

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF APRIL, 1988, AT 5:00 P.M.

On the 5th day of April, 1988, 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
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Atha Stokes	City Secretary

being present when the following business was transacted.

1. Meeting was opened with prayer by Rev. Gary Sills, Minister, Parkview Baptist Church, Lufkin.
2. Mayor Garrison welcomed visitors present, and introduced members of Boy Scout Troop 121. Scouts present were Chad Bonner and his father, Ron Bonner, Assistant Scout Master and Thomas Lemke and his father, Carl Lemke.

City Manager Westerholm introduced Kenneth Williams who has recently been employed by the City as Code Enforcement Officer.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 15, 1988, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - BETHEL CHURCH OF THE NAZARENE - 1405 SOUTH CHESTNUT - RL TO RL, SU (DAYCARE)

Mayor Garrison stated that the first item for consideration was Second Reading of Ordinance for Zone Change Request by Bethel Church of the Nazarene covering property located at 1405 South Chestnut from Residential Large to Residential Large, Special Use (daycare).

There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - FIRST READING - TOW TRUCKS

Mayor Garrison stated that the next item for consideration was First Reading of a Tow Truck Ordinance.

City Attorney Bob Flournoy stated that he had met with a majority of tow truck owners in the City and had drafted an Ordinance that, in his opinion, would be adequate. Mr. Flournoy stated that some deletions had been made to the previously proposed Ordinance since many of the items were covered in the Texas Tow Truck Act. Mr. Flournoy stated that this Ordinance deals primarily with rotation procedures.

In response to question by Jack Steele, owner of Steve's Wrecker Service, Mr. Flournoy stated that the Ordinance addresses delinquent taxes of the business due the City and not necessarily an individual.

In response to question by James Williams, of William's Wrecker Service, Mr. Flournoy stated that the Ordinance states that an applicant desiring to be placed on the rotation list must have his principal office and storage facilities within the City limits.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - HOME SAVINGS AND LOAN/MELISSA ONE - LOOP 287 AND DAVISVILLE ROAD - RL TO C, SU (TRUCK AND BUS STORAGE)

Mayor Garrison stated that the next item for consideration was First Reading of Ordinance for Zone Change Request by Home Savings and Loan/Melissa One covering property located at Loop 287 and Davisville Road from Residential Large to Commercial, Special Use (truck and bus storage).

Mayor Garrison stated that the Zone Change Request had been unanimously recommended by the Planning and Zoning Commission with no opposition present.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Don Boyd that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - L & R INVESTMENTS - 212 SOUTH TIMBERLAND - C TO C, SU (PRIVATE CLUB)

Mayor Garrison stated that the next item for consideration was First Reading of an Ordinance for Zone Change Request by L & R Investments covering property located at 212 South Timberland from Commercial to Commercial, Special Use (private club).

Mayor Garrison stated that the Zone Change Request had been recommended by the Planning and Zoning Commission by a vote of 5 to 2.

Attorney John Fleming stated that he represented Mr. Frank Lampo and Mr. Don Aiken of L & R Investments who wished to open a family type restaurant on Timberland Drive located between Pizza Hut and Sun-N-Pines Motel. Mr. Fleming stated that his clients wished to comply with the City's private club requirements in order to serve mixed alcoholic beverages. Mr. Fleming presented pictures of a Tejas Cafe owned by this organization which will be similar to the restaurant they are proposing at this location.

Rev. H. H. Springfield, retired minister appearing in opposition of the request, stated that he was not opposed to the restaurant but to the sale of alcoholic beverages.

Mrs. Rochelle Springfield stated that:

1. Serving alcohol on Timberland should be limited since it is the City's busiest and most heavily traveled street.
2. Lufkin is the seat of Angelina County and is a dry county by majority vote.
3. She seldom noticed families drinking alcoholic beverages in the presence of children.
4. The Lufkin Service League is sponsoring an all night party for seniors promoting a "Drug Free Party Spree". Teenagers

are receiving mixed messages from adults that it is important that leaders of the community set a good example.

Clay Dark, local attorney, stated that the restaurant owners had undertaken some revamping in the design of the restaurant to comply with the City's private club ordinance.

Mr. Fleming stated that the heaviest traffic area in Lufkin is at Loop 287 and First Street where the majority of the private clubs are located.

Commissioner Danny Roper stated that he was sympathetic to the neighbors and their concerns but also feels that L & R Investments is trying to accommodate them by providing fencing to eliminate access to Conn and Calvert Streets.

In response to question by Commissioner Roper, City Planner Finan stated that the sight-bearing fence recommended by the Planning and Zoning Commission served two purposes (1) the rear portion of the fence was to block off the residential area and (2) to keep people from parking at Pizza Hut and coming across to the Cafe and using Calvert as an exit when they leave.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading amending the Special Use to read "with the provision that a sight-bearing fence be added to a point 100' south of the back property line and continue from that point with curbing to prevent vehicular traffic from entering the Pizza Hut parking lot." A unanimous affirmative vote was recorded.

8. ORDINANCE - TABLED - FIRST READING - ZONE CHANGE REQUEST - JOHN FLEMING - LOOP 287 AND PERSHING - LB AND RL TO LB, SU (INGRESS/EGRESS, DRAINAGE, ETC.)

Mayor Garrison stated that Attorney John Fleming had informed the Commission that he would like to table the Zone Change Request at this time.

9. ORDINANCE - TABLED - WATER AND SEWER TAP RATES

Mayor Garrison stated that the next item for consideration was First Reading of an Ordinance setting water and sewer tap rates.

City Manager Westerholm stated that the present rates for water and sewer taps were changed some time ago, but have not been revised in the City's Code of Ordinances. City Manager Westerholm stated that the Commission might want to consider adjusting the fees at this time where they will be more in line with what it is costing the City to install them.

Mayor Garrison stated that he was not under the impression that the Commission was going to review the fees at this time.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that this item be tabled until more information is available. A unanimous affirmative vote was recorded.

10. ENTRANCE MARKERS - APPROVED - SOUTHWEST LOOP PARK - LUFKIN AREA COUNCIL OF GARDEN CLUBS

Mayor Garrison stated that the next item for consideration was a request by the Lufkin Area Council of Garden Clubs to designate a site for entrance markers at the proposed Southwest Loop Park with funds available to them through a trust.

City Manager Westerholm suggested that the markers be placed at the entrance on the Southeast corner of the property.

Parks and Recreation Director Don Hannabas recommended that the park sign not include sprinklers and planting at this time since it is a remote location for maintenance personnel to care for routinely.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley authorizing City Manager Westerholm to designate the entrance of the Southeast corner of the park for placement of the markers. A unanimous affirmative vote was recorded.

11. DOZIER STREET - NAME CHANGED - K. MORGAN AVENUE

Mayor Garrison stated that the next item for consideration was a request to change the name of Dozier Street to Morgan Avenue.

Mayor Garrison stated that Mr. Haden Melton had presented a petition to the City Commission signed by City residents requesting that Dozier Street be changed to K. Morgan Avenue in honor of Mr. K. Morgan, a former merchant and Mayor of Lufkin.

In response to question by Commissioner Danny Roper, City Manager Westerholm stated that there had been no formal notification of changing the street name. Commissioner Roper stated that he would like for property owners to be notified when street names are changed in the future.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that Dozier Street be changed to K. Morgan Avenue. A unanimous affirmative vote was recorded.

12. RADIOS - EXCHANGE APPROVED - POLICE DEPARTMENT

Mayor Garrison stated that the next item for consideration was an exchange of under-the-dash radios for the Police Department.

Mayor Garrison stated that Police Chief Sherman Collins is requesting an exchange of recently acquired under-the-dash radios which have not functioned as well as anticipated. Mayor Garrison stated that the supplier is willing to exchange the radios at no cost for the better radios.

Commissioner Percy Simond stated that he hoped that the City Commission would not cut back on equipment to be used in the Police Department. Commissioner Simond stated that the City had cut back on the cost of tires and do not have tires that are "chase proof". Chief Collins stated that the Police Department is using "pursuit tires" which meet DPS specifications.

Chief Collins stated that the Department was having trouble with the Regency 60 watt radios picking up a lot of ignition and charge interference from the vehicle and that the 25 watt radio would filter out this interference.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Regency 60 watt 16 channel radios be exchanged for commercial grade Regency 25 watt 16 channel radios to be used in the Police Department at no additional cost to the City. A unanimous affirmative vote was recorded.

13. RIGHT-OF-WAY EASEMENT - APPROVED - STATED HIGHWAY DEPARTMENT - FM 819

Mayor Garrison stated that the next item for consideration was

authorization for granting right-of-way easement to the State Highway Department for FM 819.

City Manager Westerholm stated that the Highway Department has requested a right-of-way easement adjacent to the railroad tracks near Loop 287, which the City recently acquired.

Commissioner Pat Foley stated that he would like for City Manager Westerholm have the City Engineer recheck the easement based on the drawing submitted by the Highway Department before actually conveying the easement.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Pat Foley authorizing execution of the Right-of-Way easement for FM 819. A unanimous affirmative vote was recorded.

14. AMENDMENT - APPROVED - ELECTION ORDINANCE

Mayor Garrison stated that the next item for consideration was an Amendment to the Election Ordinance.

Mayor Garrison stated that the Election Judge and Alternate Election Judge for Ward 4 were unable to serve in the May 7th City election and were being replaced by Roland Rich and Sandra Kneirim.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Danny Roper that Amendment to Election Ordinance be approved as presented. A unanimous affirmative vote was recorded.

15a. BID - APPROVED - PIPE & MATERIAL - PUBLIC WORKS - CENTRAL UTILITY SUPPLY COMPANY

Mayor Garrison stated that the next item for consideration was for bid for pipe and material to be used by the Public Works Department to extend water and fire protection to service projects on Lakeview and Kurth Drive and Loop 287 and Tulane.

Mayor Garrison stated that Public Works Director Ron Wesch has recommended the low bid of Central Utility Supply Co. in the amount of \$28,561.16. Mayor Garrison stated that Mr. Wesch has also recommended using funds budgeted for the purchase of a new sewer jet machine in the amount of \$46,000, which will now be included in the 1989 budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid of Central Utility Supply Co. in the amount of \$28,561.16 be accepted as the lowest and best bid with the provision that the funds allocated to the jet machine in excess of the bid amount be placed in an unallocated contingency fund for the Water and Sewer Department.

15b. BID - APPROVED - LITTER AND GARBAGE REMOVAL - PARKS AND RECREATION DEPARTMENT - WALTER SMITH

Mayor Garrison stated that the next item for consideration was bid for litter and garbage removal for the Parks and Recreation Department.

In response to question by Mayor Garrison, Don Hannabas, Parks and Recreation Director, stated that four City parks are cleaned daily five days a week, Morris Frank Park is cleaned Monday, Tuesday, Wednesday, and Friday during baseball season, and the right-of-way on Highway 59 South to the City limits sign, Highway 59 North to the City limits sign, and Highway 69 to Spence Street are cleaned once a month.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that low bid submitted by Walter Smith in the amount of \$7,215 be accepted as the lowest bid. A unanimous affirmative vote was recorded.

15c. BID - APPROVED - DRAPES - CIVIC CENTER - TEXAS SCENIC COMPANY

Mayor Garrison stated that the next item for consideration was bids for drapes for the Civic Center.

Mayor Garrison stated that Civic Center Director Ruth Brandenburg had recommended the low bid of Texas Scenic Company in the amount of \$2,736.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid of Texas Scenic Company in the amount of \$2,736 be accepted. A unanimous affirmative vote was recorded.

15d. BID - APPROVED - ICE MACHINE - CIVIC CENTER - DORSETT REFRIGERATION

Mayor Garrison stated that the next item for consideration was bids for an ice machine to be used in the Civic Center.

Mayor Garrison stated that Mrs. Brandenburg had recommended the low bid of Dorsett Refrigeration in the amount of \$2,945. The budgeted amount for this item was \$8,000.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid of Dorsett Refrigeration in the amount of \$2,945 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

15e. BID - APPROVED - LECTERN - CIVIC CENTER - SOUND TECHS

Mayor Garrison stated that the next item for consideration was bids for a lectern to be used in the Civic Center.

Mayor Garrison stated that Mrs. Brandenburg had recommended the low bid of Sound Techs in the amount of \$2,118. The budgeted amount for this item was \$2,400.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley and low bid of Sound Techs in the amount of \$2,118 be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

15f. BID - APPROVED - SHOWERS - CIVIC CENTER - JENKINS PLUMBING CO.

Mayor Garrison stated that the next item for consideration was a bid for showers to be installed in the dressing rooms of the Civic Center.

Mayor Garrison stated that several requests for bids had been mailed out but Jenkins Plumbing Company was the only company to respond. Mayor Garrison stated that the budgeted amount for the showers was \$3,500 and the bid amount of \$3,300.

In response to question by Commissioner Pat Foley, Mrs. Brandenburg stated that the funds left over from these items will be carried forward to next year's budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid of Jenkins Plumbing Company in the amount of \$3,300 be accepted as presented. A unanimous affirmative vote was recorded.

16. NORTH LUFKIN WATER PROJECT - TRAFFIC CITATIONS - MAYOR EMERITUS  
OLD ORCHARD SEWER SYSTEM

Commissioner Don Boyd stated that he would like to know what could be done about the North Lufkin water project now that the City has been turned down for the grant.

Mayor Garrison stated that he personally had not given up on the grant and that he was outraged about the decision by the State and was dedicating himself to getting involved to do something about it.

City Manager Westerholm stated that in the event that the decision can not be changed to fund the grant, the staff is working on some plans and drawings that can be done by force account. City Manager Westerholm stated that a proposed drawing has been displayed on the easel to show that the staff has not just let the project die because of lack of funding.

In response to question by Commissioner Percy Simond, Police Chief Sherman Collins stated that officers are instructed to inform citizens that signing a traffic citation is not an admission of guilt and it is also written on the ticket that it is not a plea of guilt but that the person does agree to appear in Court.

Commissioner Simond stated that Mayor Garrison has given the City eighteen years of dedicated service and he would like for the City Commission to approve the providing of office space for the Mayor as Mayor emeritus.

In response to question by Commissioner Pat Foley as to the status of sewer service for the Old Orchard addition, Public Works Director Ron Wesch stated that the City was in the process of acquiring the right-of-way and hopefully with next year's budget will be able to lay the lines for homes in that area.

17. There being no further business for consideration, meeting adjourned at 7:25 P.M.

  
Pitser H. Garrison, Mayor

ATTEST:  
  
Atha Stokes, City Secretary