

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF MARCH, 1987, at 5:00 P.M.

On the 3rd day of March, 1987, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Pitser H. Garrison	Mayor
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Nick Finan	City Planner
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Percy Simond, Jr. Commissioner, Ward No. 1

being absent when the following business was transacted.

1. Meeting was opened with prayer by Commissioner Louis Bronaugh.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that minutes of February 17, 1987, be approved as presented. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ALLEY CLOSING - FRANK & MANTOOTH EXTENDING FROM KELLY TO THOMPSON

Mayor Garrison officially opened Public Hearing to consider proposed alley closing covering property which lies between Frank and Mantooth extending from Kelly to Thompson.

Mayor Garrison recognized Joe Pickard in representation of request. Mr. Pickard stated that all the residents surrounding the alley were in agreement to close the alley, and that there had been no opposition from any of the neighbors.

In response to question by Commissioner Jack Gorden, Mr. Pickard stated that the residents wanted the alley closed because it was not being used, had grown-up and wasn't being maintained, and for security reasons.

Mayor Garrison closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that First Reading of Ordinance for alley closing be heard at the March 17th City Commission meeting. A unanimous affirmative vote was recorded.

5. ORDINANCE - SECOND READING - APPROVED - TAX ABATEMENT/REINVESTMENT ZONE - CHARLES STEMPLE - 115-119 NORTH FIRST STREET

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Tax Abatement/Reinvestment Zone for

Charles Stemple covering property located at 115-119 North First Street.

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

6. ORDINANCE - SECOND READING - APPROVED - TAX ABATEMENT/REINVESTMENT ZONE - JOHN SLOAN - 307 EAST FRANK STREET

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Tax Abatement/Reinvestment Zone for John Sloan covering property located at 307 East Frank Street.

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

7. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE REQUEST - ELAINE MARONEY - 628 SOUTH FIRST STREET - RL TO LB

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Elaine Maroney covering property located at 628 South First Street from Residential Large to Local Business.

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

8a. ORDINANCE - SECOND READING - APPROVED - STREET CLOSING - HULEN SQUYRES - SANDY LANE

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for proposed Street Closing as requested by Hulen Squyres covering a portion of Sandy Lane.

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

8b. ORDINANCE - SECOND READING - APPROVED - ZONE CHANGE - HULEN SQUYRES - LOOP 287 BETWEEN SHADY PINE AND LUFKIN AVENUE - RL TO APARTMENTS, SU (NURSING HOME)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Zone Change Request by Hulen Squyres covering property located at Loop 287 between Shady Pine and Lufkin Avenue from Residential Large to Apartments, Special Use (Nursing Home).

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

9. WATER DISTRIBUTION STUDY

Mayor Garrison stated that a decision of an engineering firm to conduct a Water Distribution Study for the City had been deferred from last meeting of the Commission and was the next item on the agenda for discussion.

Commissioner Pat Foley stated that it would be a difficult decision to make because all the firms, in his opinion, were qualified to conduct the study. Commissioner Foley stated that he would prefer that the engineering firm selected be a local firm. Commissioner Foley stated that, in his opinion, one firm stands out more than the others, and

that particular firm has performed a recent study in Nacogdoches. Commissioner Foley stated that one of the engineers with the firm has done work in the past for the City, and since it was important for the City to have continuity in the water planning, he would recommend awarding the work to Kindle Stone and Associates.

Commissioner Danny Roper stated that he agreed with Commissioner Foley that the firms are all professionally qualified to perform the study. Commissioner Roper stated that he did agree with Commissioner Foley to a degree on the continuity standpoint, but did think it should not be the basis for awarding contracts for a project of this magnitude. Commissioner Roper stated that the water distribution study would entail millions of dollars worth of improvements down the line and, in his opinion, the City could have continuity without having in-breeding. Commissioner Roper stated that it was his understanding that each of the projects would be independently bid once these studies are approved. Commissioner Roper stated that with revenues such as they are at the current time, he would have reservations about making a commitment for expenditures of funds when the City is having a short fall in revenues. Commissioner Roper stated that the length of time the engineers would need in order to produce this report would fall in the next budget year, and if the City could be assured by the engineering firms that possibly the City would not have to pay for the project until the next budget year, the City would be able to ascertain in the budgeting process what else will have to be cut in order to fund a project of \$25,000 + dollars.

Commissioner Roper stated that he had a certain sense of loyalty to Everett Griffith and Associates from the standpoint of a 30 year relationship with the City in engineering services. Commissioner Roper stated that to the best of his knowledge the projects performed by EGA had been satisfactory. Commissioner Roper stated that in visiting with the City staff he had learned that there had been no complaints with any of the three local firms, but from a standpoint of a project that will have ramifications over the next 20 years, in his opinion, the firm that the City has worked with for 30 years would be his choice.

Commissioner Pat Foley stated that billing could be negotiated with the firm that is selected to do the project.

Commissioner Don Boyd stated that each of the firms had stated that they would want to take peak readings during the summer, and the City might consider waiting to start the project until around the first of May. Commissioner Boyd stated that six months from that starting date would put the project into the new budget year.

Commissioner Foley stated that it was important that the City move forward on this project since it had been discussed for the past two years.

Commissioner Gorden stated that a lot of work has been done on the plans for the City's water system, and it is important, in his opinion, to move ahead, but the economic conditions have changed. Commissioner Gorden stated that he agreed with Commissioner Roper in that the City does not know what kind of budget short fall it is looking at. Commissioner Gorden stated that the City is looking at a short fall at this point, and while everything should not come to a complete stop, in his opinion, the water distribution study could be postponed to another budget year.

Commissioner Bronaugh stated that he finds it difficult to begin a study at this time with the short fall, even though he agreed that the study was extremely important and needed to be made.

Commissioner Gorden stated that a workable solution might be to have the engineers bill the City in the next budget year. Commissioner Gorden stated that perhaps a firm could be selected and the City enter into negotiations with them, and if it fits their operation in timing and the scheme of things and fits the City's budget restraints then the City could go forward with the project.

Commissioner Foley stated that, in his opinion, the City could select the firm to begin negotiations with, and approve the final contract with that particular firm at a later date.

Commissioner Gorden stated that if it were possible to do as Commissioner Foley suggested, then he would be in favor of going with a local firm and negotiating with Goodwin-Lassiter and their associates, Turner, Collie and Braden.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh authorizing management to begin negotiations with Kindle Stone and Associates.

The following vote was recorded: Aye - Commissioners Foley, Bronaugh, Boyd. Nay - Commissioners Gorden, Roper, Mayor Garrison.

Mayor Garrison stated motion failed.

Mayor Garrison stated that his personal reaction was that the City owes it to negotiate first with the one who proposes the least cost.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh authorizing management to begin negotiations with Goodwin-Lassiter and Associates.

The following vote was recorded: Aye - Commissioners Bronaugh, Gorden, and Mayor Garrison. Nay - Commissioner Foley, Roper and Boyd.

Mayor Garrison stated motion failed.

Commissioner Roper stated that he would like to restate his opinion on awarding the contract to Everett Griffith and Associates.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley to defer decision until next meeting. A unanimous affirmative vote was recorded.

10. AMENDMENT - APPROVED - ELECTION ORDINANCE

Mayor Garrison stated that the Commission now had for consideration an amendment to the Election Ordinance and Local Sales and Use Tax Ordinance.

Mayor Garrison stated that since the original Ordinances were adopted, the County had decided to submit the local sales and use tax to County residents. Mayor Garrison stated that since both the City and County used some of the same election judges, and the judges have an agreement with the County for one year, it was necessary for new City judges and alternate judges to be selected.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that Amendment be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - HODGES BUSINESS INTERIORS, INC. - CITY HALL FURNITURE AND FURNISHINGS

Mayor Garrison stated that the Commission now had for consideration Resolution authorizing Certificates of Obligation for payment of invoice from Hodges Business Interiors, Inc. for furniture and furnishings of the new City Hall.

Motion was made by Commissioner Pat Foley that Resolution be approved as presented.

Commissioner Don Boyd stated that some of the furniture needed to be repaired, and he wanted to be sure that it was taken care of before the entire bill was paid.

In response to question by Commissioner Boyd, City Manager Westerholm stated that after this invoice is paid, the balance on the contract would be \$8,877.54.

Commissioner Foley stated that he would withdraw his motion.

City Manager Westerholm stated that the invoice had been placed on the agenda because the architect had recommended it for payment.

Commissioner Foley stated that he would like to know how many desks and chairs have been repaired, and how many they lacked repairing.

Commissioner Jack Gorden stated that he would not want to see the balance paid in full because of repair problems.

Commissioner Foley stated that he would like to have more information on the Contract with Hodges Business Interiors.

Commissioner Louis Bronaugh stated that the Architect had signed the Payment Certificate approving the amount to be paid.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Danny Roper that Resolution be approved subject to architect giving a Certificate that amount of retainage is sufficient. A unanimous affirmative vote was recorded.

12. FLOODWAY ORDINANCE - APPROVED - FIRST READING

Mayor Garrison stated that the Commission now had for consideration revision or adoption of new Floodway Ordinance.

Mayor Garrison stated that under revision of government regulations, it is incumbent on the City Commission to revise the Flood Prevention Ordinance for the City of Lufkin. Mayor Garrison stated that Kenneth Vann in the Engineering Department has highlighted the changes in the Ordinance needed to comply with flood plain insurance.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that revisions to Floodway Ordinance be approved as presented. A unanimous affirmative vote was recorded.

13. BID - APPROVED - FIREWORKS DISPLAY - ALPHA-LEE ENTERPRISES

Mayor Garrison stated that the next item for consideration was bid for fireworks display for the 4th of July.

City Manager Westerholm stated that three bids had been received and the low bid was from Alpha-Lee Enterprises for \$5,600 for a turn-key job. City Manager Westerholm stated that the bid is \$600 over the budgeted amount, and that if the City fires the show themselves, there will be a charge of \$500 for a special liability insurance policy.

City Manager Westerholm stated that David Cochran had spoken to Frank Strother regarding the insurance policy, which would be written by

Hartford Insurance. Mayor Garrison stated that he would prefer to see this information in writing.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that since this bid was over the budget, it would be a decision of the City Commission whether to proceed with it or not.

Don Hannabas, Parks and Recreation Director, stated that he had attended a school in Austin last August, and now was licensed to fire the fireworks himself. Mr. Hannabas stated that although he was licensed to do the show, the insurance agent had advised him against doing so.

Commissioner Jack Gorden stated that he was concerned about the budget, but that as many people that turned out, and as successful as the fireworks display had been in the past, he would like to see the fireworks show proceed and maybe the money could be found somewhere in the budget.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that bid of Alpha-Lee Enterprises for turn-key job of \$5,600 be accepted as the lowest and best bid.

The following vote was recorded: Aye - Commissioners Louis Bronaugh, Danny Roper, Jack Gorden, Mayor Pitser Garrison. Nay - Commissioners Pat Foley, Don Boyd.

Mayor Garrison stated that the motion carried by a vote of 4 to 2.

14. EXECUTIVE SESSION

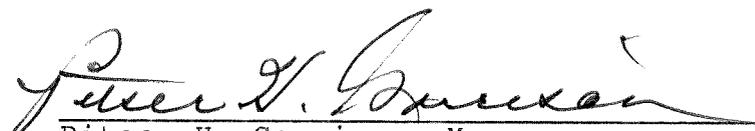
Mayor Garrison stated that the Commission would now go into Executive Session to discuss an appointment to the Zoning Board of Adjustment and Appeals. Mayor Garrison recessed formal open meeting of City Commission at 5:58 P.M. Mayor Garrison reconvened meeting of City Commission at 6:02 P.M. and made announcement to those present regarding results of the Executive Session.

15. RE-APPOINTMENT - APPROVED - ZONING BOARD OF ADJUSTMENT AND APPEALS

Mayor Garrison stated that the term of Dr. Dallas Pierre, who had served for two years on the Zoning Board of Adjustment and Appeals, had expired March 1st.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Dr. Dallas Pierre be re-appointed as an alternate to the Zoning Board of Adjustment and Appeals, subject to his acceptance of the position. A unanimous affirmative vote was recorded.

16. There being no further business for consideration, meeting adjourned at 6:04 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary