

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF MARCH, 1984, AT 5:00 P.M.

On the 20th day of March, 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
	Commissioner, Ward No. 3
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
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present and,

Don Boyd	Commissioner, Ward No. 2
Pat Foley	Commissioner, Ward No. 4

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Kenneth Goodell, Pastor of St. Paul's Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of March 6, 1984, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner E.C. Wareing. A unanimous affirmative vote was recorded.

4. Public Hearing - Alley Closing - F.L. Bivin and Jimmy Thompson

Mayor Garrison stated that a request had been received from F.L. Bivin and Jimmy Thompson to consider alley closing covering property located in Block 4 of Miller Hoskins Addition. Mayor Garrison officially opened public hearing. There was no opposition present. Due to lack of discussion Mayor Garrison officially closed public hearing.

5. Ordinance - Approved - First Reading - Alley Closing - F.L. Bivin and Jimmy Thompson

Mayor Garrison stated that the City Commission could now consider first reading of the ordinance for alley closing as requested by F.L. Bivin and Jimmy Thompson covering property located in Block 4 of Miller Hoskins Addition. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E.C. Wareing that ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

6. Resolution - Presented - Mike Myers

Mayor Garrison stated that Mr. Mike Myers in total disregard for his own safety on Wednesday, February 29, 1984, had removed Mr. Mac Shadix from an automobile that burst into flames when it was rear-ended on Raguet Street. Mayor Garrison further stated that a resolution was approved at last meeting of the City Commission acknowledging Mr. Myers' act of bravery and the City Commission would like to present that Resolution to Mr. Myers in recognition of his heroic act. Mayor Garrison stated that Mr. Myers and Mr. Shadix were both present at the meeting tonight and made presentation of the Resolution.

7. Ordinance - Approved - Second Reading - School Zone - Lufkin High School

Mayor Garrison stated that ordinance establishing a school zone at Lufkin High School had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Zone Change - Approved - Second Reading - Milvia Witt - Child Evangelism Fellowship RL to RL, SU (Religious Institutions)

Mayor Garrison stated that zone change request by Milvia Witt and Child Evangelism Fellowship covering property located at 1415 Feagin Drive between Tom Temple Drive and Parrish Street from Residential Large to Residential Large, Special Use (Religious Institutions) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Rate Increase Request - Texas Utilities Electric Company - Tabled - 90 Days

Mayor Garrison stated that the City of Lufkin had received a request from Texas Utilities Electric Company, formally Texas Power and Light Company, for a rate increase. Mayor Garrison further stated that Mr. Bob Brown was present to present the application.

Mr. Brown stated that the Texas Utilities Electric Company has filed with the City of Lufkin and the Public Utility Commission for a \$304,000,000 rate increase which would average 8% over the adjusted test year operating revenues.

Mayor Garrison stated that the City Commission had the following options: postpone consideration for 90 days pending a decision by the Public Utilities Commission, approve the rate schedule, or deny the proposed rate change.

Commissioner E.C. Wareing stated that he understood that Don Butler, attorney for the Texas Municipal League, had recommended suspending consideration for 90 days on the rate increase. Commissioner Wareing further stated that Mr. Butler works closely with requests such as this, and the City of Lufkin had relied on his judgement in the past and should follow this recommendation.

Mayor Garrison stated without a study the City of Lufkin was unable to make a decision and with Mr. Butler's recommendation the postponement of consideration for 90 days would be the best decision.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that the resolution postponing the decision on rate increase request for 90 days be approved, and that the City of Lufkin join with the Texas Municipal League in consideration of the rate increase request. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that the University of Texas operated their own power plant, and the City of Livingston own their power plant which is the City's biggest money maker.

Mayor Garrison stated that the City of Lufkin once owned the local power plant which was sold to Texas Power and Light in the mid 1920's. Mayor Garrison stated that he was in favor of private enterprise, but tax exempt bonds for construction and tax free income from a City owned power plant was worthy of consideration. Mayor Garrison further stated that the reliability of the power company is most important and consideration should be given to problems of operation.

Commissioner Percy Simond stated that the 3% charge paid by the Telephone Company to the City had been passed on to the customer on recent bills. In response to question by Commissioner Simond, Mr. Brown stated that Texas Utilities Company does not plan to pass this cost on to the customer. Mayor Garrison stated that the City was no longer involved in the regulation of the telephone rates and must abide by decisions made in Austin.

10. Hearing Date Established - "Reinvestment Zone" - Page Perry

Mayor Garrison stated that a request had been received from Page Perry for a hearing date to consider establishment of a "reinvestment zone" on property covering Lots 1,2,3,4, and west ½ of lot 5 in Block 12 of Original Town of Lufkin, which was within the area of previous "reinvestment zones".

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that public hearing date be established for April 17, 1984, meeting of this Commission. A unanimous affirmative vote was recorded.

11a. Bid - Approved - Turf Aerator - Parks Department - Watson Distributing Company, Inc.

Mayor Garrison stated that bids had been received for the purchase of a turf aerator for use in the Parks Department and requested that City Manager Westerholm

provide staff recommendations.

City Manager Westerholm stated that the staff would like to recommend the low bid of Watson Distributing Company, Inc. in the amount of \$1,987. City Manager Westerholm further stated that the turf aerator is used to loosen soil for better grass growth.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that low bid of Watson Distributing Company, Inc. in the amount of \$1,987 be approved as presented. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the price was less than budgeted and consideration of the purchase of a reel type mower for the baseball fields with surplus funds will be considered at a later date.

11b. Bid - Approved - Dump Truck - Water Pollution Control Plant - Greater Lufkin Ford

Mayor Garrison stated that bids had been received for the purchase of a Two-Ton Dump Truck to be used in the Water Pollution Control Plant and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that the low bid of Greater Lufkin Ford in the amount of \$16,230.32 was recommended as the lowest and best bid.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that bid be approved in the amount of \$16,230.32 from Greater Lufkin Ford. A unanimous affirmative vote was recorded.

12. Stiver Engineering - Authorization To Pay - Water Pollution Control Plant - Modifications

Mayor Garrison stated that the City of Lufkin had received an invoice from Stiver Engineering Incorporated for work that had been completed to date on the Water Pollution Control Plant.

City Manager Westerholm stated that the invoice was for work completed during the month of February after the City Commission had authorized Mr. Stiver to move forward with modifications to the Treatment Plant associated with the requirements of the Texas Department of Water Resources. City Manager Westerholm stated that the City Commission did not establish an amount to be paid and invoices exceeding \$2,000 require City Commission approval for payment.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that invoice in the amount of \$4,604.44 be approved for payment. A unanimous affirmative vote was recorded.

In answer to question by Commissioner E.C. Wareing, City Manager Westerholm stated that Mr. Stiver had stopped all billing on the \$1,000 per month provided for in the six (6) month contract and same would not be paid in addition to the work presently being done. City Manager Westerholm further stated that after completion of the modification to the treatment plant, Mr. Stiver could elect to bill the City for the months left in the six (6) month contract.

Mayor Garrison stated that he understood modifications to the plant such as the change in piping to allow simultaneous operation of two pieces of equipment would be completed early in April and improve the sludge processing.

Bobby Mott, Water Pollution Control Superintendent, stated that the plant had been in compliance during the month of March, but work on the two clarifiers had been completed in January and February which caused the plant to be out of compliance for those two (2) months.

13. City Commission Meeting - Time Change - April 3, 1984 - 5:00 P.M.

Mayor Garrison stated that because the Citizens' Chamber of Commerce annual banquet would be held on April 3, 1984, at 7:00 p.m. and the regular City Commission meeting is scheduled for 7:30 p.m. on this date it had been suggested that the City Commission meeting be re-scheduled for 5:00 p.m.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that April 3, 1984, City Commission meeting be re-scheduled for 5:00 p.m. A unanimous affirmative vote was recorded.

14. Agreement - Approved - Angelina County-City Health District

Mayor Garrison stated that a proposal from the Angelina County - City Health District had been presented for consideration by City Commission. Mayor Garrison stated that the agreement incorporates the latest requirements under Senate Bill 109

effecting the formation of health districts and same had been approved by Angelina County.

City Manager Westerholm stated that he had asked Mike Czepiel to be present to answer questions regarding the agreement.

In response to question by Mayor Garrison, Mr. Czepiel stated that the Board of Health can adopt regulations to control health protection County wide. Mr. Czepiel further stated that State regulations inform the Board of Health what rules and regulations shall be enforced and allows health inspectors to require that unincorporated areas conform to State law. Mr. Czepiel stated that Senate Bill 109 allows the County-City Health Unit to make rules giving the County more authority in health matters.

In response to question by Commissioner Percy Simond, Mr. Czepiel stated that the agreement would regulate roadside vendors.

Mr. Czepiel stated that regulations to insure the quality of food being sold at roadside stands depend on the type of food being sold and the equipment provided by the vendor. Mr. Czepiel stated that seafood has to be properly covered and drained. Mr. Czepiel further stated that unless traffic is being blocked, the State Highway Department will not interfere with roadside vendors. Mr. Czepiel stated that the vendors are required to have hot and cold water available either in their vehicle or from adjacent homes. Mr. Czepiel stated that the Lufkin Food Ordinance covers problems that will be encountered in the County and that his department would like to operate under same.

In response to question by Mayor Garrison, Mr. Czepiel stated that the agreement would establish the Board of Health and that he was requesting City Commission approval and appointment of a delegate to the Board.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E.C. Wareing that agreement be approved as presented and that the City Manager or his representative be designated to attend the meetings. A unanimous affirmative vote was recorded.

15. Additional Sales Tax, Discussed - Hotel - Motel Tax Report, Discussed - Ballots For City Elections, Discussed

Commissioner Percy Simond stated that the County of Angelina had the authority to charge an extra \$5 for each license plate issued for upkeep of the County roads and had requested the State Legislature give authority for the County to charge an additional 1% sales tax for road construction. Commissioner Simond stated that he suggested at a previous meeting of the City Commission that the City of Lufkin request an additional 1% sales tax for the sewer and street needs of the City. Commissioner Simond stated that the avenues available to the City of Lufkin for raising additional money should be followed quickly and the City should not postpone important needs.

Mayor Garrison stated that a request for increased sales tax revenue incurs much opposition in the legislature. Commissioner Simond stated that Houston had requested and been granted additional sales tax revenue. Mayor Garrison stated that the first step to be taken would be to confer with the Texas Municipal League regarding what other cities are doing before presenting the request to the Texas Legislature.

Commissioner Simond stated that Commissioner Foley had requested an in-house report on the Hotel-new City Hall. City Manager Westerholm stated that the report was being prepared and should be available to the Commissioners in April. Mayor Garrison stated that the space needs being considered for the new City Hall proposal should estimate additional space needed by each department in the next 10 and 20 years.

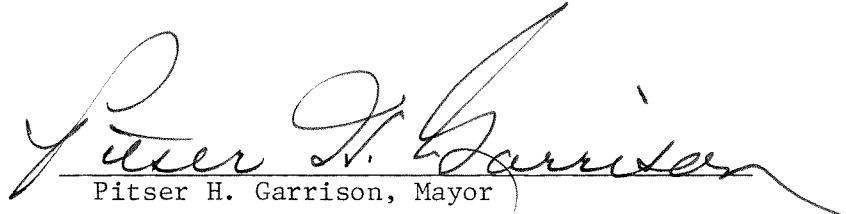
In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the Police Report is now complete and will be delivered to the City Commissioners later this week.

City Secretary Ann Griffin stated that it should be entered in the minute record the numbers of the ballots that had been provided for use in the April 7, 1984, City Election.

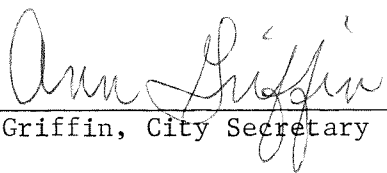
Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that ballots equal to total number of registered voters be provided to the City Wards. A unanimous affirmative vote was recorded.

Mayor Garrison stated that consideration of ballots provided should be on the next agenda to confirm the action that was taken.

16. There being no further business for consideration, meeting adjourned at 6:05 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary