MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JANUARY, 1981, AT 5:00 P.M.

On the 20th day of January, 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:

Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
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

Pitser H. Garrison	Mayor

being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Curtis L. Keith, Jr., Pastor of First Christian Church of Lufkin.

2. Mayor Pro Tem Wareing welcomed visitors present. Commissioner Pat Foley stated that this was a historic day for our country because the hostages had been released from Iran, and a new American President had been inaugurated.

3. Approval of Minutes

   Minutes of regular meeting of January 6, 1981, were approved on motion by Commissioner Percy Simond. Motion was seconded by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

4. Annexation and Permanent Zoning Request - Approved - First Reading Sabine Investment Co., Crown Colony Subdivision

   Mayor Pro Tem Wareing stated that Annexation and Permanent Zoning Request by Sabine Investment Company covering property located in Crown Colony Subdivision to include Section 9, 5B, 6A, and additional properties in Golf Course Area had been set for first reading after an open hearing at last regular meeting of City Commission. There was no opposition present.

   Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Ordinance for Annexation be approved on first reading. A unanimous affirmative vote was recorded.

   Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that Ordinance for Permanent Zoning be approved on first reading. A unanimous affirmative vote was recorded.

5. Initial Amendment to Traffic Ordinance - Delayed - First Reading Approved

   Mayor Pro Tem Wareing stated that Amendment to Traffic Ordinance had been approved on first reading at last regular meeting of City Commission.

   Commissioner Richard Thompson stated that he would suggest replacing the diminishing speed limit signs with "Stop Ahead" signs which would be more appropriate.

   Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that diminishing speed signs preceeding stop signs be eliminated and replaced with "Stop Ahead" signs. A unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing stated that this would be the first reading of the Amendment to Traffic Ordinance with the approved change, and same would be reconsidered by the City Commission at next regular meeting for second and final reading.

6. Storm Sewer Installation - Approved - Culverhouse Street

Mayor Pro Tem Wareing stated that Griffith Engineers had prepared a change order indicating the cost of installing a 30" storm sewer on each side of Culverhouse to rectify the problem caused by street and drainage improvements on Glenn and O'Quinn Streets under the Community Development Block Grant.

City Manager Westerholm stated that installation of the 30" storm sewer would cost an additional $23,435, and all but $1,585 could be provided through the elimination of several items that would not change the scope of the project nor jeopardize the grant project with HUD.

Commissioner Don Boyd stated that he had reviewed the situation and due to the recent rain, both ditches were filled with water which created a very dangerous situation for children and cars.

Mayor Pro Tem Wareing stated that bad judgment had been used to allow the ditches to be dug before the main storm sewer had been built, and this resulted in the loss of many lawns in the area through erosion.

Commissioner Pat Foley stated that he concurred with City Manager Westerholm in the deletion of nonessential items and making repairs, but he would not like to set a precedent of taking money from the budget to correct errors by contractors. Commissioner Don Boyd stated that Revenue Sharing Funds are to be used for this type of improvement, and should be used in minority areas.

Mayor Pro Tem Wareing stated that the storm sewers should be installed, and before the contract expires the City might be able to complete the items that were deleted at the original bid price.

Commissioner Percy Simond stated that the sidewalks which were being deleted from the project had been promised several times in the past and each time were eliminated. Commissioner Simond further stated that if we can provide expensive cars for City Officials, we can find money for completion of this project.

Mayor Pro Tem Wareing stated that of various funds available, all have been spent in the minority area, and asked Commissioner Percy Simond if he were advocating postponing installation of storm sewer and attempting to obtain money from other sources. Commissioner Percy Simond stated that he felt City Employees could complete sidewalks at a considerable saving. City Manager Westerholm stated that the City did not apply for City Force Labor, or labor to be performed by its own employees, when the CDBG was approved, and the funds could not be used for same.

Jimmy Griffith of Griffith Engineers stated that Moore Brothers dug the ditches early by their own choice, and are responsible for pumping water out of the ditches to maintain drainage during the contract period.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that the change order be approved recommending 30" storm sewers be installed at a cost of $23,435, and nonessential items totaling $21,850 be deleted from the HUD project. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that Revenue Sharing Budget be amended to provide $1,585 for payment of additional charges on storm sewers. A unanimous affirmative vote was recorded.

Commissioner Don Boyd stated that $5,000 should be transferred from Revenue Sharing Budget to complete the sidewalks. Commissioner Pat Foley stated that a policy should be established before money is allocated for sidewalks. Commissioner Don Boyd stated that sidewalks had been promised, and waiting on a policy would only prolong a decision.

Mayor Pro Tem Wareing stated that City Manager Westerholm would report at the next regular City Commission Meeting on the cost of the installation of sidewalks by City Employees.

7. Traffic Signals - Loop 287 & Pershing Avenue - Tabled

Mayor Pro Tem Wareing stated that suggestions had been received from the Department of Highways and Public Transportation for signalization of the intersection at Loop 287 and Pershing Avenue. Mayor Pro Tem Wareing further stated that an eight (8) phase fully accuated traffic signal had been recommended at a cost of $28,250 if installed by City Employees.

Mrs. Phyllis Walton appeared before City Commission to express her opinion regarding the dangerous intersection that had been created since the opening of two (2) additional lanes in this area.

Commissioner Percy Simond stated that the traffic signal should be installed and $28,000 is a small price to pay to save a life.

Commissioner Richard Thompson stated that this would be the most elaborate set of traffic signals in town if the eight (8) phase accuated traffic signals were installed. Mayor Pro Tem Wareing stated that the Highway Department should be consulted about a less elaborate system being installed because of malfunctions that could occur with the suggested system.

Commissioner Richard Thompson stated that he favored a system similar to Hwy. 103 and Loop 287 intersection with an unprotected left turn which would be added at a later time if needed.

After much discussion, motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that a quote be obtained on a non-sensored intersection and the Highway Department be consulted for approval of same. A unanimous affirmative vote was recorded.

8. Request by Deep East Texas Regional Council on Alcohol & Drug Abuse Tabled

Mayor Pro Tem Wareing stated that a request had been made by Deep East Texas Council on Alcohol & Drug Abuse for use of the offices vacated by Lufkin Adult Learning Center in downtown Parks & Recreation Building.

City Manager Westerholm stated that the Council on Alcohol & Drug Abuse would occupy offices on the third floor of Downtown Recreation Building with entrance on First Street, and pay $50 per month on utility bills. City Manager Westerholm further stated that the individuals being helped by the program would not have access to the area of building where recreation classes are being conducted.

Commissioner Pat Foley stated that due to the type of individuals using the program, he would recommend that the Council request space in the building now occupied by the Adult Learning Center.

Commissioner Don Boyd stated that the people involved in the drug abuse program needed help and would not come into contact with participants in the recreation program.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that request be tabled until the Council on Alcohol & Drug Abuse could investigate possibilities of space in another building.

The following vote was recorded: Voting Aye - Commissioners Simond, McCurry, Foley, and Thompson. Voting Nay - Commissioner Boyd. Mayor Pro Tem Wareing declared motion approved by a majority vote of 5 to 1.

9. Revenue Sharing Budget Amended - Utility Relocation - Approved

Mayor Pro Tem Wareing stated that improvements to Frank Avenue from West Loop 287 east to Ellis Avenue has required the relocation of city utilities, at a cost of $12,955.51 which was not budgeted. City Manager Westerholm stated that when the current budget was presented the amount of Revenue Sharing Money was based on 1980 figures, but the amount has increased for this fiscal year. City Manager Westerholm stated that the budget needs to be amended to include additional funds of $27,000 received from revenue sharing, and $12,955.51 to be expended on the utility relocation on Frank Avenue.

Commissioner Pat Foley stated that he needed clarification of how funds are allocated for labor on projects when the people are already on the City payroll. City Manager Westerholm stated that Revenue Sharing Money is to be used for capital projects and when labor performed on capital projects is charged to revenue sharing instead of individual budgets, this gives the City more money in the individual departments with which to operate during the year.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that the Revenue Sharing Budget be amended to include receipt of $27,000 of additional revenue and payment of $12,955.51 for utility relocation. A unanimous affirmative vote was recorded.

10. Acceptance of Elevated Water Storage Tank - Omitted

Mayor Pro Tem Wareing stated that Universal Tank Company representatives and Griffith Engineers were to resolve the elevated water tank issue and submit a proposal to the City Commission for consideration.

City Manager Westerholm announced that this item will be omitted from the agenda because the proposal is not ready for consideration.

11. Executive Session - Cablecom-General Legal Action

Mayor Pro Tem Wareing adjourned regular open meeting of City Commission at 6:45 p.m. to Executive Session for consideration of legal action concerning Cablecom-General.

Meeting was reconvened by Mayor Pro Tem Wareing at 7:07 p.m. Mayor Pro Tem Wareing announced that the City Attorney informed City Commission of developments in Cablecom-General Suit, and the City Commission agreed on the final solution. Mayor Pro Tem Wareing further stated that when the suit is culminated, City Attorney Flournoy will make a public announcement.

12. Health Hazard - City Attorney Investigation

Commissioner Percy Simond stated that there is a building in his area of town that is vacant and left open by the owner. Commissioner Simond stated that the owner has been contacted but refuses to correct the situation. Commissioner Simond further stated that the building is a health hazard because anyone can enter the building, and many children have access to same.

City Attorney Flournoy stated that he would review the situation and report back on his findings of how to rectify the situation.

13. There being no further business for consideration, meeting adjourned at 7:10 p.m.

E C Wareing

E. C. Wareing, Mayor Pro Tem

ATTEST

Ann Griffin

Assistant City Secretary