke stated that when she bought her property it was with the understanding that one day in the future an office building would be built where Mr. Aucoin proposes to build a paint and body shop. Mrs. Radke stated that she did not object to a Commercial Zone but would like for it to be limited so that the value of her property would not decrease.

Mrs. Radke stated that the property had been owned by the Radke family for over fifty years. Mrs. Radke stated that portions of the land had been used for Highway 103 and the Loop, and she was trying to protect what was left.

Mr. Perkins stated that everything around this piece of property is zoned Commercial, and that no one is building office buildings on the East Loop.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that Zone Change Request by John Perkins covering property located on North Medford Drive between Moffett Road and Atkinson Drive from Residential Large to Commercial be denied. A unanimous affirmative vote was recorded.

Commissioner Foley stated that, in his opinion, the type of Commercial zoning will have to be limited around the Loop to maintain the quality as far as its appearance and keeping traffic flows throughout the area.

10. ORDINANCE - FIRST READING - APPROVED - ZONE CHANGE REQUEST - LESTER ADKISON - WOOD STREET BETWEEN LUBBOCK STREET AND WALTERS STREET - RL TO C

Mayor Garrison stated that the next item for consideration was First Reading of Zone Change Request by Lester Adkison covering property located on Wood Street between Lubbock Street and Walters Street from Residential Large to Commercial.

Mayor Garrison stated that Mr. Adkison had sent a letter to the Commission stating that he would be out of town for tonight's meeting, and if his presence was required, he would ask the Commission to postpone consideration of his request.

Mayor Garrison stated that there had been no opposition to the request at the Planning and Zoning Commission meeting.

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

11. TOBY TYLER CIRCUS - VFW GROUNDS - MAY 18, 1987

Mayor Garrison stated that carnivals and circuses have always required the approval of the Planning and Zoning Commission and the City Commission without the necessity of a zone change. Mayor Garrison stated that the Planning and Zoning Commission approved the operation of the circus on April 27th and it was now before the Commission for consideration.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Toby Tyler Circus be authorized to perform at the VFW grounds on May 18, 1987. A unanimous affirmative vote was recorded.

12a. BID - APPROVED - STORM SEWER PIPE - TEXAS STEEL CULVERTS, INC.

Mayor Garrison stated that the Commission now had for consideration bids for storm sewer pipe. Mayor Garrison stated that six bids had been received and the low bid was from Texas Steel Culverts, Inc. of Arlington, Texas, in the amount of $11,943.00.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that bid from Texas Steel Culverts, Inc., in the amount of $11,943.00 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

12b. BID - APPROVED - FUEL - POLK OIL COMPANY

Mayor Garrison stated that two bids had been received for various fuel and lubricants and the low bid was from Polk Oil Company.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that bid from Polk Oil Company, in the amount of $146,400.00, be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

12c. BID - APPROVED - PORTABLE AUTOMATIC SAMPLERS - WATER AND WASTE PRODUCTS COMPANY

Mayor Garrison stated that the next item for consideration was for two automatic samplers and only one bid was received because, according to

Bobby Mott, Superintendent of the Water Pollution Control Plant, this is the only company that can supply the samplers to the City's specifications.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that bid from Water and Waste Products in the amount of $5,138.00 be accepted as the best bid. A unanimous affirmative vote was recorded.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that $10,000 had been budgeted for the storm sewer pipes and that $1,943 would be taken out of bridge replacement; that $5,000 had been budgeted for the automatic samplers and $138 would be taken from instrument repair.

In response to question, Public Works Director Ron Wesch stated that fuel is budgeted by each department and that he did not have a collective figure.

13. BRYAN MAXEY - MOTEL DEMOLITION

Mayor Garrison stated that Mr. Bryan Maxey, a successful businessman throughout the years, had requested to be placed on the agenda to come before the City Commission and talk about problems with the old motel site. Mayor Garrison stated that Mr. Maxey had recently received a letter from the City stating that the property is a nuisance and needs to be destroyed. Mayor Garrison stated that he told Mr. Maxey that he could come before the Commission with the understanding that it would be the Commissioners decision if they wanted to hear what he had to say and that he would limit remarks about matters that went on before.

Mr. Maxey stated that the City had destroyed ten units of his motel, and he still had ten units. Mr. Maxey stated that he had not received notice that the building is unsafe, but had received notice that the building will be torn down in thirty days. Mr. Maxey stated that he had taken the matter to Court and the Court had decided that the building was not unsafe.

In response to question by Mayor Garrison, Mr. Maxey stated that the property was now in the name of Carlotta Maxey.

Mr. Maxey stated that he came prepared to offer to sell the property to the City, or a 99 year lease with nothing down and payments of $481.13 a month. Mr. Maxey stated that the City could use prison labor or jail prisoners to demolish the buildings or the building could be renovated and the City could realize $2,000 per month income.

Mayor Garrison stated that, speaking for himself, he did not think the City would be interested in leasing the property.

Mayor Garrison stated that he would suggest that Mr. Maxey consult with the City Attorney about the matter.

14. CHARTER REVISIONS - FIRST AID KITS - WATER SAMPLES

Commissioner Percy Simond stated that if the Mayor had no objections, he would like to see the subject of charter changes placed on the agenda for next meeting of the Commission.

Commissioner Simond stated that he had been told that there were no first aid kits in City vehicles.

Public Works Director Ron Wesch stated that there are first aid kits in most of the foremen's and superintendents vehicles, but not in the regular workmen's vehicles. Mr. Wesch stated that first aid kits had been placed in the employee's vehicles in the past, but they had disappeared. Mr. Wesch stated that he would see that all vehicles had first aid kits as soon as possible.

Commissioner Foley stated that in 1985 when the last water study was performed the engineer recommended that some samples be taken from Rayburn and he would like to know if this had been done. City Manager Westerholm stated that it had not been done, but that he would recommend that it is done once a month and recorded over a period of one year. Commissioner Foley stated that he would like to see some samples taken.

15. There being no further business for consideration, meeting adjourned at 6:45 P.M.

Pitser H. Garrison

Pitser H. Garrison, Mayor

ATTEST:

Atha Stokes

Atha Stokes, City Secretary