

MINUTES OF REGULAR MEETING OF CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 8TH DAY OF MARCH, 1983, AT 7:30 P.M.

On the 8th day of March, 1983, 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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| Pitser H. Garrison | Mayor                    |
| Percy Simond       | Commissioner, Ward No. 1 |
| Don 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 Flournoy    | City Attorney            |
| Ann Griffin        | City Secretary           |
| Libby Sims         | Assistant City Secretary |
| Ron Wesch          | Public Works Director    |

being present, and

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| Brian Boudreaux | Assistant City Manager |
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Curtis Keith, Jr., Pastor of First Christian Church, Lufkin.
2. Mayor Garrison congratulated Rev. Keith and his church for the award that they recently received for instituting the Life Line Program. Mayor Garrison recognized the presence of Carolyn Sanders, accompanying John and Chris Sanders who are working on their merit badges for the scouting program.

3. Approval of Minutes

Minutes of regular meeting of February 15, 1983, were approved on a motion by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Ordinance With Amendment - Approved - Second Reading - City Election Declared - April 2, 1983

Mayor Garrison stated that the ordinance declaring the regular City Election for April 2, 1983, had previously been approved on first reading and, due to a request by the Justice Department in Washington, D.C., an amendment had been offered to provide a black alternate judge for Ward 3. Mayor Garrison further stated that Myrtie Prescott had accepted the position of alternate judge for Ward 3.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that ordinance be approved on second and final reading with the amendment naming Myrtie Prescott as an alternate judge for Ward 3 in the April 2, 1983 election. A unanimous affirmative vote was recorded.

5. Ordinance - Approved - Second Reading - Speed Zone - State Highway 94

Mayor Garrison stated that the ordinance designating the speed zone on State Highway 94 had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

In response to questions by the Commission, Public Works Director Ron Wesch stated that speed zones are established by the Highway Department as prescribed by State law, but the City of Lufkin has the option to change the speeds, which must be set by ordinance to be enforced by the Lufkin Police Department. Mayor Garrison suggested that in the future Police Chief Leonard Latham should be consulted regarding speed zone designations.

6. Ordinance - Approved - First Reading - Curb and Gutter - O'Quinn Street

Mayor Garrison stated that at last meeting of City Commission the City Attorney was authorized to prepare an ordinance for improvements of curb and gutter on O'Quinn Street as requested by residents. Mayor Garrison stated that the estimated cost per front foot for property fronting on O'Quinn Street was \$9.82. Mayor Garrison further stated that the concrete street would provide better drainage for the residential area.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

7. Ordinance - Approved - Zone Change and Permanent Mobile Home Permit - L.L. DePriest - RM to RS

Mayor Garrison stated that ordinance for zone change and permanent mobile home permit request by L.L. DePriest covering property located on Virgil Street between York Drive and Denman Avenue from Residential Medium to Residential Small had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

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

8. Ordinance - Approved - First Reading - Zone Change - Jerry Hill - D & RS to A, SU ( Townhouses)

Mayor Garrison stated that ordinance for zone change request by Jerry Hill covering lots 4 through 10 in the Springwood Addition between Howard and Lilac Avenue from Duplex and Residential Small to Apartment, Special Use (Townhouses) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that zone change ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

9. Ordinance - Approved - First Reading - Zone Change - William J. McCall - LB to LB, SU (Used Car Lot)

Mayor Garrison stated that ordinance for zone change application by William J. McCall covering property located at 1410 South First between Erwin and Lavan Avenues from Local Business to Local Business, Special Use, (Used Car Lot) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that zone change ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

10. Ordinance - Approved - First Reading - Zone Change - Paul Ryan - A to C

Mayor Garrison stated that ordinance for zone change application by Paul Ryan covering property located at Southeast corner of Myrna and Ward Streets from Apartment to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

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

11a. Bid - Approved - Truck for Sanitation Department - Davis Truck Co.

Mayor Garrison stated that bids had been invited for the purchase of a truck for use in the Sanitation Department and requested that City Manager Westerholm indicate recommendations of the City Staff.

City Manager Westerholm stated that four (4) bids had been received and Davis Truck of Waco was the low bidder in the amount of \$82,958.00. City Manager Westerholm further stated that this price is \$9,042.00 under the budgeted amount and the City Staff would recommend the acceptance of the low bid.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that bid be awarded to Davis Truck of Waco in the amount of \$82,958.00. A unanimous affirmative vote was recorded.

Commissioner Percy Simond requested further information regarding insurance payment on the sanitation truck that was previously destroyed by fire.

Public Works Director Ron Wesch stated that he had again contacted the insurance company and learned that it was at the discretion of the insurance company to either replace the damaged vehicle or total out same to reduce their cost. Mr. Wesch further stated that in talking with the insurance agent an additional \$1,200.00 due the City of Lufkin was discovered. Mr. Wesch stated that

the insurance company had elected to total out the sanitation truck and provide the City with the appraised value of a truck in similar shape. Mr. Wesch stated that he elected to keep the sanitation truck for the salvage fee of \$2,800.00.

11b. Bid- Approved - Nine (9) Police Units - Morrow Buick Pontiac

Mayor Garrison stated that three (3) bids had been received for the purchase of nine (9) police units and requested that City Manager Westerholm provide recommendations of the City Staff.

City Manager Westerholm stated that Morrow Buick Pontiac was the low bidder in the amount of \$61,597.00 for nine (9) Dodge Dipolmats. City Manager Westerholm further stated that the Staff was hesitant to convert these police units to the propane fuel since they would be used for one (1) year and the difference between the price of propane and gasoline was only .31¢ per gallon. City Manager Westerholm stated that the tanks on the present police units would not fit the Dodge Dipolmat and additional tanks would have to be purchased. City Manager Westerholm further stated that the Police vehicles to be traded-in had the dual fuel system, but the conversion kits would be removed for use on other City vehicles.

Mayor Garrison requested information from Terry Morrow, representative of Morrow-Buick Pontiac regarding trade-in of the nine (9) vehicles. Mr. Morrow stated that when vehicles have been used as police cars the price has to be low because of the high use of the vehicle. Mr. Morrow further stated that if the car had been owned by an individual, the trade-in value would be approximately \$6,000.00 as opposed to approximately \$2,800.00 for police vehicles.

City Manager Westerholm stated that one of the units that was scheduled for trade-in would be used for the Assistant City Manager's car to replace his car allowance.

Commissioner Percy Simond stated that the trade-in vehicles might be of greater value if used by City department heads.

Mayor Garrison stated that several of the trade-in vehicles could be delegated to City department heads with a record kept on the results of their performance in this capacity.

City Manager Westerholm stated that some cities purchase new cars for department heads to use one (1) year and transfer is then made to the police department for use as a police vehicle.

Commissioner Bob McCurry stated that he would be in favor of providing the used police units to department heads instead of trading them in, but would not be in favor of giving the police department a car that had been previously used by a department head.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the low bid of Morrow-Buick Pontiac be approved in the amount of \$61,597.00. A unanimous affirmative vote was recorded.

11c. Bid - Approved - Reliable Uniform Service - Uniforms for Various City Departments

Mayor Garrison stated that bids had been invited for uniforms to be used in the various City departments and asked that City Manager Westerholm provide recommendations of the City Staff.

City Manager Westerholm stated that uniforms are used by employees in the Sanitation Department, Water & Sewer Department, Parks Department, Zoo Department, Animal Shelter, and Water Collection. City Manager Westerholm further stated that in the past the City had provided an allowance to these employees rather than furnishing the uniforms, but the results obtained were less than desirable.

In response to question by Mayor Garrison, Ron Wesch Public Works Director, stated that he chooses the colors in an effort to color code the different departments. Mr. Wesch further stated that the bids received this thime were approximately \$2.50 less per total uniform of twill material than bids received previously.

City Manager Westerholm stated that the staff would recommend the bid be awarded to Reliable Uniform Service of Orange, Texas, with the following prices:

Shirts - long sleeve - \$10.24  
Shirts - Short sleeve - \$8.90  
Pants - \$10.24  
Jackets - \$19.50

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid be awarded to Reliable Uniform Service of Orange, Texas. A unanimous affirmative vote was recorded.

11d. Bid - Approved - Flair and Rotary Mower - Parks Department - Pineywoods Tractor

Mayor Garrison stated that three (3) bids had been received for the purchase of a flail and rotary mower for use in the Parks Department and requested that City Manager Westerholm provide recommendations of the City Staff.

City Manager Westerholm stated that Pineywoods Tractor was the low bidder in the amount of \$4,035.00 for the purchase of the two (2) mowers. City Manager Westerholm further stated that the low bid was \$793.00 under the budgeted amount.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that low bid of Pineywoods Tractor be approved. A unanimous affirmative vote was recorded.

11e. Bid- Approved - Installation of Scoreboards - Kit McConnico Park - Pineywoods Electric

Mayor Garrison stated that two (2) bids had been received for installation of the donated scoreboards to be installed at Kit McConnico Park and requested that City Manager Westerholm provide recommendations of the City Staff.

City Manager Westerholm stated that Pineywoods Electric was the low bidder in the amount of \$2,400.00 for the installation of the scoreboards at Kit McConnico Park.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that low bid of Pineywoods Electric in the amount of \$2,400.00 be approved. A unanimous affirmative vote was recorded.

12. Target-Lufkin Clean Committee, Endorsed - Keep American Beautiful Program, Endorsed City Ordinances to be Enforced

Mayor Garrison stated that a letter had been received from Nancy Chancellor requesting the appointment of a Target-Lufkin Clean Committee and endorsement by the City Commission of participation in the Keep America Beautiful Program. Mayor Garrison recognized Nancy Chancellor and requested that she present the program to the City Commission.

Mrs. Chancellor stated that she was requesting that the City Commission appoint a committee to enforce the City Ordinances dealing with the beautification of the community which will help in the beautification of the community, and enhance the chances of Lufkin winning the Governor's Community Achievement Award which is being prepared for submission by March 31, 1983. Mrs. Chancellor further stated that she felt the committee should be appointed by the City Commission with 12 members of diverse backgrounds and authority to handle complaints before they are referred to the legal authority. Mrs. Chancellor further stated that once people are contacted to correct a problem on their property and fail to do so, the matter could be referred to the City Commission for handling. Mrs. Chancellor further stated that the Beautification Committee of the Chamber of Commerce does not deal with the City ordinances and prefers not to be involved in receiving ordinance violations. Mrs. Chancellor cited an example of a complaint that had been lodged by a citizen with the City Staff several times and no action had been taken which led the citizen to believe that her complaint would not receive a response. Mrs. Chancellor stated that she had not contacted anyone to serve on the proposed Target-Lufkin Clean Committee which should consist of 12 citizens meeting monthly to consider property within the City in need of repair or clean-up. Mrs. Chancellor stated that members of the committee would personally contact the property owners and request them to voluntarily bring their property into compliance with the beautification and cleanliness standards. Mrs. Chancellor further stated that she proposed, in the event the owners refuse to bring their property into compliance that the committee would recommend to the proper City enforcers that action be taken to rectify the situation.

Commissioner Pat Foley stated that he would endorse any clean-up efforts and would like to commend Mrs. Chancellor for her work thus far with the beautification of the City of Lufkin.

Commissioner E.C. Wareing stated that if 12 people could be found to serve on the committee he would be in favor of its establishment, and two (2) people from each Ward could be asked to serve on the committee. Commissioner Wareing stated that he believed the citizens would appreciate an informal suggestion to correct non-compliance of their property rather than an official act by the City Commission.

Mayor Garrison suggested that a declaration from the City Commission could be printed for use by the committee stating that the City would prefer to work with the property owner, but if steps were not taken to bring the property into compliance, further action would result.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the Beautification Program be endorsed by the City Commission and the Keep America Beautiful Program be approved. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that the Liaison Committee of Target-Lufkin Beautiful be endorsed with the recommendation that Mrs. Chancellor work with the City Commission to appoint members and establish guidelines governing the functions of the committee. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that the City Commission fully cooperate with the Beautification Program and enforce ordinances of the City as they relate to the beautification and cleanliness of property within the City. A unanimous affirmative vote was recorded.

13. Executive Session - Easement Discussed - Lawsuits Discussed - Appointment Board of City Development - Betty Williams

Mayor Garrison stated that it was necessary for the City Commission to adjourn into executive session to discuss attorney-client matters and appointment to a City Board. Mayor Garrison recessed formal open meeting of the City Commission at 8:30 p.m. At 9:30 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of the executive session.

Mayor Garrison stated that the executive session had taken more time than anticipated because of a troublesome easement problem that may or may not be involved in a future lawsuit. Mayor Garrison further stated that the City Commission has not reached a conclusion but had authorized the City Manager to negotiate further in an attempt to resolve the situation. Mayor Garrison further stated that the City Commission had also discussed strategies involved in lawsuits presently pending against the City and had provided the City Attorney with counsel and guidance regarding same. Mayor Garrison further stated that the City Attorney would pursue actions suggested and return to the City Commission with a further report at the next meeting or sooner at which time the City might be in a position to take action. Mayor Garrison further stated that there was a vacancy on the on the Board of City Development which supervises budget procedures and general policies of the Convention and Tourist Bureau of the City. Mayor Garrison stated that the vacancy occurred with the departure of Mike Morse from the City and invited nominations from the City Commissioners.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that Betty Williams representative of the Holiday Inn be nominated to serve on the Board of Development.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that nomination cease and a unanimous affirmative vote was recorded.

A unanimous affirmative vote was recorded that Betty Williams be appointed to serve on the City Board of Development subject to her willingness to accept the position. Mayor Garrison further stated that if Mrs. Williams would not accept the position, the City Commission would reconsider the vacancy at a later meeting.

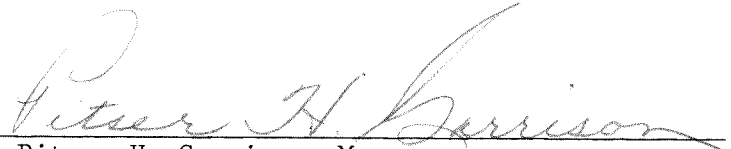
14. Community Development Block Grant, Copy of Scores Requested

Commissioner Don Boyd stated that he would request a copy of the rating scores for the Community Development Block Grant.

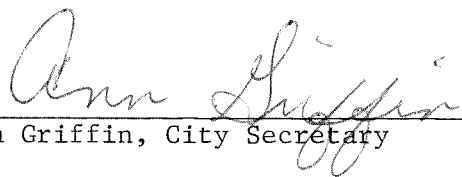
City Manager Westerholm stated that he would obtain same and that the City of Lufkin had been number 65 with only 53 Community Development Block Grants being awarded.

Mayor Garrison stated that he would also like to see a copy of the scores and would be willing to make a trip to Dallas to meet with the Community Planning and Development Division of the U.S. Department of Housing and Urban Development to discuss the reasons the City of Lufkin was not awarded the Community Development Block Grant. Mayor Garrison further stated that in the future the grants would be awarded by the Governor's office.

15. There being no further business for consideration, meeting adjourned at 9:40 p.m.

  
Pitser H. Garrison, Mayor



  
Ann Griffin, City Secretary