**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 8TH DAY OF JANUARY, 1985 AT 7:30 P.M.**

On the 8th day of January, 1985, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

| | |
|---|---|
| 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 |
| Ron Wesch | Public Works Director |
| Robert Flournoy | City Attorney |
| Ann Griffin | City Secretary |
| Nicholas Finan | City Planner |

being present, and

| | |
|---|---|
| Pitser H. Garrison | Mayor |

being absent when the following business was transacted.

1. Meeting opened with prayer by Reverend Curtis Keith, Minister of First Christian Church, Lufkin.

2. Mayor pro tem Pat Foley welcomed visitors to City Commission meeting in the absence of Mayor Garrison.

**3. APPROVAL OF MINUTES**

Minutes of the regular meeting of December 18, 1984, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - DAVID S. TAMMINGA**

Mayor pro tem Foley stated that Ordinance designating reinvestment zone for Tax Abatement Program as requested by David S. Tamminga covering property located at Block 2, Lots 7 & 8 of the Original Town of Lufkin (Denman Building) had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

**5. ORDINANCE - APPROVED - SECOND READING - ANNEXATION & PERMANENT ZONE REQUEST - R. H. DUNCAN - RL**

Mayor pro tem Foley stated that request for annexation and permanent zoning by R. H. Duncan covering 24.265 acres of land located in Brookhollow No. 11 North of Gobbler's Knob Road and South of Little Hollow Drive to be zoned Residential Large had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Jack Jorden and seconded by Commissioner Don Boyd that ordinance for annexation be approved as presented on second and final reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Jack Jorden and seconded by Commissioner Don Boyd that ordinance for permanent zoning of property to Residential Large be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

## 6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - GOODMAN/WADE ENTERPRISES, INC. - RL TO A, SU (INTERMEDIATE CARE FACILITY, LEVEL 1, TITLE 19)

Mayor pro tem [illegible] stated that ordinance for Zone Change Request by Goodman/Wade Enterprises, Inc. covering property located at [illegible] Cooper between Henderson and McMullen from Residential Large to Apartment, Special Use (Intermediate Care Facility, Level 1, Title 19) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Jack Jorden and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading with the following stipulation: zone be changed from Residential Large to Apartment, Special Use (Intermediate Care Facility, Level 1, Title 19) restricted to operation by Goodman/Wade Enterprises, Inc. with a maximum of eight ( ) clients). A unanimous affirmative vote was recorded.

## 7. ZONE CHANGE - APPROVED - SECOND READING - KAY GUNN - RM TO RM, SU (ITEM 26-I CUSTOMARY HOME OCCUPATION RESTRICTIONS EXCEPT RESIDENCY)

Mayor pro tem [illegible] stated that Zone Change request by Kay Gunn covering property located at [illegible] Moore Street [illegible] and [illegible] from Residential Medium to Residential Medium, Special Use, (Item 26-I, Customary Home Occupation Restrictions except Residency, had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Jack Jorden and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

## 8. CITY HALL ENLARGEMENT AND FINANCING - WORKSHOP ESTABLISHED - JANUARY 29, 1985

Mayor pro tem [illegible] stated that additional information had been received in regard to City Hall enlargement and financing, and requested that City Manager Westerholm provide comments in this regard.

City Manager Westerholm stated that Jerry Hill, architect with [illegible], Hill and [illegible], had submitted some [illegible] changes to financing requirements. City Manager Westerholm stated that three (3) revised plans had been submitted [illegible] "A" including renovation of the present City Hall plus increased square footage for additional cells in the jail area; [illegible] deletes the additional jail improvements and [illegible] square feet is cut from the City Hall enlargement; plan [illegible] is to include [illegible] modifications to the present City Hall exterior. City Manager Westerholm further stated that letters had been received from [illegible] First [illegible] Company, indicating the bond indebtedness of each issue. City Manager Westerholm stated that on a 15-year payback of $500,000.00 at [illegible] interest with the use of [illegible] ficates of [illegible] site [illegible] total requirements for the first year would [illegible] $487,955.00. City Manager Westerholm further stated that [illegible] to [illegible] cents tax increase could retire [illegible] cost of [illegible].

Mayor [illegible] Foley stated that this information [illegible] presented for consideration by the City Commission before [illegible] is scheduled, [illegible] would like to consider the information [illegible] with Jerry Hill present at the workshop to [illegible] what the plans would include. It was a consensus of opinion after some discussion that the workshop would be scheduled for 5:00 P.M. January [illegible], 19[illegible], to consider enlargement and financing of the City Hall.

## 9. INVOICE - STIVERS ENGINEERING, INC. - APPROVED FOR PAYMENT - WATER POLLUTION CONTROL PLANT

Mayor [illegible] Foley stated that additional information in regard to the invoice for Stivers Engineering, Inc. had been requested at last meeting of this Commission and City Manager Westerholm [illegible] to provide staff insights.

City Manager Westerholm stated that in the agreement of January 3, 1984, between Lufkin City Commission and Stivers Engineering, Inc., Mr. Stiver had stated that modifications to the sewer plant would cost between $30[illegible],000 and $40[illegible],000 for the engineering work. City Manager Westerholm stated that after the [illegible] engineering had [illegible] on the modifications, it was discovered that there were problems with the clarifiers and Mr. Stiver had performed extra work establishing a new schedule for sewer rates to industrial and residential customers, work in regard to the Texas Department of Water Resources [illegible] for approval of the modification and establishment of [illegible] parameters for [illegible] major industrial contributors to the sewer plant. City Manager Westerholm stated that most of the additional charges have been for consultant work and not for engineering and design. City Manager Westerholm stated that Mr. Stiver had been called several occasions to fulfill the requirements of the enforcement order placed on the City of Lufkin by the Attorney General.

Commissioner Percy Simond stated that the City [illegible] this [illegible] agreed to [illegible] the authority to pay [illegible] more money than [illegible] without requesting approval of the City Commission [illegible]. City Manager Westerholm stated that the invoices were presented to the City Commission for approval each month. Commissioner Percy Simond stated that Mr. Stiver had indicated to the City Commission that the total bill would [illegible] no more than the $4[illegible],000 [illegible]. Commissioner Percy Simond stated that [illegible] should not quote the figure to the City Commission [illegible] before [illegible] involved in the project [illegible] indicate that another [illegible] will be charged. City Manager Westerholm stated that the total [illegible] modification costs include the $3[illegible],000 [illegible] by the state [illegible] additional work done by Stiver Engineering [illegible] to fulfill the agreement with the Attorney General to bring the sewer plant into compliance.

Commissioner Percy Simond stated that Mr. Stiver should have forwarded the original telephone bills [illegible] the [illegible] on the bill sent to the City Commission is [illegible] the [illegible] was only $[illegible].17. City Manager Westerholm stated that Mr. Stiver had indicated that he did not bill the City for the entire amount of the telephone bills because he was embarrassed about the total amount. City Manager Westerholm further stated that Mr. Stiver was originally hired to [illegible] engineering work out once the City came under the agreement with the Attorney General Mr. Stiver was hired to respond to the charges which ver all rel t t his first employment with the City.

City Manager Westerholm stated that the original st t fe in the amount of 143,03 and 300.0 was for simply engineering work and not additional consulting services involved with the and Texas Department of Water Resources for establishing permitting of major industries.

City Attorney Flournoy stated that once the enforcement order was leveled against the City, it was necessary to obtain o e expertise to bring th plant into compliance. City Attorney Flournoy stated that at the time Mr. Stiver as request to the additional work, it was separate and apart from his original contract because the city had need of someone to ... sometimes ... to bring the plan into compliance. City Attorney Flournoy further stated that because the City had to report to the Secretary of State the situation ... because of the enforcement order the City called on Mr. Stiver and he performed the work in small increments. City Attorney Flournoy stated that he had to call on Mr. Stiver on occasion to gain information regarding the enforcement order.

City Manager Westerholm stated that 32,9 ... spent to bring the plant into compliance ... Mr. Stiver as the engineer because he stated that he could get the City of Lufkin into compliance but this was accomplished with engineering work and consultation work. Commissioner Lynn Malone stated that Mr. Stiver should have known that the project would entail ... and should have considered same when he entered his original contract.

In response to question by Mayor ... City Manager Westerholm stated that Mr. Stiver has done the work based on the fee schedule submitted by him in the agreement of January 1984, and he was satisfied with the explanation provided by Mr. Stiver. City Attorney Flournoy stated that he was satisfied with the explanation and that Mr. Stiver had done ... for the City of Lufkin because the plant had operated in compliance since ... with one exception.

In response to question by Mayor ... City Manager Westerholm stated that bills had been submitted to the City Commission for payment every month. Commissioner Louis ... stated that there were two (2) bills each month, one for the contract work and one for the consulting work. Commissioner Jack ... stated that if Mr. Stiver had performed ... the work had to be done by someone and it was ... that Mr. Stiver was there, but the last time Mr. Stiver was before the City Commission to explain the work that was performed Mr. Stiver discussed some of the things for which he is requesting extra payment, and knew at that time that the total project would be greater than the original contract. City Manager Westerholm stated that Mr. Stiver has only used 20 ... for engineering design.

City Commissioner ... stated that he wanted to know where the City Manager and City Attorney Flournoy received their authority to spend additional money without approval of the City Commission. Mayor ... stated that the authority is not given but the Commission basically gave their approval to go forward with the project at the sewer plant as the ... were presented.

In response to question by Commissioner ... Floyd, Public Works Director ... stated that the ... activated sludge ... being installed at the present time which is the ...

the final cost of the [illegible] comment [illegible] River and it was anticipated that a final check would be made [illegible] [illegible] ment was installed.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that invoice for charges by [illegible] Engineering, Inc. be approved for payment. Unanimous affirmative vote was recorded.

Commissioner Lynn Malone stated that he would like to have the City Manager notify the Commissioners when extra items are added to a project.

## 10. COMPREHENSIVE MASTER PLAN - PLANNING & ZONING COMMISSION - INFORMATION TABLED

Mayor Pro Tem Foley stated that the Planning & Zoning Commission of the City of Lufkin has completed a study of various consulting firms concerning their capabilities in preparing a comprehensive master plan for the City of Lufkin and that study was submitted to this Commission to aid in selection of a firm. City Manager Westerholm stated that a letter from Chairman of the Planning & Zoning Commission, Mr. Griffin, had been submitted with a study by City Planner Dick Finan. City Manager Westerholm stated that inquiries had been made into the firm's background [illegible] by the City Commission in deciding which firms should receive an invitation to submit a proposal for the comprehensive master plan. City Planner Dick Finan stated that a total of eight (8) firms had been submitted to the City Commission and, if requested, each firm would submit a proposal for consideration.

In response to question by Mayor Pro Tem Foley, City Planner Dick Finan stated that some firms had indicated that they are not in a position to quote a price, but that they would be glad to submit a proposal and the firms were informed that the cost would be handled through negotiations as the list is accepted. City Planner Dick Finan stated that a comprehensive plan is used in different ways, but basically it establishes a plan for city growth and indicates which direction that the present City is studied in regard to land use, water supply and distribution and these facts are used to determine where the City should be going to advance with suggestions on accomplishing goals and objectives established by the City Government. City Planner Finan stated that at the present time Lufkin has a problem with its present sewer plant and the problem might have been avoided if the last comprehensive plan had addressed that area of need.

In response to question by Mayor Pro Tem [illegible], City Planner Finan stated that the present plan was completed in 1[illegible] and a plan is usually followed by a capital improvement program to implement the suggestions of the plan.

City Manager Westerholm stated that the last comprehensive plan was funded by the State of Texas and guidelines were established on how the plan should be completed under the 701 planning grant. City Planner Finan stated that the new comprehensive plan would not duplicate any work that was presently being done within the City and the present water study would be incorporated into the comprehensive plan.

In response to question by Commissioner Louis Bronaugh, City Planner Dick Finan stated that in regard to including the complete water distribution study in the comprehensive plan, the City might be charged more money because of the additional items other than the price quoted by the firm doing the present water study. Mayor Pro Tem Foley stated that he would like to contin to have the water distribution study separate from the comprehensive plan.

In response to question by Commissioner Pierce Simon, City Planner Dick Finan stated that he had spoken with every firm on the list by telephone, and if a letter were requested by the firm, it was forwarded to them. City Planner Finan stated that he had spoken with either a vice-president or a principal of the company. City Planner Finan stated that the phone contact is necessary because the Planning & Zoning Commission had requested that the information be obtained between meetings and often a request for references made through a letter would not be honored.

Motion was made by Commissioner Jack Corder and seconded by Commissioner Louis Fronauer that City Planner Dick Finan be authorized to draft a letter for review at next meeting of City Commission requesting proposals from the firms to perform the comprehensive master plan. Unanimous affirmative vote was recorded.

## 11A. BID APPROVED - CHAIRS - CITY COMMISSION ROOM - W. C. ROYLE

Mayor Pro Tem Foley stated that bids had been received for the purchase of chairs for the City Commission room and requested that City Manager Westerholm provide staff recommendations.

Manager Westerholm stated that two (2) bids had been received and W. C. Royle was the low bidder in the amount of $[illegible] for purchase of eleven (11) chairs which was under budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Nelson that bid of W. C. Royle be approved as the lowest and best bid. The following vote was recorded: Aye: Mayor Pro Tem [illegible] Foley, Commissioners [illegible], [illegible], [illegible], Boyd. Nay: Commissioner Fronauer. Mayor Pro Tem Foley declared motion approved by a vote of [illegible] to [illegible].

## 11B. BID APPROVED - STREET DEPARTMENT EQUIPMENT - CONLEY, LOTT & NICHOLS

Mayor Pro Tem Foley stated that bids had been received for the purchase of equipment to be used in the street department and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the low bid on the pneumatic roller, the steel wheel roller and the asphalt paving machine was from Conley, Lott & Nichols for a total amount of $43,[illegible], which is $1,[illegible] under the budgeted amount. City Manager Westerholm stated that the present equipment would be traded in on the purchase of the new equipment.

Commissioner Pierce Simon stated that he was happy to see that the bids for the Public Works Department were usually lower than the budgeted amount.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Fronauer that bid of Conley, Lott & Nichols in the amount of $[illegible],[illegible] be approved as the lowest and best bid. A unanimous affirmative vote was recorded.

## 12. EXECUTIVE SESSION - APPOINTMENTS - CIVIL SERVICE COMMISSION - EXAMINING & SUPERVISING BOARD OF ELECTRICIANS - PLUMBING APPEALS & ADVISORY BOARD, DISCUSSED - PERSONNEL, DISCUSSED - REAL ESTATE, DISCUSSED

Mayor Pro Tem Foley stated that the City Commission would go into Executive Session to discuss appointments to Civil Service Commission, Examining & Supervising Board of Electricians, and Plumbing Appeals & Advisory Board and also to consider personnel and real estate transactions for the City of Lufkin. Mayor Pro Tem Foley recessed formal open meeting of the City Commission [illegible] P.M. Mayor Pro Tem Foley reconvened open meeting of the City Commission and made announcements to those present regarding results of the Executive Session at 10:[illegible] P.M.

Mayor Pro Tem Foley stated that the City Commission had received information from the City Manager and the City Attorney in regard to the items discussed and all items have been taken under advisement with no action to be taken at the present time.

**13. REGION 16 TML MEETING - BEAUMONT, DISCUSSED - UTILITY POLES, DISCUSSED - EVACUATION PLAN, DISCUSSED - POLICE DEPARTMENT PERSONAL CARS SET FOR NEXT MEETING**

Commissioner Louis Bronaugh stated that he would like to make the City Commission aware of the Region 16 TML meeting in Beaumont, Thursday, January 1[illegible]th, with a van leaving from City Hall at [illegible] and he would like to encourage anyone who could to attend.

Commissioner Percy Simmons stated that he had noticed that utility poles in some areas are inches away from the pavement without curb which is very dangerous to motorists. City Manager Westerholm stated that under the franchise agreement in [illegible], they have use of the City streets to place their utility poles but the Engineering Department frowns on them being that close to the pavement. Commissioner Percy Simmons stated that [illegible] would [illegible] with City Manager Westerholm in this regard at [illegible].

Commissioner Percy Simmons stated that he had received a copy of the disaster plan for evacuation for the City of Lufkin. Public Works Director Don [illegible] stated that the present plan had been written in 197[illegible] and was updated in 198[illegible].

In response to question by Commissioner Percy Simmons, Public Works Director Don [illegible]sch stated that the officers in the Police Department have had some training in evacuation and the City would have to rely on their expertise in the event of disaster. Commissioner Percy Simmons stated that the Southern Pacific Railroad which runs through the middle of town often hauls toxic materials over inferior tracks. Public Works Director Don [illegible]sch stated that the Federal Government has required trains to carry [illegible] cars indicating what type of hazardous materials are inside and a book is provided to the City which gives directions on what to do in the event there is a spill.

Commissioner [illegible] requested that the consideration of receiving [illegible] police cars for the Lufkin Police Department be on the next agenda for consideration and that Police Chief [illegible] be present for that meeting.

14. There being no further business for consideration, [illegible] adjourned at 10:17 P.M.

Pitser H. Garrison

Pitser H. Garrison, Mayor

ATTEST:

______________________________
Ann Griffin, City Secretary