MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF DECEMBER, 1979, AT 5:00 P.M.

On the 4th day of December, 1979, 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
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
Gayle Dickey	Assistant City Secretary

being present, when the following business was transacted:

1. Meeting opened with prayer by City Manager Harvey Westerholm.

2. Mayor Garrison welcomed visitors present.

3. Amendments to and Approval of Minutes

City Manager Harvey Westerholm reported that amendment would be necessary to Item 12 of the minutes of regular meeting of November 6, 1979. City Manager Westerholm stated that motion had failed by a majority vote of four to two, and was not approved as minutes had stated. Comm. Dayle V. Smith also stated that correction would be necessary to Item 3 of the minutes of same meeting due to the fact that minutes stated Comm. W. O. Ricks was included in motion, and Comm. Ricks was absent from meeting. Motion was then made by Comm. E. C. Wareing that minutes of regular meeting of November 6, 1979, be approved with amendments as presented. Motion was seconded by Comm. Dayle V. Smith and a unanimous affirmative vote was recorded.

Motion was then made by Comm. Pat Foley that minutes of special meeting of November 27, 1979, be approved. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation and Permanent Zoning Request by JTT Distributors, Inc.

Mayor Garrison officially opened Hearing and stated that annexation and permanent zoning request to LM District by JTT Distributors, Inc., covering property fronting on Spence Street, North of Loop 287, had been recommended for approval by the City Planning and Zoning Commission, and same was before the City Commission at this meeting for open hearing. Mayor Garrison requested comments from persons appearing in opposition to annexation and permanent zoning of this property. There were no persons present appearing in opposition. Mayor Garrison officially closed hearing.

Motion was made by Comm. E. C. Wareing that annexation and permanent zoning request by JTT Distributors, Inc., to Light Manufacturing District be considered on first reading of ordinances at next regular meeting of December 18, 1979, at 5:00 p.m. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading - William Michael Fulton from RL to RS District

Mayor Garrison stated that zone change application by William Michael Fulton from RL to RS District covering property fronting on Gayle Street, between Henderson and McMullen Streets had been approved on first reading of ordinance at last regular meeting.

There was no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by William Michael Fulton from RL to RS District be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading - Roach Enterprises, Inc., from RL to C District

Mayor Garrison stated that zone change application by Roach Enterprises, Inc., from RL to C District covering property fronting on Loop 287 West (John Redditt Drive) immediately North of and adjacent to Stop-&-Wash Car Wash, across from Angelina Nursing Home, had been approved on first reading of ordinance at last regular meeting.

There were no persons appearing in opposition.

Motion was made by Comm. Dayle V. Smith that zone change application by Roach Enterprises, Inc., from RL to C District be approved on second and final reading of ordinance with first 200' of frontage adjoining the car wash to be changed to C District and restriction that any improvements follow the building line of the present car wash with 100' setback requirement. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

7. Fair Housing Ordinance for City of Lufkin Approved 2nd Reading

Mayor Garrison stated that fair housing ordinance for the City of Lufkin had been approved on first reading at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Don E. Boyd that fair housing ordinance for City of Lufkin be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading - T. Mitchell Gibson, et al, from RS&A to C District, Special Use (Office Buildings and Apartments)

Mayor Garrison stated that zone change application by T. Mitchell Gibson, et al, from RS&A to C District, Special Use (Office Buildings and Apartments) covering various properties located in portions of Blocks 42, 43, and 104 of the Original Townsite of Lufkin located between Second and Fourth Streets had been recommended for approval by the City Planning and Zoning Commission.

Mayor Garrison stated that this item may have been placed on this agenda somewhat prematurely, as it was his understanding that the zone change application would come before City Commission at the time the General Services Administration had contracted for purchase of property from the Gibson family for construction of the proposed federal building. Mayor Garrison further stated that a letter had been received from Mr. David Porter, Attorney, indicating that an option for sale of property had been received from G.S.A., and the zone change application would be ready for consideration by the City Commission.

Mayor Garrison recognized Mr. David Porter, Attorney, appearing in representation of zone change application, who stated that it had been his understanding that consideration of the Gibson zone change application by the City Commission would be made at the time the Commission had proper assurances that the General Services Administration would extend an option on the property for the proposed federal building. Mr. Porter then stated that he had copies of the option for sale of property in his possession. Mr. Porter then distributed copies of option to members of Commission for review and further reported that delivery of signed option to G.S.A. had not been made.

Mayor Garrison stated that when the Gibson application had appeared on the agenda for this meeting, G.S.A. had been called concerning the option and they had reported no option in their possession. Mayor Garrison then stated that G.S.A. had been called again on the date of this meeting and they still reported no receipt of option.

Mayor Garrison recognized Mr. Porter who stated that he and his clients had attempted to give the requested facts in this zone change application, and that his clients did not desire to change zoning on their property if the government did not complete the option on the federal building property.

Mayor Garrison then stated that he did not object to changing the zoning on the proposed property when the property was to be used for the federal building, or until the City Commission could be assured that the federal building would be constructed on the property.

Mayor Garrison then recognized Mr. T. Mitchell Gibson who stated that when the option was delivered to G.S.A., it would be necessary for them to advertise for bids on construction of the federal building, and the option would not be exercised until bids had been received and construction of the building was committed.

Following discussion, motion was made by Comm. E. C. Wareing that zone change application by T. Mitchell Gibson, et al, from RS&A to C District, Special Use (Office Buildings and Apartments), be approved on first reading of ordinance with the stipulation that the zone change would not take effect until the property was acquired by the General Services Administration and building permits for the federal building had been issued. Motion was seconded by Comm. Richard Thompson and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Wareing, Thompson, Foley, Ricks, and Boyd; voting "Nay" - Comm. Smith. Mayor Garrison declared motion approved by a majority vote of six to one. Comm. Smith stated that he had not voted in favor of application because he desired to become more familiar with the option which was not received until this meeting. Mayor Garrison then stated that prior to second reading at next regular meeting on this zone change, members of Commission would have an opportunity to study the presented copy of option and possibly suggest further changes to zone change at that time.

9. <u>Zone Change Approved 1st Reading - James G. Slack from RL to RM District</u>

Mayor Garrison stated that zone change application by James G. Slack from RL to RM District covering property being 6.282 acre tract of land adjacent to and immediately North of Darceille Street, between Alta Street and Tower Lane, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition.

Discussion evolved regarding whether or not this property would fall under the jurisdiction of the City subdivision ordinance if the property was subdivided. City Manager Westerholm stated that Mr. Slack would be required to present his subdivision to the City Planning and Zoning Commission.

Following discussion, motion was made by Comm. Dayle V. Smith that zone change application by James G. Slack from RL to RM District be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

10. <u>Zone Change Approved 1st Reading - Angelina County, et al, from RS to RS District, Special Use (Item 13 - Senior Citizens Center)</u>

Mayor Garrison stated that zone change application by Angelina County, et al, from RS to RS District, Special Use (Item 13 - Senior Citizens Center) covering property located at the Southeast corner of intersection of Jones Street and Lufkin Avenue, had been recommended for approval by the City Planning and Zoning Commission.

Mayor Garrison stated that County Judge Dan Jones was present at this meeting, and Judge Jones and his staff were to be congratulated on their progress in the implementation of the senior citizens center. Mayor Garrison stated that in order for the building to be constructed on the proposed property, it would be necessary to change the zoning to RS District, Special Use (Item 13 - Senior Citizens Center).

There were no persons present appearing in opposition. Motion was made by Comm. E. C. Wareing that zone change application by Angelina County, et al, from RS to RS District, Special Use (Item 13 - Senior Citizens Center) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. <u>Ordinance Approved - Adoption Ratification of Resolution Authorizing Issuance of $1.6 Million in Junior Lien Water and Sewer Revenue Bonds, 1979 Series</u>

Mayor Garrison stated that due to the fact only five members of the City Commission had been present at special meeting of November 27, 1979, the City's bonding agents had stated it would be necessary to approve an ordinance ratifying action at this meeting, according to the City Charter, and that at least six members would have to vote favorably for the ordinance.

Motion was made by Comm. Dayle V. Smith that ordinance adopting and ratifying action taken by City Commission at special meeting of November 27, 1979, be approved. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded.

12. <u>Bids on Water Plant #1 Improvements - Earthwork Bid Approved - Remainder of Bids Tabled</u>

Mayor Garrison recognized Mr. Jimmy Griffith of Griffith Engineers, who stated that bids had been received on three phases of Water Plant #1 Improvements, as follows:

<u>PIPING MATERIALS</u>

Contractor	Bid
Bowles & Eden	$ 46,747.30
Imperial Pipe & Supply Company	49,450.24
Municipal Pipe	52,264.29
Central Utility Supply Company	53,080.28
The Rohan Company	91,561.30

<u>INSTALLATION OF PIPING MATERIALS</u>

S. R. Davies, Inc. - Houston	$ 57,648.00
Shull Construction (Dan)	58,424.00
P & H Utility Construction	62,000.00
Pinelan Corporation	68,500.00
McKinney & Moore, Inc.	85,000.00

REMOVAL OF EXISTING FACILITIES, AND EARTHWORK

Contractor	Bid
Sims Construction	$ 109,819.35
Pinelan Corporation	138,828.00
P & H Utility Construction	184,954.00
McKinney & Moore, Inc.	260,209.10

Mr. Griffith stated that these three items would constitute the first phase of the improvements to Water Plant #1, and all other items would occur after these three items were completed. Mayor Garrison expressed concern regarding acceptance of these three bids at this time, and later finding when other bids were received that their total amounted to much more than the project had been estimated to cost.

Mayor Garrison again recognized Mr. Jimmy Griffith who stated the earthwork bid was the most important to be considered at this time due to the fact that rains could delay the entire project for an extended period of time. Mr. Griffith also stated that Griffith Engineers were extremely confident that no problems would occur in underestimating of costs of the entire Water Plant #1 Improvement project. Mr. Griffith further stated that bids which had been received would be honored for a sixty-day period.

Discussion followed regarding the bid for earthwork at the water plant site, which was reported to include costs of replacing the bridge at the water plant. City Manager Westerholm reported that chlorine delivery trucks and other such vehicles were reluctant to cross the bridge for deliveries due to the poor condition of the structure.

Following discussion, motion was made by Comm. Richard Thompson that bid of Sims Construction in the amount of $109,819.35 for removal of existing facilities and earthwork be accepted, with work to begin immediately; and bids on Piping and Installation be held until all other bids were available. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Bid Approved - Diesel Tractor for Parks Department

Mayor Garrison stated that bids had been received and tabulated by City staff for the purchase of a diesel tractor for the Parks Department, and Mr. Don Hannabas, Parks and Recreation Director, had recommended acceptance of low bid of West Loop Equipment Company in the amount of $9,264.38, which was noted to be $264.38 over the budgeted amount for the tractor, a Massey Ferguson Model 255. City Manager Westerholm stated that City staff desired that the City Commission allow an amendment to the Parks Department budget to allow for this purchase.

Motion was made by Comm. Dayle V. Smith that low bid of West Loop Equipment Company in the amount of $9,264.38 for diesel Massey Ferguson Model 255 tractor be accepted and that Parks Department budget be amended to allow for this purchase. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded.

14. Adjournment

There being no further business for consideration, meeting adjourned at 6:30 p.m.

CITY OF LUFKIN TEXAS

Peter W. Garrison
MAYOR - City of Lufkin, Texas

ATTEST:

Gayle Dickey
Assistant City Secretary