

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF MARCH, 1981, AT 7:30 P.M.

On the 3rd day of March, 1981, 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:

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| Don E. Boyd | Commissioner, Ward No. 2(new plan) |
| Bob McCurry | Commissioner, Ward No. 3(new plan) |
| Pat Foley | Commissioner, Ward No. 4(new plan) |
| E. C. Wareing | Commissioner, Ward No. 4(old plan) |
| Richard Thompson | Commissioner at Large, Place B(old plan) |
| Harvey Westerholm | City Manager |
| Roger G. Johnson | Assistant City Manager |
| Robert L. Flournoy | City Attorney |
| Ann Griffin | Assistant City Secretary |

being present, and

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| Pitser H. Garrison | Mayor |
| Percy A. Simond, Jr. | Commissioner, Ward No. 1(new plan) |

being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Herman Hendrix, Pastor of Calvary Baptist Church of Lufkin.
2. Mayor Pro Tem Wareing welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of February 17, 1981, and special meeting of February 24, 1981, were approved on Motion by Commissioner Pat Foley. Motion was seconded by Commissioner Don Boyd, and a unanimous affirmative vote was recorded.

4. Zone Change Application - Approved - Second Reading - James Harkness

Mayor Pro Tem Wareing stated that zone change application by James W. Harkness covering property located between Renfro Drive and Medford Drive from Residential Large and Special Use to Apartments had been approved at last regular meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

5. Lufkin Centennial Committee - Approved

Mayor Pro Tem Wareing stated that at last meeting 22 individuals were appointed as a Steering Committee for Lufkin's 1982 Centennial Year Project with Bob Bowman as the acting Chairman until the Committee could meet and select a Chairman.

Commissioner Pat Foley suggested that the Committee be comprised of the steering Committee, any additions made tonight, and if additional members are needed the Committee should make the selections. Mayor Pro Tem Wareing stated that there were numerous organizations that could add to the efforts of the Centennial Committee such as the History Club which is the oldest ladies club in Lufkin.

Commissioner Richard Thompson stated that the Centennial Committee was in a better position to select the people, and they should have the responsibility of adding members. Commissioner Bob McCurry stated that a 100 member group could be too large to function smoothly.

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Mayor Pro Tem Wareing suggested that lists be given to City Manager Westerholm in the next 24 hours to be passed onto the Steering Committee and assist in efforts to obtain representation from the entire community.

6. Lufkin - Diboll Water Study - Approved - "Scope of Work" Contract-
Temple Associates

Mayor Pro Tem Wareing stated that at the last meeting of the City Commission, City Attorney Bob Flournoy was requested to meet with the City Attorney of Diboll to settle questions and provide a workable "Scope of Work" contract to be approved by both cities. Mayor Pro Tem Wareing stated that the Diboll City Attorney had a question about access to private property.

City Attorney Flournoy stated that he had met with Diboll City Attorney and Temple Associates concerning the Contract, and suggested changes will be made before the contract is signed Wednesday, March 4, 1981. City Attorney Flournoy further stated that the City Attorney of Diboll was concerned about obtaining access to private property, and he had assured the Diboll City Attorney that the City of Lufkin could use its authority to secure needed access.

Commissioner Pat Foley stated that he would prefer to read the contract before approving same, but would accept City Attorney Flournoy's recommendation that the contract be approved.

Commissioner Pat Foley made motion that "Scope of Work" Contract with Temple Associates be approved with changes as previously noted. Motion was seconded by Commissioner Richard Thompson and a unanimous affirmative vote was recorded.

7. Bids - Tabled - Wheel Loader Backhoe - Sewer Department -
Resurfacing Tennis Courts - Parks & Recreation Department

- a. Mayor Pro Tem Wareing stated that nine (9) bids were received for a backhoe, three(3) of which did not meet specifications. Mayor Pro Tem Wareing further stated that Allen Machinery was the low bidder in the amount of \$23,900, and the City Staff recommends this bid be awarded.

Commissioner Pat Foley stated that the operating weight and lever control were big factors in the disqualification of bids. Dwayne Humphrey, Public Works Coordinator, stated that the weight determines the size of the machine, and the single lever was important because the City operators which operate all machines, find it difficult and dangerous to change from one type of control to another.

T. R. Sipkowski, representative of W. A. Dubose & Son, stated that his bid did not meet specifications on the differential lock which allows the backhoe to maneuver when the machine becomes stuck in the mud. Mr. Sipkowski stated that the City Commission would be spending \$3,400 for an insignificant specification.

Mayor Pro Tem Wareing stated that Dwayne Humphrey, Public Works Coordinator and the City Manager are responsible for the specifications and he would like their comments.

City Manager Westerholm stated that the City tries to develop specifications that fit the need of the department and establish minimum limits needed to perform the job.

Mr. Warner Bailey, representative of ETEX International, stated that the specifications were restricted to one (1) manufacturer, and ETEX lost the bid because of the weight and the number of levers.

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In answer to a question by Commissioner Pat Foley, Public Works Coordinator stated that all the machines bid would do the job, but when writing specifications, City Operators were contacted for recommendations on the type of machine that would perform the job. Mr. Humphrey stated that he wrote specifications important to the City and each manufacturer could meet the specifications. Mr. Humphrey stated that two (2) items did not meet specifications on each machine that was disqualified, and the next machine that met specifications was recommended.

Commissioner Bob McCurry stated that it might be wise to look at the bids closer, but Mr. Humphrey had been given the responsibility of selecting the best bid, and the City Commission should not deviate much from his recommendation.

Mayor Pro Tem Wareing stated that when the budget was being developed a large machine was being considered because of the large amount of money budgeted. Commissioner Richard Thompson stated that the backhoe would have to be readvertised for bids if the weight specifications were changed. Commissioner Bob McCurry stated that he was concerned about spending approximately \$3,000 of the taxpayer's money if the City can get a machine for less money to do the same job, but the Commission might set a precedent if they begin readvertising for bids. In answer to statement by Commissioner Pat Foley, Mayor Pro Tem Wareing stated that a base bid and an alternate bid could be submitted, but specifications would have to be stated.

Commissioner Pat Foley stated that the Commission might table the item until they had time to study the bids. Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that the low bid by Allen Machinery be approved. The following vote was recorded: Aye - Mayor Pro Tem Wareing, Commissioners Boyd and Thompson. Nay - Commissioners McCurry and Foley. Mayor Pro Tem Wareing declared the motion defeated due to the lack of majority vote.

Commissioner Richard Thompson stated that the range of weight seemed to be the problem, and asked representatives of machinery companies present if the weight is available with the horsepower stated. Representatives stated that it was not.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that Item be tabled and placed on agenda for next Commission meeting to provide an opportunity for Commissioners to review bids. The following vote was recorded: Aye - Commissioners Boyd, McCurry, Foley and Thompson. Nay - Mayor Pro Tem Wareing. Mayor Pro Tem Wareing declared motion was approved by a majority vote of 4 to 1.

- b. Mayor Pro Tem Wareing stated that bids had been received for Park Improvements Project #48-00770 which consists of paving construction and resurfacing of tennis courts in four (4) City Parks. Mayor Pro Tem Wareing further stated that 50% of the funds would be provided by Texas Parks & Wildlife grant, and since bids exceeded the amount of money available, a list of deducts had been provided for consideration to bring the project within the amount of available funds.

Mayor Pro Tem Wareing stated that the \$17,000 remaining in the Mineral Lease Funds could be used to lower the number of deductions.

Rick Freeman, Griffith Engineers, stated that water fountain construction and earthwork might be done by the City workcrews, and Item 4 would eliminate only the top surface of the parking lot.

Mr. Freeman further stated that Texas Parks & Wildlife would require a parking lot, but might accept designated spaces and no surface. Mayor Pro Tem Wareing stated that the City is responsible for maintaining existing tennis courts before beginning construction of new courts. Mayor Pro Tem Wareing stated that the grant from Texas Parks & Wildlife had been submitted for two (2) years, and it would be difficult to change the basic plans because most of the funds are from outside sources.

Commissioner Don Boyd stated that both courts at Jones Park should be resurfaced for tennis, and the basketball court moved from this area. Don Hannabas, Parks & Recreation Director, stated that he hoped to build four (4) new tennis courts and use existing courts for basketball if funds are provided by the 1981 Community Development Block Grant.

Mayor Pro Tem Wareing stated that the Commission should decide which of the eight (8) items listed as deducts should be deleted to be within the funds available.

Commissioner Richard Thompson made motion to accept the bid with the elimination of Items one (1) through four (4) and Item seven (7), adding only a base to the parking lot area, and that the \$17,000 left in the Mineral Lease Funds be used to help pay for the improvements. Motion was seconded by Commissioner Pat Foley. After discussion and comments from Rick Freeman of Griffith Engineers, Commissioner Richard Thompson withdrew his motion until the Commission could review the layout of the new tennis courts to be constructed at Kiwanis Park. It was unanimously decided to table this item until the next meeting to allow time for review of the plans.

8. Request for Alternate Paving Design - Approved - Sabine Investment Co., Crown Colony Sections VI-A and IX

Mayor Pro Tem Wareing stated that the Commission had received a letter from Ray Faircloth of Sabine Investment requesting an alternate paving design for new developments in Crown Colony using concrete paving instead of asphalt.

Jimmy Griffith, Griffith Engineers, stated that they desired to obtain approval to build 5", 5½", and 6" concrete streets which he felt would be superior to 6" asphalt because of the problems with the soil in the area and the movement of concrete sections against each other. In answer to question by Mayor Pro Tem Wareing, Jimmy Griffith stated that the total area considered would be approximately 10,000 linear feet, the diameter of the bar to reinforce concrete would be .283" and 1/2" in expansion joints.

Commissioner Richard Thompson stated that the most important aspect of concrete streets would be quality control.

Mayor Pro Tem Wareing asked Jimmy Griffith what type of information the City Commission would receive since this was an experimental paving design. Mr. Griffith stated that a yearly check of the subject streets would be performed by his firm, and the information made available to the City Commission.

A motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that request be granted and engineer's recommendation be accepted on an experimental basis with yearly reports. A unanimous affirmative vote was recorded. An attachment indicating areas and thickness of experimental concrete pavement is attached to minutes for permanent record.

9. Ordinance Amending Water Service Charges - Approved - First Reading

Mayor Pro Tem Wareing stated that the service fee charges in the Water Utility Department should be adjusted upward to coincide with expenses involved in disconnecting and reconnecting customers.

City Manager Westerholm stated that the new meter deposits would apply only to new customers, and in the past year the City had to charge off \$26,032.50 uncollectable funds due to customers not paying their last bill before moving from the City. City Manager further stated that if the deposits were increased and the customer was entitled to a refund when the last bill is paid, an extra effort would be made by the customer to settle the account.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that City Manager's recommendation be accepted and the following new rates be approved on first reading of ordinance:

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|-------------------------------|---------|
| Deposit (inside City Limits) | \$15.00 |
| Deposit (outside City Limits) | \$25.00 |
| Service Charge | \$ 7.50 |
| Charge for resetting meter | \$10.00 |

A unanimous affirmative vote was recorded.

10. Request for Controlled Access - Denied - Water Pollution Control Plant

Mayor Pro Tem Wareing stated that the City Commission had received a request from Bill Hendry and Tobe Sanches for access across City property below the Sewer Plant to remove fill dirt from a pit on the Gibson Estate Property. Mayor Pro Tem Wareing stated that gates would have to be installed by Mr. Hendry and Mr. Sanches and they would be responsible for closing the gates.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the request be denied. A unanimous affirmative vote was recorded.

11. Amendment to Traffic Ordinance - Approved - First Reading - FM 325-Lufkin Avenue

Mayor Pro Tem Wareing stated that the Highway Department conducted a speed zone study on Lufkin Avenue (FM 325) from Timberland Drive east to the City Limits, and recommended an increase in speed zones with the exception of Loop 287 east to the City Limits, where the speed zone was decreased as indicated:

40 M.P.H. - from intersection of Lufkin Avenue & Timberland Drive to 185 feet east of Ford Chapel Road

50 M.P.H. - 185 feet east of Ford Chapel Road to East City Limits

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that amendment be approved on first reading as recommended. A unanimous affirmative vote was recorded.

12. Exchange of Equipment - Approved - Parson's Ditching Machine for Laser Survey Equipment

Mayor Pro Tem Wareing stated that the Parson's Ditching Machine, which is no longer used by the City, was offered for bids, and the maximum bid of \$301.01 was unacceptable. Mayor Pro Tem Wareing further stated that the City had received an exchange offer of a used Laser Survey with a six (6) month warranty which is valued at approximately \$2,100.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that City Manager be authorized to make exchange. A unanimous affirmative vote was recorded.

13. Establishment of Hearing Date - Approved - Annexation & Permanent Zoning - Camelot Circle - RL

Mayor Pro Tem Wareing stated that a request had been received from residents of Camelot Circle for Annexation and Permanent Zoning of

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property located on Camelot Circle south of Centralia Avenue and west of Largent Street to Residential Large.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that hearing date be set for March 17, 1981, at next regular meeting of City Commission. A unanimous affirmative vote was recorded.

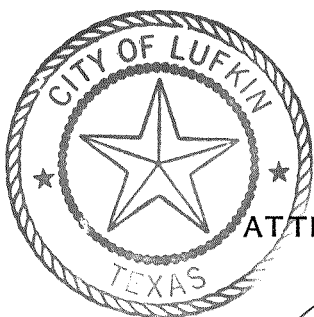
14. Ditches on Culverhouse - Curb on O'Quinn - Elevated Storage Tank Karber Lawsuit

Commissioner Don Boyd stated that the ditches on Culverhouse remain full of water. Dwayne Humphrey, Public Works Coordinator, stated that construction work is in progress on the two-barrel drainage pipe at present, and if the Culverhouse Ditch is pumped out, it will delay the concrete work on the pipe. In answer to a question by Commissioner Don Boyd, Dwayne Humphrey stated that he had been in contact with the two residents on O'Quinn Street in regard to a curb being constructed across their driveways, and the City will remove the curb when needed or when the construction is finished.

In response to a question by Commissioner Richard Thompson, Jimmy Griffith stated that the contractors on the elevated storage tank were using rafts for flotation in the water tank while welding seams. Mr. Griffith stated that the welding and baffle should be finished soon and same would result in a better tank than originally planned.

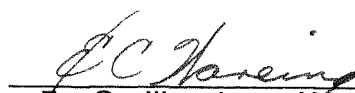
City Attorney Flournoy stated that he attended the Karber hearing in Tyler last Friday in regard to a motion by the plaintiff to remove the case from the jury docket. City Attorney Flournoy stated that discrimination cases have a right to trial without jury, but this case also had claims for freedom of association and the judge ruled that it should be tried before a jury. City Attorney Flournoy stated that the plaintiff's lawyer will probably drop first amendment section of case and leave Title 7 which will not require a jury trial. City Attorney Flournoy further stated that the case could be heard by Magistrate, Houston Able; and if so, a definite date for trial will be set and a quicker decision will be reached.

15. There being no further business for consideration, meeting adjourned at 9:45 p.m.



ATTEST:


City Secretary


E. C. Wareing, Mayor Pro Tem

Crown Colony

PLANNING MAP

5" PAVEMENT
5 1/2" PAVEMENT
6 1/2" PAVEMENT

