

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

On the 7th day of April, 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:

Pitser H. Garrison	Mayor
Don E. Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	City Secretary

being present, and

Percy A. Simond, Jr.	Commissioner, Ward No. 1
Roger G. Johnson	Assistant City Manager

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Stephen Bancroft, Pastor of St. Cyprian's Episcopal Church of Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of March 17, 1981, were approved on motion by Commissioner Richard Thompson. Motion was seconded by Commissioner Don Boyd, and a unanimous affirmative vote was recorded.

4. Canvass of April 4, 1981, City Officers' Election - Returns Accepted as Certified by Election Judges - Oaths of Office Administered

Mayor Garrison stated that the City's regular election had been held on April 4, 1981, and announced that election judges had forwarded all materials for review by members of Commission for official canvass.

The following returns indicating results of the City Election were reviewed for election of Commissioner of Ward No. 5, and Commissioner of Ward No. 6, under the City of Lufkin's new single member district plan.

	<u>Total No. Votes Received</u>
<u>Commissioner, Ward No. 5</u>	
Richard Thompson	191
Barbara Askins	61
<u>Commissioner, Ward No. 6</u>	
E. C. (Ed) Wareing	65
Write In Vote (Dr. B. D. McVicker)	1

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated winners of the election to be Richard Thompson, Commissioner of Ward No. 5; and E. C. (Ed) Wareing, Commissioner of Ward No. 6.

Commissioner Pat Foley made motion that above listed election results be made official as reported by election judges and Richard Thompson be declared winner of Commissioner of Ward No. 5 for a three-year term to terminate in April of 1984, and E. C. (Ed) Wareing be declared winner of Commissioner of Ward No. 6 for a three-year term to terminate in April of 1984. Motion was seconded by Commissioner Don Boyd, and a unanimous affirmative vote was recorded.

Mayor Garrison congratulated newly elected Commissioners Richard Thompson and Commissioner E. C. Wareing. Mayor Garrison then administered Oaths of Office to new Commissioners.

5. Annexation & Permanent Zoning - First Reading - Withdrawn - Camelot Circle - RL

Mayor Garrison stated that Residents of Camelot Circle had asked that their First Reading be withdrawn from the agenda to allow them additional time to secure a subdivision plat, and same would be heard at a later date.

6. Zone Change Application - Approved - Second Reading - Cablecom of Lufkin - LB to LB, SU (Item 10)

Mayor Garrison stated that zone change application by Cablecom of Lufkin covering property located at 1415 South First Street between South First and Tulane Street from Local Business to Local Business, Special Use (Item 10) had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Ottis Lock RL to C

Mayor Garrison stated that zone change application by Ottis Lock covering property located south of Loop 287 and east of Davisville Road from Residential Large to Commercial District was approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

8. Zone Change Application - Approved - Second Reading - Larry G. Byrd - RS to D

Mayor Garrison stated that zone change application by Larry G. Byrd covering property located at 202 Fred Street west of North Timberland and north of Atkinson Drive from Residential Small to Duplex District had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second Reading - Mirah Perkins Wiggins - RS to D

Mayor Garrison stated that zone change application by Mirah Perkins Wiggins covering property located at 1710 Lake Street east of Lake Street and south of Bonita Street from Residential Small to Duplex District was approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

10. Historical & Creative Arts Center - Request for Additional Space & Improvements - Tabled

Mayor Garrison stated that the Historical & Creative Arts Center had made a request for additional space in the Civic Center Annex, and some physical improvements of the area they are now occupying.

April 7, 1981

Mayor Garrison then recognized Marge Beckham, President of the Lufkin Historical & Creative Arts Center.

Marge Beckham stated that the Historical & Creative Arts center would like to convert an area for use as a Centennial Year Exhibit Room in the Civic Center Annex. The area to be converted is presently being used as a classroom, work area and collection storage. Mrs. Beckham further stated that the Center would like permission to use four (4) rooms at the rear of the building formerly used by the Alternative Program as a classroom, work area and collection storage.

Mayor Garrison asked Mrs. Beckham if she thought it might be wise for the Historical & Creative Arts Center to begin considering another location because of the rate of expansion. Mrs. Beckham stated that the Center would like to know if it would be possible to obtain land use for possible expansion and a new building that they would construct directly behind present building. Mayor Garrison stated that a letter had been received from the Civic Center Manager stating that there is much demand for use of the space in the building now occupied by the Historical & Creative Arts Center.

Mayor Garrison further stated that he was in favor of ceding property to the Center and separating the Center business from the City's, thereby giving the Civic Center use of the Annex building.

Mrs. Beckham stated that the pressing problem for the Center at the present time is the Centennial program, and this is why the Center is asking for more space.

Mayor Garrison stated that when the City purchased the subject property, a museum was not anticipated, and additional space has been given on several occasions in the past. Mayor Garrison further stated that he felt a study was needed with consideration of a Fine Arts Auditorium to be constructed.

Commissioner E. C. Wareing asked Mrs. Beckham if a commitment could be obtained from the Civic Center people indicating they could manage with four (4) rooms and let the Center have the rooms in the rear for use with the Centennial, through the end of next year, could the City have a comprehensive use plan from the Historical & Creative Arts Center indicating other areas of need in the present building and proposed new building.

Commissioner E. C. Wareing stated that by the end of next year, he would like to see a time schedule indicating what the Historical & Creative Arts Center might be doing as far as funding of the new building. Mrs. Beckham stated that the new building might be possible in 1982 or 83.

Mayor Garrison stated that he was not sure how much area might be needed for a Fine Arts Auditorium, but he would like to have the Civic Center people and an architect examine the needs.

Mrs. Beckham stated that the Center was also asking permission for the use of the Southeast Corner of the property for a youth centennial summer activity which would consist of an archaeological dig at the site of the old home previously located on the property.

It was unanimously agreed that Marge Beckham would meet with City Manager and Civic Center people to decide what could be worked out through 1982, and the request would be reconsidered at next meeting.

Mrs. Beckham stated that Mrs. Jerry Moore would be the new President, and she could be contacted in the future.

11. Bids Approved - Dump Truck - Parks & Recreation Department  
Manholes - Sewer Department - Timber from Hill Street Right-of-Way -  
No Bids Received

- a. Mayor Garrison stated that bids on the Dump Truck for the Parks & Recreation Department had been received and Greater Lufkin Ford was the low bidder in the amount of \$14,772.96.

City Manager Westerholm stated that the City Staff would like to recommend the low bid which is \$272 over budgeted amount, but Don Hannabas, Parks & Recreation Director had assured him that this amount could be absorbed by Parks & Recreation budget.

Mayor Garrison expressed concern that only two (2) bids were received on the dump truck, and Dwayne Humphrey, Public Works Director, stated that only two (2) bids were received by the Street Department on their new dump truck.

Commissioner Richard Thompson stated that if the City would purchase several items at one time there might be more interest in bidding.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that low bid of Greater Lufkin Ford in the amount of \$14,772.96 be approved. A unanimous affirmative vote was recorded.

- b. Mayor Garrison stated that bids had been received on Manholes for the Sewer Department and the bid would need to be split between two (2) companies to obtain the lowest bids.

The following is a breakdown in items of each company:

<u>Clifford Hill &amp; Co.</u>	
Concrete Manhole Covers	\$106.68 ea.
Concrete Manhole Risers (2 ft.)	71.12 ea.
Concrete Manhole Risers (1 ft.)	35.56 ea.

<u>Nelson Utility Service</u>	
300# Manhole Rings & Covers	\$ 78.00 ea.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that low bids be approved as stated above. A unanimous affirmative vote was recorded.

- c. Mayor Garrison stated that no bids were received on the timber to be removed from the Hill Street right-of-way. In answer to question by Commissioner E. C. Wareing, Dwayne Humphrey, Public Works Coordinator, stated that he would contact a man in Huntington that might be interested in the timber because of the large amount of hardwood on the property. It was unanimously agreed that the Manager would proceed to obtain sale of the timber.

12. Zone Change Application - Approved - First Reading - Dallas  
Pierre, D.D.S. - A to C

Mayor Garrison stated that zone change application by Dallas Pierre, D.D.S., covering property located at 503 Kurth Drive between Lake Street and Lofton from Apartment to Commercial District had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Commissioner Pat Foley stated that he agreed with Velma Reese, member of the Planning & Zoning Commission, who voted against zone change, because he did not like speculative type zone changes.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

13. Zone Change Application - Approved - First Reading - G&B Homes - RS to D

Mayor Garrison stated that zone change application by G&B Homes covering property located on Springwood Street between Howard Avenue and Lilac Avenue from Residential Small to Duplex District on lots 4,5,6,8, and 9 had been recommended to the City Commission by Planning & Zoning Commission. There was no opposition present.

Commissioner E. C. Wareing stated that Howard Street seemed more narrow as it approached Springwood addition, and suggested that property owners be contacted by City Manager to see if additional right-of-way might be obtained.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Bob McCurry that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

14. Zone Change Application - Approved - First Reading - Calvin Lawson - HM to RS

Mayor Garrison stated that zone change application by Calvin Lawson covering property located at 200 Bonita Street between Spence Street and Lake Street from Heavy Manufacturing to Residential Small District had been recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

15. Auditing Firm Selected - Alexander & Rogers - FY 1980-81

Mayor Garrison stated that under the City policy the yearly audit has been alternated on a two (2) year basis between Axley & Rode and Alexander & Rogers. It was reported that Axley & Rode had completed the audit for the fiscal year 1979-80, and the auditors for fiscal year 1980-81 needed to be appointed. City Manager Westerholm recommended Alexander & Rogers.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Alexander & Rogers be appointed auditors for the City for fiscal year 1980-81. A unanimous affirmative vote was recorded.

16. Resolution Approving Correction Deed - Approved - WTI Properties

Mayor Garrison stated that the deed with WTI Properties on Regal Row was in error, and a correction deed needed to be prepared giving the City a right-of-way of fifty feet and placing the building owned by WTI Properties inside their property line. City Attorney Flournoy stated that the original survey submitted to WTI and the City was incorrect and the field notes did not accomplish what the City and WTI Properties intended in the matter.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that Resolution be approved authorizing execution of the Correction Deed. A unanimous affirmative vote was recorded.

17. Acceptance & Final Payment - Approved - Elevated Water Storage Tank

Mayor Garrison stated that the elevated water storage tank northwest of town has been completed and the problem rectified. Mayor Garrison further stated that Griffith Engineers is recommending acceptance and final payment on the elevated water storage tank constructed by Universal Tank & Iron Works.

Mayor Garrison further stated that the City is entitled to penalties in the amount of \$13,250 for 53 days of liquidated damages.

Commissioner Richard Thompson stated that the City had filled the tank three (3) times and lost approximately \$600 each time, not to mention the amount of time Griffith Engineers spent in surveillance of the tank. Jimmy Griffith of Griffith Engineers stated that Universal Tank & Iron Works personnel were not as prompt as was desired, but once they began work to rectify the situation, they did a good job. Mr. Griffith further stated that he would prefer not to see the company penalized fully, and Griffith Engineers were willing to relinquish their payment for surveillance work.

Commissioner Bob McCurry stated that the delay clause in the contract is useless if it is not going to be enforced. Commissioner Pat Foley stated that he concurred with Commissioner McCurry.

Mayor Garrison stated that he would like to hear from the Company to see if they have any reasons for the delay, because he felt the reason for the delay was that it was not constructed properly in the beginning.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that \$52,400, balance due, be paid to Universal Tank & Iron Works less \$13,250, liquidated damages, and comments be invited from the company about the penalties. Mayor Garrison stated the reasons might necessitate reconsideration after examination. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing stated that he had never heard of asking for comments on penalties because the burden is on the company which seems to be keeping a low profile hoping that the City will be tolerant.

18. Commissioner Percy Simond, Jr. - Home from Hospital - TML, Port Arthur

Commissioner E. C. Wareing stated that Percy Simond, Jr., was home from the hospital, and that the City Commission is looking forward to the time when he can rejoin the Commission.

City Manager Westerholm announced that TML was having a meeting Thursday, April 16, 1981, in Port Arthur.

19. Request for Fire Hydrants - Minnie Lou & Kurth Drive

Mayor Garrison recognized a group of citizens present at the meeting who stated that they would like to request fire hydrants be installed on Minnie Lou Street and Kurth Drive. Mayor Garrison informed the citizens that they should discuss this need with City Manager Westerholm, who would refer the item to the City Commission for consideration.

20. There being no further business for consideration, meeting adjourned at 8:45 p.m.



ATTEST:

*Pitser H. Garrison*  
Pitser H. Garrison, Mayor

*Ann Griffin*  
City Secretary