

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF AUGUST, 1984, AT 7:30 P.M.

On the 7th day of August, 1984, 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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Lori Nix	Assistant City Secretary
Ron Wesch	Public Works Director
Nicholas Finan	City Planner

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, Minister of First Lutheral Church, Lufkin.
2. Mayor welcomed visitors present.

3. APPROVAL OF MINUTES

Mayor Garrison stated that on page 15 of the minutes of July 17, 1984, in the second paragraph which states, " In response to question by Commissioner Jack Gorden, Mayor Garrison stated that Congress would determine if the Mud Creek Project were constructed ..." the word Congress should be changed to Legislature.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that minutes of regular meeting of July 17, 1984, be approved with the proposed correction. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - STREET CLOSING - DOZIER AVENUE - CARLISLE PROPERTIES

Mayor Garrison stated that a request had been received from Carlisle Properties to consider closing of Dozier Avenue located between Chestnut Street and Timberland Drive and South of the St. Louis and Southwest Railroad.

Mayor Garrison officially opened the public hearing and recognized Dave Hill, representative of Carlisle Properties. Mr. Hill stated that the property known as Dozier Avenue had approximately 20 feet of pavement, was unused, and did not have curb and gutter. Mr. Hill stated that Carlisle Properties planned to build a shopping center with Albertson's Grocery Chain being the main establishment covering 44,000 square feet of the 65,000

square foot shopping center. Mr. Hill stated that Carlisle Properties felt that the addition of Albertson's to the Lufkin area would be an asset to the City of Lufkin. There was no opposition present.

Mayor Garrison officially closed public hearing.

5. ORDINANCE - APPROVED - FIRST READING - STREET CLOSING - DOZIER AVENUE - CARLISLE PROPERTIES

Mayor Garrison stated that the City Commission now had for consideration first reading of the Ordinance to close Dozier Avenue as requested by Carlisle Properties covering property located between Chestnut Street and Timberland Drive and South of the St. Louis and Southwest Railroad. There was no opposition present.

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - BOBBY E. CONNER - RL to RL, SU (BEAUTY SHOP)

Mayor Garrison stated that Ordinance for zone change request by Bobby E. Conner covering property located at 1719 Allendale between Hylane and John Redditt Drive from Residential Large to Residential Large, Special Use (Beauty Shop) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that Ordinance be approved on second and final reading as presented with the restrictions recommended by the Planning and Zoning Commission. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - BARRETT MACK TRUCK SALES AND SERVICE - RL TO C

Mayor Garrison stated that zone change request by Barrett Mack Truck Sales and Service covering property located at 2502 North Medford Drive between Moffett Road and Teer Street from Residential Large to Commercial had been approved on first reading at last meeting of this Commission. There was no opposition present.

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.

8. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - MALCOLM AND DONNA EVANS - D TO D, SU (DAYCARE CENTER)

Mayor Garrison stated that zone change request by Malcolm and Donna Evans covering property located on Charlton Street between Jody and Conn Avenues from Duplex to Duplex, Special Use (Daycare

Center) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the zone change be approved on second and final reading as presented with the following Planning and Zoning stipulations:

- A. Engineering Department guidelines would be followed.
- B. Buffer zone would be provided between the daycare center fence and adjacent property owner.
- C. Daycare Center fence be erected three (3) feet inside the property line.

A unanimous affirmative vote was recorded.

9. ORDINANCE - APPROVED - SECOND READING - THE HOT BISCUIT OF LUFKIN - C TO C, SU (PRIVATE CLUB)

Mayor Garrison stated that zone change request by The Hot Biscuit of Lufkin covering property located at 2115 South First Street between Harmony Hill and Kentwood Drives from Commercial to Commercial, Special Use (Private Club) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - ANGELINA ASSOCIATES, LIMITED - CB TO CB, SU (ITEM 4-PRIVATE HOUSING PROJECT)

Mayor Garrison stated that zone change request by Angelina Associates, Limited, covering property located on Shepherd Avenue between Angelina and First Streets from Central Business to Central Business, Special Use (Item 4-Private Housing Project) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

Bill Ricks, Attorney for Angelina Associates, Limited, presented a drawing of the proposed green area in the rear of the hotel and the front face of the hotel after renovations. Mr. Ricks stated that he had also presented the HUD letter granting approval of the project that was requested at last meeting of this Commission.

11. ORDINANCE - APPROVED - SECOND READING - CURB AND GUTTER - CALVIN STREET - EAST SIDE ONLY

Mayor Garrison stated that an Ordinance approving curb and gutter installation on Calvin Street had been considered at last meeting

of City Commission for second reading but because of the withdrawal of a property owner from participation in the cost, the item had been tabled. Mayor Garrison stated that the City Staff had indicated that all property owners on the east side of Calvin Street had agreed to participate in the cost and curb and gutter could be done at little cost to the City.

City Manager Westerholm stated that the City Staff would recommend the east side only be curbed and guttered because Calvin Street is a short street and the cost of all the curb and gutter would be borne by the property owners with the City paving the area between the new curb and gutter and the existing pavement at a cost not to exceed \$100.

City Attorney Robert Flournoy stated that the Ordinance could be considered on second reading with the proposed change of the east side only of Calvin Street because it was a reduction of the requirements previously established on first reading.

Commissioner Pat Foley stated that he would be willing to agree to curb and gutter of the east side only because it is a short street but this method could be unsightly on long streets.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Curb and Gutter Ordinance be approved to install curb and gutter on the east side of Calvin Street only. A unanimous affirmative vote was recorded.

12. "911" SYSTEM - PARTICIPATION - APPROVED

Mayor Garrison stated that consideration of the City of Lufkin participating in the "911" System had been tabled at a previous meeting and now had been resubmitted to the City Commission. Mayor Garrison stated that there had been a major change in the allocation of the cost to the City of Lufkin which had been reduced from \$42,071 to \$16,516 due to the reduction of the number of dispatchers required.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that originally the Police Department had felt that four (4) dispatchers would be needed to cover the "911" System 24 hours a day because they did not wish to put additional duties on the present dispatchers. City Manager Westerholm stated that after a review of the situation it was decided that two (2) additional dispatchers added to the existing dispatchers would be adequate with the present personnel handling the "911" number during times that emergency calls are the fewest.

Mike Czepiel, Angelina City-County Health Unit, stated that many cities have instituted the "911" number without additional dispatchers because of a public awareness program regarding use of the system. Mr. Czepiel stated that forty Texas cities have the "911" program and only one (1) of these cities has considered withdrawing from the program, but that was because of a technical problem with the telephone system not abuse by the citizens. Mr. Czepiel stated that a planning committee would institute any changes that were needed after the program was implemented. Mr. Czepiel stated that the trend at the present time is for cities to move toward the "911" number, and the City of Houston adds the cost to the telephone bills through a legislative act. Mr. Czepiel stated that San Antonio handles 42 cities on their "911" system, and each city pays their share

of the cost on a per capita basis.

In response to question by Commissioner Lynn Malone, Mr. Czepiel stated that the "911" System would be compatible with all telephone systems in the county and that prank calls could be traced to prevent this from becoming a major problem with the system. In response to question by Commissioner Pat Foley, Mr. Czepiel stated that if Diboll decided not to participate in the program their portion of the expense would not be added to the cities participating in the "911" System.

Commissioner Percy Simond stated that the Police Department was having problems keeping dispatchers and with the added duties the turnover would be increased. Assistant City Manager Boudreaux stated that the "911" System would not cause additional work, it would route the same calls to a different line. Mr. Czepiel stated that when the "911" telephone rings, every call is treated as an emergency call. Mr. Czepiel stated that the time to advise more than one agency of an emergency need is reduced through use of the "911" System conference call capability.

In response to question by Commissioner Louis Bronaugh, Mr. Czepiel stated that if Diboll did not enter into the System originally, they could be added at a later date.

Mayor Garrison stated that he understood the cost to the City of Lufkin would be annual operating cost and would not include installation of equipment. Mr. Czepiel stated that a request would be made to the Temple Foundation to install the equipment for the "911" System as one of their projects and application for the grant would be made when the City of Lufkin and the County of Angelina decided to initiate the program. Mr. Czepiel stated that the equipment would cost approximately \$21,000 and the entities participating in the System would not be asked to bear the equipment cost. Mayor Garrison stated that if the City of Lufkin approves the "911" System it would be with the understanding that the equipment would be funded from sources other than the cities or county involved.

In response to question by Commissioner Lynn Malone, Mr. Czepiel stated that Diboll now has a seven digit number for emergencies and they would continue to use that number if they decided not to participate in the "911" System. Commissioner Malone stated that the City of Diboll would be able to dial the "911" number and in essence use the System without payment.

In response to question by Commissioner Percy Simond, Mr. Czepiel stated that at the present time, a temporary "911" planning committee had been established with a permanent committee to be appointed after the program is initiated with two (2) representatives from the City of Lufkin and one (1) representative from each agency participating in the program.

Mr. Czepiel stated that City Attorney Robert Flournoy would be approached to represent the "911" System after installation of the equipment. Mr. Czepiel stated that Diboll's portion, in the event they decide not to participate, would be included in the grant request to Temple Foundation, but he was hoping for 100 percent participation in the program.

Commissioner Pat Foley stated that he had reservations because of the reduction in the number of dispatchers originally request-

ed, but he would be willing to initiate the program with the condition that Lufkin participate in the program to the amount of annual costs proposed and that the program be reviewed at the end of 12 months to determine if there is a need for additional dispatchers.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that City of Lufkin join in the "911" System and that the System be re-examined after a 12 month operating period. A unanimous affirmative vote was recorded.

In response to question by Commissioner Lynn Malone, Mr. Czepiel stated that the "911" System was very expandable.

Assistant City Manager Boudreaux stated that Captain Kirkland of the Lufkin Police Department requested that his department be given ninety (90) days before the system is implemented to train dispatchers.

Mr. Czepiel stated that it is very important for the citizens of the City of Lufkin to know that the City Commission had taken the initiative to enter into the "911" System before a death had occurred in the City, because many cities wait for a tragedy before taking action.

13. ARCHITECTURAL PROPOSAL - CITY HALL FEASIBILITY STUDY -
APPROVED - MORGAN, O'NEAL, HILL, AND SUTTON

Mayor Garrison stated that consideration of architectural proposals for the City Hall feasibility study had been tabled at a previous meeting of this Commission and was now for consideration. Mayor Garrison stated that the City of Lufkin had invited architectural firms to give a cost estimate for a feasibility study to construct a new City Hall and that several firms had responded. Mayor Garrison stated that because of the wide range of cost in the first submission, the City Commission had asked for a further explanation of the charges and that elaboration on what was included in the bids.

Commissioner Percy Simond stated that he was concerned about the difference in the cost, which ranged from \$12,000 to \$2,000 and from 10 percent of the cost of renovation to 6 percent of the cost of construction. Commissioner Simond stated that he did not know how the City Commission could make a determination on which firm should be retained because the first and second submissions appeared to be alike. Commissioner Simond stated that something concrete should be done on a new City Hall facility within the immediate future to fund the feasibility study in the 1984-1985 budget.

Mayor Garrison stated that the letter inviting bids dated June 8, 1984, had a detailed analysis of what the City expected to be included in the feasibility study:

1. Space Study Needs:
 - A. Existing
 - B. Currently needed
 - C. Needed in ten (10) years
 - D. Needed in twenty (20) years
2. Recommend a solution to those needs via:

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- A. New construction
 - B. Modification
 - C. Combination of A and B
 - D. Any other solution
3. Provide preliminary cost estimate for:
- A. New construction
 - B. Modifications
 - C. Combination of A and B
 - D. Any other solution
4. Provide:
- A. Analysis of Building Code
 - B. Site Analysis
 - C. Parking and vehicle traffic analysis
 - D. Schematics
5. Under separate section, indicate your firm's architectural fees.

Mayor Garrison further stated that because this was included in the bid request the City Commission could assume that all firms are speaking to the items as listed for inclusion in the proposal.

Commissioner Simond stated that if this assumption were made then the firm with the lowest price would be Morgan, O'Neal, Hill and Sutton, who had performed work for the City of Lufkin in the past. Mayor Garrison stated that the firm of Morgan, O'Neal, Hill and Sutton had done an outstanding job on the Civic Center.

Jerry Hill, of Morgan, O'Neal, Hill and Sutton, stated that his firm had provided the City of Lufkin with the lowest price possible because the firm was proud of the City of Lufkin and were citizens. Mr. Hill stated that his firm hoped to get the entire job which would include the feasibility study and the architectural portion which would be charged at the rate of 6.25 percent of the construction cost. Mr. Hill stated that his firm would spend approximately two to three months on the feasibility study and presented drawings of a recent job for the City of Palestine in the construction of their library.

In response to question by Commissioner Percy Simond, Mayor Garrison stated that once the feasibility study was completed, depending upon the cost of proposed construction, a bond issue or certificates of obligation would be considered to provide financing for construction. Mayor Garrison further stated that the citizens of the City of Lufkin have the right to call for an election if they wish to have the financing approved by a vote of the people.

Commissioner Percy Simond stated that he would like to proceed with the construction in order to have Mayor Garrison available for the cutting of the ribbon during his term of office.

Mayor Garrison stated that he agreed that they should move forward on construction of the new City Hall, if the costs were within reason. Mayor Garrison stated that he felt a new facility would increase the efficiency of the City of Lufkin and a progressive city such as Lufkin needed a City Hall that indicated that progressiveness because perspective developers look at a

City Hall to see if the City would be a good place to locate their business.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the feasibility study be started immediately and that the low bid of Morgan, O'Neal, Hill and Sutton be approved in the amount of \$2,350. A unanimous affirmative vote was recorded.

Mayor Garrison stated that he felt the low bid of this firm indicated they were interested in the City because they reside here and want to help the community.

In response to question by Commissioner Lynn Malone, Jerry Hill stated that his firm would design the facility, do the working drawings, and then put the construction of the building out for bids to a construction company. Mr. Hill further stated that the City Commission would know the approximate construction cost after completion of the general drawings.

14. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE AND PERMANENT MOBILE HOME PERMIT - CLIVEY H. SULLIVAN - RL TO RS

Mayor Garrison stated that zone change and permanent mobile home permit request by Clivey H. Sullivan covering property located at 2504 Davisville Road between Inwood Street and A. & N. Railroad from Residential Large to Residential Small had been recommended to the City Commission by the Planning and Zoning Commission with a vote of four (4) to one (1). There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

15A. BID - APPROVED - SCREW CONVEYOR - WATER POLLUTION CONTROL PLANT - JACKSON INDUSTRIAL SUPPLIES.

Mayor Garrison stated that bids had been requested for purchase of a screw conveyor to be used in conjunction with the new belt filter press.

City Manager Westerholm stated that six (6) bids had been received and after a review of each bid, the bid of Jackson Industrial Supplies was decided to be the best bid for the City of Lufkin. Mr. Westerholm stated that it was not the lowest bid but because the bid covered freight costs and assembly costs it was considered the most advantageous to the City. City Manager Westerholm stated that the Staff would like to recommend that the primary bid of Jackson Industrial Supplies in the amount of \$4,581 be approved.

In response to question by Commissioners, City Manager Westerholm stated that the primary bid was for galvanized metal which would last longer than metal that had a coating painted on.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the bid of Jackson Industrial Supplies in the amount of \$4,581 be approved. A unanimous

affirmative vote was recorded.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the equipment would be used to convey dewatered sludge out of the Plant to a dump truck and that the existing conveyor at the Water Pollution Control Plant would not be compatible with the belt filter press.

15B. BID - APPROVED - FACILITY MODIFICATION AND INSTALLATION OF BELT FILTER PRESS - WATER POLLUTION CONTROL PLANT - AJAX CONSTRUCTION COMPANY

Mayor Garrison stated that two (2) bids had been received for the facility modification and installation of the belt filter press and requested that Staff recommendations be presented by City Manager Westerholm.

City Manager Westerholm stated that the cost of the modification and installation would hopefully be covered by certificates of obligation and that work previously done at the Water Pollution Control Plant had been funded by present funds but the accumulation of the purchases amounted to a large sum which would necessitate the issue of certificates of obligation to reimburse the City funds. City Manager Westerholm stated that delivery of the belt filter press would be in the middle of August with the equipment being paid for over a couple of months. City Manager Westerholm stated that bid requests were sent to contractors engaging in this type of work and that the City Staff would like to recommend the bid of Ajax Construction Company in the amount of \$63,250 be approved.

In response to question by Commissioners, City Manager Westerholm stated that this company was originally the construction company owned by Bill Moreau, who had previously done work for the City of Lufkin but the name had been recently changed.

In response to question by Commissioner Lynn Malone, City Manager Westerholm stated that the City of Lufkin had been approved for funding under a grant and acceptance of the grant would be decided by the City Commission.

Mayor Garrison stated that in talking with Jimmy Griffith, of Griffith and Associates, he had indicated that the work being done at the Water Pollution Control Plant would compliment the plan outlined by his firm.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the bid of Ajax Construction Company in the amount of \$63,250 be approved. A unanimous affirmative vote was recorded.

16. AGREEMENT - APPROVED - TEXAS DEPARTMENT OF HIGHWAYS AND TRANSPORTATION - ADVANCED LOOP DETECTION SYSTEM

Mayor Garrison stated that since the installation of the signal system on Loop 287 at Pershing and Old Union Road, numerous amounts of skid marks on Loop 287 have become evident and the Highway Department has recommended that a Loop Detection System be installed to help the situation.

City Manager Westerholm stated that the additional advanced multi-loop vehicle detection system which is relatively new requires the installation of three additional loop detectors on each approach of Loop 287. City Manager Westerholm stated that additional detectors would be placed in advance of the current detectors and would sense the speed of vehicular traffic and provide a continuous green indication for fast moving traffic or an amber indication for traffic that is reducing speed. City Manager Westerholm stated that the new system would not increase the green time on Loop 287 but would give advanced notice of a signal change to approaching drivers.

Public Works Director Ron Wesch stated that at present there are 12 loop detectors in the pavement and an additional 6 would be added at a cost to the City of \$2,200 with the Highway Department doing the installation.

Commissioner Lynn Malone stated that if people were abiding by the speed zone, the light would be adequate, and the City should not add additional money to money spent on the signalization that was installed for the convenience of the residents in the area. Commissioner Malone stated that he felt that the money could be spent better somewhere else. Public Works Director Ron Wesch stated that the Highway Department had recommended the Loop Detection System to the City of Lufkin and the system would allow 50 mile per hour traffic to get ample warning 700 feet prior to the intersection of a signal change. Commissioner Percy Simond stated that \$2,200 to save one life or prevent an accident would be a cheap price to pay but the traffic should not be impeded on the Loop any more than necessary. Commissioner Simond further stated that this particular intersection is a high accident intersection.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Jack Gorden that the City of Lufkin enter into an agreement with the Texas Highway Department to install the Loop Detection System at a cost \$2,200. The following vote was recorded: Aye: Mayor Garrison, Commissioners Gorden, Foley, Boyd, Simond, Bronaugh. Nay: Commissioner Malone. Mayor Garrison declared motion approved by vote of six (6) to one (1).

Commissioner Pat Foley stated that he felt it would be a worthwhile addition to the safety of the area but the Lufkin Police Department might provide a unit in the area on several occasions to monitor the speed. Commissioner Jack Gorden stated that he appreciated the fact that he had often seen patrol units at this intersection.

17. RESOLUTION - APPROVED - REGULATION AND ADMINISTRATION OF LUFKIN CIVIC CENTER

Mayor Garrison stated that at last meeting of City Commission, City Attorney Flournoy was requested to research possible policy changes for the Civic Center that could regulate its use by different organizations.

Mayor Garrison recognized City Attorney Flournoy, who stated that the City of Lufkin had borne the expense of Police protection for the recent Ku Klux Klan rally at the Lufkin Civic Center and he would like to present a Resolution amending the authority given to the Chamber of Commerce to increase fees for use of the Civic Center. City Attorney Flournoy stated that the proposed

Resolution would allow the City of Lufkin to make a determination regarding whether Police protection was needed and to require a deposit to cover such costs. City Attorney Flournoy stated that the Resolution would apply to any organization and would allow the City to control groups engaged in activities that would not be complementary to the City of Lufkin. City Attorney Flournoy stated that a permit to use the Civic Center could be denied based on the reputation or past activities and Resolution would apply to all groups. City Attorney Flournoy stated that he felt the Resolution would stand up in court and be a worthwhile tool for the City of Lufkin. City Attorney Flournoy stated that the challenge of the Resolution from a particular group would be the deciding factor in the event of a legal challenge and the problem lies in giving discretion to someone to decide about a club's reputation.

Commissioner Pat Foley stated that in allowing the City Manager and the Chief of Police to decide whether a group should be granted a permit would put the power in the hands of a few, which could lead to challenges that denial were based on personal preference and could cause problems for the City.

City Attorney Flournoy stated that in the past groups have been denied permits because they have caused damage to the building and problems in the area.

Mayor Garrison stated that he believed that the second section, number 17H is valid and the wording is justified. Mayor Garrison stated that he understood picketing could be prevented in labor disputes if violence has been experienced at a picket line in the past and if a group has a reputation of causing problems the City could be justified in refusing a permit.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that in the past there were no written Resolutions providing guidelines for denying permits, the Chamber had simply used the policy that they had entered into with the City of Lufkin as a basis for denying the permit. City Attorney Flournoy stated that the Resolution was needed to clarify policies in the denial of permits.

Commissioner Pat Foley stated that he would like to see the following wording added to each section of the Resolution: "If the group has been denied a permit and feel the denial is unjustified, they could appeal to the City Commission." Mayor Garrison stated that would be a good provision to be added into proposed Resolution.

Commissioner Louis Bronaugh stated that he would like to see a provision that in the event of a parade or other activity where the Police Department or Fire Department would be needed for protection, the taxpayers of the City of Lufkin would receive reimbursement for those expenses. City Attorney Flournoy stated that a Parade Ordinance should be considered in the future and would apply to all parades.

In response to question by Commissioner Pat Foley, Commissioner Don Boyd stated that if a concert or activity is held in the Exposition Center without sponsorship by specific organizations the group has to pay extra for Police protection.

In response to question by Commissioner Pat Foley, City Attorney

Flournoy stated that any activity that would require additional Police protection would necessitate an advance payment by the organization holding the activity. City Attorney Flournoy further stated that the cost of Police protection for the KKK event was \$1,600. City Manager Westerholm stated that Police protection is required for any event held at the Civic Center where alcohol is consumed.

Commissioner Percy Simond stated that he felt the Resolution was well written with the addition of the phrase proposed by Commissioner Foley.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Resolution be approved with the addition of right to appeal. A unanimous affirmative vote was recorded.

18. ANNUAL BUDGET - PRELIMINARY DISCUSSION - 1984-1985 FISCAL YEAR

Mayor Garrison stated that preliminary budgets have been distributed to members of the City Commission and the floor was now open for any discussion from the Commissioners.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the City Staff anticipated that all expenses for this fiscal year could be paid with the income available through September 30, 1984. City Manager Westerholm further stated that ending the year with a zero balance meant that the City of Lufkin had operated within their budget and paid off the deficit from the beginning of the year.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that approximately 20 to 25 City employees who were subject to 24 hour call took their City vehicles home each evening.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the patrol cars in the Police Department were not replaced in last year's budget because of the deficit and same would need replacing in the new budget. City Manager Westerholm stated that a draftsman had been hired under City Planner Ed Richie and had resigned at approximately the same time but the position has not been filled. City Manager Westerholm stated that he wanted to make the Commissioners aware that the position had been provided for in the budget.

City Manager Westerholm stated that one of the ground water storage tanks needed to have the contents drained, the inside sandblasted and painted, and the aerators replaced because of age.

In response to question by Commissioner Percy Simond regarding increase in the Hotel/Motel Occupancy Tax, City Manager Westerholm stated that the State of Texas will get an additional one cent more and the City is allowed to increase their tax to 7 percent which would make the entire Hotel/Motel Occupancy Tax equal 11 cents for the City of Lufkin. City Manager Westerholm stated that the City Board of Development decreased their budget request at a meeting Monday, which would lower the increase in the Hotel/Motel Occupancy Tax, which was needed to make up

the deficit in the Civic Center budget.

In response to question by Commissioner Simond, City Manager Westerholm stated that in the past the City Commission has decided not to award merit raises. Commissioner Don Boyd stated that merit raises cause problems and are often misused by supervisors. Mayor Garrison stated that merit raises frequently cause bad moral and if a merit raise is given to some in a department and not to others, the ones that did not get the raise believe it is because of special treatment.

Commissioner Percy Simond requested information as to whether the City of Lufkin had ever employed an expert to decide if money is being spent effectively in the different departments. Mayor Garrison stated that to his knowledge it has not been done but the idea had merit and might bear a closer look. Commissioner Pat Foley stated that the City Commission might want to consider having a productivity check such as the City of Dallas is presently conducting.

In response to question by Commissioner Lynn Malone, Mayor Garrison stated that City Attorney Flournoy does not work directly for the City of Lufkin but is on a retainer fee. Mayor Garrison stated that in the past the City Attorney had been officed in City buildings but there were some questions and criticism that the City Attorney was using City facilities and secretaries to do private work. Mayor Garrison stated that the City Commission felt that it would be better to allow the City Attorney to be on a retainer and to have his own office and staff.

Mayor Garrison stated that City Manager Westerholm would be available to any Commissioners with questions and in the past it was found that the best way for the budget to work would be for each Commissioner to personally discuss their questions with the City Manager in his office. Mayor Garrison stated that a budget workshop could be held if it were needed and while he had not reviewed every item of the budget it basically met his questions and seems to be well planned.

City Manager Westerholm stated that the City Board of Development which recommends the budget for the Lufkin Convention and Visitors Bureau had been increased from \$81,000 to \$93,000 but the \$4,000 needed for a large billboard sign at two entrances to town advising points of interest had been removed. City Manager Westerholm stated that instead the Chamber of Commerce had made other arrangements to announce the points of interest. City Manager Westerholm stated that this change in the City Board of Development Budget would decrease the increase in the Hotel/Motel Occupancy Tax to one (1) cent to be used to obtain additional chairs, tables, and a stage for the Lufkin Civic Center.

In response to questions by Commissioners, City Manager Westerholm stated that the City Board of Development consisted of Thomas Moore, who serves as Chairman, Leland Petty, George Henderson, Bill Prince, and Betty Williams.

Mayor Garrison stated that he was glad that the increase in the Hotel/Motel Occupancy Tax had been decreased because the City of Lufkin should not tax guests for spending the night in Lufkin even though other cities are doing so. Mayor Garrison stated that the Hotel/Motel Tax should be kept at a reasonable amount.

In response to question by Commissioner Lynn Malone, Mayor Garrison stated that the budget discussion has been conducted in different ways in the past, but after each Commissioner has a session with the City Manager to answer individual questions, each section of the budget is considered to determine if there are any questions or if funds need to be reallocated differently from what is recommended by the City Manager.

19. GROUND WATER SUPPLY STUDY, DISCUSSED - ALTERNATE WATER SUPPLY STUDY - QUOTES TO BE INVITED

Mayor Garrison stated that at last meeting of City Commission a review of water rates in the Lufkin area, the possibility of a ground water study and a study of possible use of Stryker Lake water had been requested.

City Manager Westerholm stated that he had included in distribution for the Commissioners a water rate study of neighboring cities, a copy of the letter from William F. Guyton Associates, Incorporated, concerning ground water supply, and he had visited with St. Regis concerning the possibility of their sharing in the Guyton study. City Manager Westerholm stated that since St. Regis had just completed a study in 1981, and only do a study every 10 year, they declined to join. City Manager Westerholm stated that the letter from Guyton Associates indicated that a study would cost approximately \$33,000.

Mayor Garrison stated that the City of Lufkin has details of the 1981 water study with an update in 1983 or 1982, and a study that had been completed by Billy Sims, which indicated that this City should not spend additional money on a ground water study at the present time. City Manager Westerholm stated that he felt like the aquifer used by the City of Lufkin has not changed drastically and that the City of Lufkin kept a close watch on the amount of water usage in the City. Commissioner Pat Foley stated that he did not think the City of Lufkin needed to be concerned with ground water but should look for alternate water supplies in general.

City Manager Westerholm stated that he understood the City of Henderson had relinquished their water rights in Stryker Lake and he had been advised that the City of Lufkin should be able to take water out of the Angelina River instead of Sam Rayburn, as part of their Sam Rayburn Lake allocation. City Manager Westerholm stated that a surge reservoir, which would allow the City of Lufkin to take their water out of the Angelina River at high flow, would be a necessity.

Mayor Garrison stated that he would like to explore the possibility of obtaining water from Stryker Lake and a representative from the City of Lufkin might meet with the Stryker Water Board to explore the possibility. In response to question by Commissioner Pat Foley, Mayor Garrison stated that he did not know of any other alternative supplies of water. In response to question by Commissioner Jack Gorden, Mayor Garrison stated that 5,700 hundred acre feet would amount to approximately 6 million gallons of water.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the City of Lufkin proceed with a plan to enlist professional help to do a study of alternative water supplies and that the cost of the study be included in the

1984-1985 budget with proposals being invited from all firms in that field. A unanimous affirmative vote was recorded.

Commissioner Louis Bronaugh stated that the cost of water is going to be extremely high in the future and low water rates are a thing of the past.

In response to request by Commissioner Jack Gorden, Mayor Garrison stated that he had talked on several occasions with the Stryker Water Board about the City of Lufkin obtaining water, and they seemed favorable but the Water Board was in very good financial condition. Mayor Garrison stated that Texas Power and Light has the major obligation and obtains most of the water but St. Regis is not using their share of the water. Mayor Garrison stated that he and the City Manager would go to the Stryker Water Board and obtain an estimate of the cost of establishing a pick-up point in the river above Stryker Lake.

City Manager Westerholm stated that he would invite proposals and the City Commission would choose who they felt was best qualified to complete the study.

Commissioner Lynn Malone stated that previous water reports should be made available to the firms to eliminate repetition of a previous report.

20. PROCLAMATION - APPROVED - DIXIE YOUTH WORLD SERIES WEEK - AUGUST 13TH

Mayor Garrison stated that a Resolution had been prepared designating the week of August 13th as Dixie Youth World Series week and was now ready for consideration.

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

Mayor Garrison stated that a letter had also been received from Don Brister extending an invitation to all City Commissioners and wives to be the guests of the Dixie Youth Baseball Association at a reception before the opening ceremonies for the World Series.

21. EXECUTIVE SESSION - PLANNING AND ZONING COMMISSION, ECOMET BURLEY, RE-APPOINTED - ZONING BOARD OF ADJUSTMENT AND APPEALS, REV. L. D. BELL, JACK IRISH, RE-APPOINTED

Mayor Garrison stated that it was necessary for the City Commission to adjourn into an Executive Session to discuss appointments to various City boards. Mayor Garrison recessed formal open meeting of City Commission at 10:00 p.m. Mayor Garrison reconvened meeting of City Commission and made announcement to those present regarding results of Executive Session at 10:15 p.m.

Mayor Garrison stated that the City Commission had discussed appointments to several boards with vacancies and that one (1) vacancy existed on the Planning and Zoning Commission because the term of Ecomet Burley expired on June 20, 1984.

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Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Ecomet Burley be re-appointed to the Planning and Zoning Commission subject to his willingness to accept re-appointment. A unanimous affirmative vote was recorded.

Mayor Garrison stated that two (2) vacancies existed on the Zoning Board of Adjustment and Appeals, the terms of Rev. L. D. Bell and Jack Irish.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Rev. L. D. Bell and Jack Irish be re-appointed to the Zoning Board of Adjustment and Appeals subject to their willingness to serve. A unanimous affirmative vote was recorded.

22. GUIDANCE ON MOBILE HOME PERMITS - PLANNING AND ZONING COMMISSION, DISCUSSED - PLANNING AND ZONING MEMBERS TO ATTEND CITY COMMISSION MEETINGS, DISCUSSED - POLICE PROTECTION FOR PARADES, DISCUSSED

Commissioner Louis Bronaugh stated that the Planning and Zoning Commission in a recent meeting had requested that the City Commission consider the temporary and permanent mobile home permits being granted and provide guidance to the Planning and Zoning Commission in this regard.

City Manager Westerholm stated that the Planning and Zoning Commission felt that they are granting too many mobile home permits and need the guidance of the City Commission in regard to a definition of hardship.

In answer to question by Mayor Garrison, City Manager Westerholm stated that the mobile home permits were not being granted over neighborhood protest.

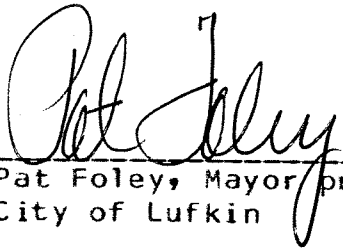
City Planner Nick Finan stated that neighborhood objections do not always come out at the meetings and the Planning and Zoning Commission would like to have a qualification of the term "hardship".

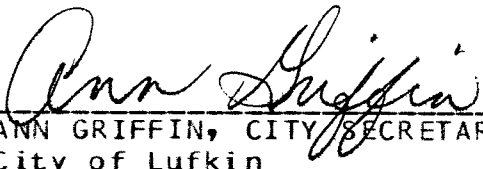
Commissioner Louis Bronaugh stated that Sam Griffin, Chairman of the Planning and Zoning Commission, had indicated that a member of the Planning and Zoning Commission would begin attending City Commission meetings to answer questions that might arise regarding their recommendation of the zone changes.

In response to question by Commissioner Louis Bronaugh, City Attorney Flournoy stated that he would draft an Ordinance in regard to Police protection for parades.

23. There being no further business for consideration, meeting adjourned at 10:30 p.m.




Pat Foley, Mayor pro tem
City of Lufkin


ANN GRIFFIN, CITY SECRETARY
City of Lufkin

DATE 08/⁰⁷22/84

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