

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

On the 7th day of February, 1984, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present and,

Gil Fears	Commissioner, Ward No. 3
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Dale E. McClafin, Pastor of Bethel Church of Nazarine, Lufkin.
2. Mayor welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of January 17, 1984, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Public Hearing - Amendment to Revenue Sharing Budget

Mayor Garrison stated that there was approximately \$100,000.00 unencumbered funds in the Revenue Sharing Budget most of which was carried over from previous years. Mayor Garrison further stated that the required improvements to Water Well Number 5, were an unexpected expense and the City Commission was proposing that Revenue Sharing funds be used. Mayor Garrison officially opened public hearing. Due to lack of discussion Mayor Garrison officially closed public hearing.

City Manager Westerholm stated that the City of Lufkin would receive an additional \$42,000.00 in revenue sharing money than previously thought and unexpended funds remaining from projects of previous years would increase the amount available to approximately \$100,000.00. City Manager Westerholm further stated that when the budget was prepared the amount of unexpended funds on approved projects for previous years was not known, and after the repair of Water Well No. 5, approximately \$40,000.00 would remain unencumbered in the Revenue Sharing Fund.

5. Annexation & Permanent Zoning Ordinance - Approved - Second Reading - R. H. Duncan - Brookhollow, Section 10 - RL

Mayor Garrison stated that Annexation and Permanent Zoning request had been approved on first reading at last meeting of this Commission for R.H. Duncan covering property in Brookhollow, Section 10, to be zoned Residential Large. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Annexation Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Zoning Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6. Zone Change - Approved - First Reading - Mrs. Hurley Brown - Permanent Mobile Home Permit - RL to RS

Mayor Garrison stated that Zone Change request and Permanent Mobile Home Permit covering property located at 3009 Ford Chapel Road between Renfro Drive and Valley Avenue from Residential Large to Residential Small as requested by Mrs. Hurley Brown had been recommended to City Commission by Planning and Zoning Commission. Mayor Garrison stated that the purpose of the zone change was to allow the establishment of a permanent mobile home permit on the property. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that Zone Change be approved on first reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - First Reading - Hulen M. Squyres - LM to C, SU (Item 13 - Convalescent Center)

Mayor Garrison stated that Zone Change request by Hulen M. Squyres covering property located on North Medford Drive between Moffett Road and Atkinson Drive from Light Manufacturing to Commercial, Special Use (Item 13- Convalescent Center) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

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

8. Zone Change - Approved - First Reading - Bert Gann Realty, Inc. - RS to RS, SU (Item 10 - Tower)

Mayor Garrison stated that Zone Change request by Bert Gann Realty, Inc. covering property located south of Whitehouse Drive between South First Street and South Chestnut Drive from Residential Small to Residential Small, Special Use (Item 10- Tower) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

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

9. Amendment - Approved - School Zone Ordinance - First Reading

Mayor Garrison stated that an amendment to the present School Zone Ordinances had been prepared by the City Attorney to provide a continuity of enforcement and time limits between all school zones in the City of Lufkin.

In answer to question by Commissioner Don Boyd, City Manager Westerholm stated that the Lufkin High School had not been designated for a school crossing zone because most students do not walk across the street and police officers are on duty at the school each morning to direct the traffic. Commissioner Don Boyd stated that he would like to have the establishment of a school zone at Lufkin High School considered and included in a separate ordinance.

In response to question by Commissioner Don Boyd, Ron Wesch, Public Works Director stated that St. Patrick's School did not front on Moffett Road and that children did not cross the street from this school. City Manager Westerholm stated that the speed limit in school zones on City streets is 20 m.p.h. but if the streets are controlled by the Texas Highway Department the speed limit is lowered 15 m.p.h. below the stated speed.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that school zones have three (3) warning signs before cars approach the crosswalk.

In response to question by Commissioner E.C. Wareing, City Manager Westerholm stated that currently there are seven (7) school crossings that have flashing lights, six (6) of which have crossing guards present, and the City has plans to install flashing lights at all

school zones. In answer to question by Commissioner E.C. Wareing, Public Works Director Ron Wesch stated that the cost of installing two (2) flashing lights at a school crossing is approximately \$1500.00 per crossing.

Mayor Garrison stated that he would recommend the flashing lights be placed on the divided strip of the street by the crossing guards each time the school zones are in effect, but had been advised this was dangerous.

In response to question by Commissioner Don Boyd, Public Works Director Ron Wesch stated that flashers had not been placed on Leach Street which is a back exit from Garrett School because at the present time the traffic did not warrant same.

Mayor Garrison stated that the ordinance indicated that the reduced speed limit would be in effect, "at all other times when flashing if flashing signals are present." Mayor Garrison stated that he was interested in who had the authority to activate the flashing signals at times other than times stated in the ordinance. Mayor Garrison stated that the flashers should be activated by a person in authority. Assistant City Manager Brian Boudreaux stated that the school official would determine when the early dismissal times are in effect, and this statement had been included in the ordinance to provide protection to the children on unusual days.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that there were no school zones on Pershing Avenue because it was not used by the school children.

Commissioner E.C. Wareing stated that a paragraph should be inserted in the proposed ordinance indicating that someone in authority at the school should be responsible for making the City aware of any early dismissal times to provide for school crossing guards and the flashing lights.

Commissioner Percy Simond stated that the students at Dunbar Intermediate School cross Lake Street to attend classes on the other side which frequently causes a traffic problem. Commissioner Simond stated that he would like to see an agreement with the principal at Dunbar Intermediate that cars be permitted to proceed through the school crossing after a certain number of children have crossed the street to prevent the traffic problem on Lake Street. Commissioner Percy Simond further stated that the City's Animal Control Department does not obey the speed zone in this area which is a dangerous situation, and some motorists become impatient waiting for the children to cross and proceed with children in the crosswalk.

In response to statement by Commissioner E.C. Wareing, City Attorney Bob Flournoy stated that he proposed to add a statement after the stated time in the ordinance which read, " Monday thru Friday when school is in session."

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that amendment to School Zone Ordinance be approved on first reading with proposed revisions. A unanimous affirmative vote was recorded.

10. Election Order - Approved - Regular City Election - April 7, 1984

Mayor Garrison stated that the regular City Election scheduled for April 7, 1984, would be to elect a Commissioner of Ward No. 5 and Commissioner of Ward No. 6 to serve three (3) year terms each and Commissioner for Ward No. 3 for a two-year unexpired term. Mayor Garrison stated that the election for Ward No. 3 was necessary because of the resignation of Commissioner Gil Fears effective February 6, 1984, because of his decision to seek the Democratic nomination for State Representative of District 17, copy of which is attached to these minutes as a permanent record. Mayor Garrison further stated the election order contained the proposed judges for each Ward and the location of the polling places.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Election Order be approved on first reading as presented. A unanimous affirmative vote was recorded.

11. Appointment of Commissioner For Ward No. 3 - Tabled

Mayor Garrison stated that the resignation of Gil Fears, Commissioner of Ward No. 3 necessitated the appointment of a Commissioner to fill the vacancy until the regular City Election of April 7, 1984.

Commissioner Percy Simond stated that he would like to propose that because the City Commission learned of the resignation Monday, February 6, 1984, that the appointment be tabled until the next meeting of the City Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that appointment be tabled until next meeting of the City Commission. Commissioner E.C. Wareing stated that the appointee would serve at only three (3) meetings until the next regular City Election and the Charter indicates that the City Commission shall fill a vacancy of one (1) seat until the next regular election which would indicate that the vacancy should be filled at the first meeting after the vacancy occurs.

The following vote was recorded on the previous motion: Aye: Mayor Garrison, Commissioners Simond, Foley, Thompson, Boyd. Nay: Commissioner Wareing. Mayor Garrison declared the motion approved by a vote of five (5) to one (1) with Commissioner Wareing voting in the negative.

12. House Numbering Ordinance - Tabled

Mayor Garrison stated that it had been requested at last City Commission meeting that a proposed ordinance be prepared by the City Attorney requiring all residences in the City of Lufkin to be numbered.

Commissioner E.C. Wareing stated that he did not think the ordinance proposed by the City Attorney would accomplish what was intended because the ordinance does not require that the number be visible from the street. Commissioner Wareing further stated the ordinance incorporates many items that were not proposed by Commissioner Simond. Commissioner Wareing further stated that some houses do not have doors that open onto the street, and the proposed ordinance did not address the original problem.

Commissioner Percy Simond stated that no provision was made in the ordinance for numbers being placed on the mailboxes.

Mayor Garrison stated that he understood from the comments made by Commissioners that it was a concensus of opinion of the City Commission that the proposed ordinance be tabled until the next meeting of the City Commission.

13a. Bid - Approved - Radios - Police Department - Motorola

Mayor Garrison stated that bids had been requested for the purchase of four (4) radios to be used in the Police Department and requested that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that the program for replacing radios in the Police Department had been a recommendation of the Police Management Study and had been provided for in the budget. City Manager Westerholm stated that one (1) bid had been received from Motorola, Inc. in the amount of \$7,344.00. City Manager Westerholm stated that the Staff would like to recommend that the bid of Motorola, Inc. be accepted as the lowest and best bid to cover the cost and installation of four (4) mobile radios.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of Motorola, Inc. in the amount of \$7,344.00 be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that the remaining money in the Revenue Sharing fund could be used to install an adequate telephone system in the Police Department. Commissioner Simond further stated that a citizen should never receive a busy signal when calling the Police Department.

Mayor Garrison stated that he understood the Telephone Company had the capacity to review the load of calls into the Police Department to ascertain how many calls are going unanswered. Mayor Garrison further stated that this would allow the City of Lufkin to review the situation.

Police Chief Leonard Latham stated that the 911 number would provide access to the Police Department with calls being routed through the Fire Department dispatcher which would screen out unnecessary calls.

13b. Bid - Approved - Pump and Motor - Water Well #5 - Layne Western

Mayor Garrison stated that bids had been requested for the improvement and modification of Water Well #5 and asked that City Manager Westerholm provide recommendations of the City Staff.

City Manager Westerholm stated that two (2) bids had been received for the purchase of a motor and pump to be installed at Water Well #5 for the Water Production Department, and the City Staff would like to recommend that the low bid of Layne Western Company of Houston, Texas, in the amount of \$58,217.00 be approved as the lowest and best bid.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that low bid of Layne Western in the amount of \$58,217.00 be approved as the lowest and best bid. A unanimous affirmative vote was recorded.

13c. Bid - Approved - Civic Center Curtain - Oklahoma City Scenic Co.

Mayor Garrison stated that bids had been requested for the purchase of a center stage curtain for use in the Lufkin Civic Center and asked that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that Stage Engineering and Supply Company had submitted a No Bid, and that the bid of Oklahoma City Scenic, Inc. was the only bid received for the purchase and installation of a center stage curtain for use in the Lufkin Civic Center in the amount of \$2,497.00. City Manager Westerholm stated that the bid exceeded the budget amount by \$297.00

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that the bid of Oklahoma City Scenic, Inc. in the amount of \$2,497.00 be approved. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that the budget be amended to absorb the \$297.00 over budget on the Civic Center Stage Curtain. A unanimous affirmative vote was recorded.

14. Amendment - Approved - Revenue Sharing Budget - Improvements to Water Well #5

Mayor Garrison stated that improvements to Water Well #5 would require additional funds in the amount of \$58,217.00 for which the public hearing had been held to consider amending the Revenue Sharing Budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that funds in the amount of \$58,217.00 be allocated from the Revenue Sharing Budget to Water Production. A unanimous affirmative vote was recorded.

15. Downtown Parking Lot - Participation By Merchants - Postponed Indefinitely

Mayor Garrison stated that this item appeared on the agenda by request of Commissioner Pat Foley to discuss financial participation by the Lufkin Association Downtown in the improvements to the downtown parking lot on Groesbeck Street between First and Second Streets.

Commissioner Pat Foley stated that he was supportive of the Main Street Program accomplishments and that he had worked with the

downtown merchants in the past. Commissioner Foley further stated that by asking the downtown merchants to participate in the cost of the parking lot at Groesbeck Street between First and Second Streets, he was not being unsupportive of the downtown renovation but because First Baptist Church was participating in the parking lot cost the downtown merchants should. Commissioner Foley stated that he was under the impression that the Manager was only authorized to proceed with the lease agreement for the parking lot and when he noticed that work had begun on paving the lot he contacted City Manager Westerholm regarding the authorization to proceed. Commissioner Foley further stated that there were many streets around town that needed paving before money was spent on the downtown parking lot.

Commissioner Percy Simond stated that after looking at the minutes of previous meetings where the downtown parking lot was discussed, he had reservations about whether the City Commission had given approval to spend the money to pave this parking lot.

City Manager Westerholm stated that the minutes of September 20, 1983, indicated the City Commission approved the acceptance of the downtown parking plan which included sacking the parking meters, new time limits for parking in specific areas, and the improvement of three (3) downtown parking lots. City Manager Westerholm stated that the lot behind the Parks and Recreation building and behind the Lufkin News had been restriped and work was then begun on the lot in question with the total cost for all three (3) being approximately \$12,000.00.

Commissioner Percy Simond stated that if the City Commission was going to spend that much money there should be a clear understanding of how the money is to be spent and no doubt about approval of the expenditure.

Commissioner Pat Foley stated that approval of the downtown parking plan did not include approval of the new parking lot development.

Commissioner Percy Simond stated that if the City Commission had discussed the sewer system that would not give the City Manager authority to spend money on the sewer system, and the authority was not given to spend money on the parking lot.

Mayor Garrison stated that he was under the impression that the downtown parking lot had been approved but did not see in the minutes specific authorization for paving. Mayor Garrison further stated that the money has been spent and the City Commission would have to decide whether to take it out of the Manager's salary.

Commissioner E.C. Wareing stated that he was under the general impression that when the plan was approved the parking lots were also approved. Commissioner Richard Thompson stated that he understood that once everything was settled on the lease agreement that City Manager could proceed with the work on the new parking lot. Mayor Garrison stated that approval of the downtown plan and authorization of the lot was the authority for the City Manager to proceed and if he had been in the Manager's position, he would have proceeded just as the Manager did.

Commissioner Percy Simond stated that no action could be taken in regard to the parking lot, he only wanted to voice his objection. Commissioner Simond further stated he noticed that the parking spaces around the County Jail were filled by the Sheriff's Department cars with no money being deposited in the meters, and if this was allowed, the meter should be removed and the parking spaces designated for the Sheriff's Department only. Commissioner Simond further stated that he had noticed the meter maid parking by the downtown hotel, leaving her car without depositing money in the meter, and then proceeding to give tickets to each car with an expired meter.

City Manager Westerholm stated that tickets were not being given since December 1983, but the bagging of the meters had been delayed until the lots in the downtown area could be finished to provide motorists a place to park during the day. City Manager Westerholm further stated that if the Sheriff's Department insist on parking at the meters after the bags are installed and the time elapses, they will be fined \$2.00 a ticket.

Commissioner Pat Foley stated that he felt it was too late to ask the downtown merchants to participate in the cost of the new parking lot and he simply wanted to make his opinion known.

Mayor Garrison stated that he thought the authority was given by the adoption of the Downtown Parking Plan, and he felt it was a consensus of opinion of the City Commission that the item should be passed over without action.

16. Resolution - Approved - Amendment To City's Deferred Compensation Plan

Mayor Garrison stated that due to recent Federal regulations and a decision by the International City Management Association Retirement Corporation to more directly involve employers, the City, and the Administration of the Deferred Compensation Plan had been requested to join the ICMA Retirement Trust. City Manager Westerholm stated that the Securities and Exchange Commission had instructed the ICMA Retirement Corporation to create a new legal structure which involved creating a trust in which the City would have a vote in the election of the Board of Trustees. City Manager Westerholm further stated that this board will review the performance of the corporation and oversee the administration of the funds which would give more control to the City in the election of members to the Board of Trustees. City Manager Westerholm further stated that the employees will not be effected by this legal change in the plan.

Mayor Garrison stated that he had received a letter from William Johnson, a retired City employee thanking the City Commission for their continued participation in the Texas Municipal Retirement System. Mayor Garrison stated that it was very nice of Mr. Johnson to take the trouble to thank the City Commission.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that amendment to the City's Deferred Compensation Plan be approved as presented. A unanimous affirmative vote was recorded.

17. Executive Session - Bryan Maxey, Discussed - Real Estate - Litigation Matters, Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss the recent Bryan Maxey lawsuit, give consideration to the sale of real estate, and discuss the possibility of litigation of damages in another matter. Mayor Garrison recessed formal open meeting at 8:53 p.m. At 9:28 p.m. Mayor Garrison reconvened regular meeting of the City Commission and made announcements to those present regarding results of the Executive Session.

Mayor Garrison stated that the City Commission had received a report from the City Attorney and had authorized him to proceed with the lawsuit of Bryan Maxey against the City of Lufkin in his judgment as a lawyer. Mayor Garrison stated that the City Attorney provided the City Commission with an outline of what his future efforts would be and the City Commission saw no reason to disagree with his judgment and the handling of the case. Mayor Garrison further stated that a claim had also been brought against the City and the City Commission was considering the legal aspect to determine the City's position and what action should be taken. Mayor Garrison stated that the City Commission had requested that the City Attorney investigate the Claim further regarding the rights of the specific parties and report back at a later date regarding the liability portion of the City. Mayor Garrison stated that the City Attorney would be providing the City Commission with a future report and a decision would be made at a later date.

18. Sewer Plant, Discussed - One Cent Sales Tax, Discussed, Police Report Due

Commissioner Percy Simond stated that he had been greatly disturbed about the situation with the City of Lufkin Sewer Plant and he wondered if the City of Lufkin stated that they were going to do everything necessary to get the sewer system up-to-date and keep it up-to-date for the next 50 years, is there any possibility that the City of Lufkin could get permission from the State Legislature to charge an extra one-cent sales tax which would be designated for payment on the Sewer Plant only.

Mayor Garrison stated that he understood there was no provision for an additional sales tax. Commissioner Wareing stated that the State Legislature could approve the tax. Mayor Garrison further stated that it would be a good idea and the State Legislature might approve same. Mayor Garrison stated that he had hopes that the plan being considered for renovation of the Sewer Plant would improve the performance of same, and the City of Lufkin should be receiving a report from the Water Control Board within the next week. Mayor Garrison stated that the piping renovation would allow the plant to work longer and the belt press would improve the handling of the solids at the plant.

Commissioner E.C. Wareing stated that a report on the progress in the Police Department was due for consideration. Commissioner Percy Simond requested that the City Commission be given a report as provided for in the Police Management Study one year after its implementation.

- 18. There being no further business for consideration, meeting adjourned at 9:35 p.m.

Pitser H. Garrison
Pitser H. Garrison, Mayor



Ann Griffin
Ann Griffin, City Secretary