

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF OCTOBER, 1983, AT 5:00 P.M.

On the 18th day of October, 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:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	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
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present 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 recognized Lufkin Service League present at City Commission meeting and Mrs. Laddie Williams, who was introducing the new trainees to the City Government.
3. Certificate - Presented - Lufkin Association Downtown - Commending City Commission

Mayor Garrison recognized Bill Prince, President of Lufkin Association Downtown, who stated that the members of the Lufkin Association Downtown recognized the importance of the Main Street Program which has reactivated the downtown organization. Mr. Prince stated that a resolution had been approved by the Lufkin Association Downtown in appreciation of the City Commission for their efforts in the revitalization of the downtown area. Mr. Prince stated that the resolution had been approved at the Lufkin Association Downtown meeting in July and with the approval of the revised parking plan for the downtown area, the association felt this was the time to present the resolution to the Mayor and City Commission.

Mayor Garrison expressed his appreciation for the resolution, and a copy of which is attached to these minutes as a permanent record, and stated that the influence of the Lufkin Association Downtown was apparent in every area of the downtown.

4. Approval of Minutes

Minutes of regular meeting of October 4, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

5. Ordinance - Approved - Second Reading - Alley Closing - C & H Investments

Mayor Garrison stated that the City Commission had for consideration an ordinance closing the alley in Block 5, Woodland Heights Addition at the site of the former Woodland Heights General Hospital as requested by C & H Investments. There was no opposition present.

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

6. Zone Change - Approved - Second Reading - Haynes Rodeway Inns of Lufkin, Inc. - C to C, SU (Private Club)

Mayor Garrison stated that zone change application by Haynes Rodeway Inns of Lufkin, Inc. covering property located at 2130 South First Street south of Loop 287 from Commercial to Commercial, Special Use (Private Club) had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - First Reading - Charles Stevenson - RL to D

Mayor Garrison stated that zone change application by Charles Stevenson covering property located on Pershing Street between Turner and Feagin Drive from Residential Large to Duplex had been recommended to City Commission for approval by Planning and Zoning Commission. There was no opposition present.

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

8. Zone Change - Approved - First Reading - Leslie N. Cahill - LB to C

Mayor Garrison stated that zone change application by Leslie N. Cahill covering property located on Northwest corner of Loop 287 and Ford Chapel Road from Local Business to Commercial had been recommended to City Commission by Planning and Zoning Commission. There was no opposition present.

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

9. Hearing Date Established - Annexation & Permanent Zoning - Sabine Investments - Crown Colony Section VI-B - RL and also A, SU (Townhouses)

Mayor Garrison stated that a request for annexation and permanent zoning had been received from Sabine Investments covering property located in Crown Colony, Section VI-B to be zoned Residential Large and also Apartments, Special Use (Townhouses). Mayor Garrison stated that the City Commission had now to consider the establishment of hearing date for conducting a public hearing pursuant to state law to allow public comment regarding annexation requests.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Gil Fears that annexation and permanent zoning be considered at a public hearing on November 15, 1983, meeting of this Commission. A unanimous affirmative vote was recorded.

10. Lufkin Noon Lions Club - Z&OO Railroad - Ellen Trout Park - Construction of New Railroad

Mayor Garrison recognized Dr. George Thannisch appearing in representation of the Lufkin Noon Lions Club request for approval of re-alignment of the Z&OO Railroad at Ellen Trout Park.

Dr. Thannisch stated that the present train at the Ellen Trout Park is over 30 years old, and there is only one (1) source for parts which is very expensive. Dr. Thannisch stated that the present train is lacking in safety features, and the Lions Club would like to circumvent any future problems. Dr. Thannisch stated that the Lions Club has purchased a one-third scale engine of the original locomotive plus three (3) passenger cars for use in the park which will require a larger track. Dr. Thannisch stated that the Lions Club will need to enlarge the track and completely redo the road bed and railroad ties. Dr. Thannisch stated that the sharp curves on the present track would be eliminated with an additional 137 to 140 feet being added to the track which would establish the total length of the track at 5,700 feet. Dr. Thannisch stated that the new depot will be a miniature replica of the depot that existed on Cotton Square, and a sub-station will be constructed on Lake Street to serve the Gazebo and the Expo Center. Dr. Thannisch stated that any structure that has to be moved will be replaced and that the train should be ready for operation in March. Dr. Thannisch stated that the Lions Club would hire a professional to establish the road bed and that \$32,000.00 has been pledged for the down payment on the train and that a total of \$160,000.00 in pledges would be received. Dr. Thannisch stated that the City will not be involved with any financial responsibility on the project.

Commissioner E.C. Wareing stated that he was present when the first presentation was made for the park and the miniature railroad, and he did not think it would come to pass. Commissioner Wareing further

stated that the project had exceeded everyone's expectations and that the Lions Club is a great asset to Angelina County and the City of Lufkin.

Mayor Garrison stated that the Lions Club has been an asset to the City, the park, and the citizens, and the City Commission is grateful for the work that has been done. Mayor Garrison further stated that the City would not be what it is today without the Lions Club and their efforts to improve the City of Lufkin.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Gil Fears that the Lions Club proceed with construction of the new railroad. A unanimous affirmative vote was recorded.

11. Proposal - Approved - Stiver Engineering, Inc. - Operational Assistance - Wastewater Treatment Plant

Mayor Garrison stated that the City was experiencing problems with the Sanitary Treatment Plant, and that Stiver Engineering, Inc. has made a proposal that could save the City of Lufkin some expense in the electrical operating cost.

City Manager Westerholm stated that Stiver Engineering was proposing an adjustment in the operation of the Sewer Treatment Plant which would effect savings in the electrical cost. City Manager Westerholm stated that over a period of six (6) months with the implementation of the adjustments, there could be a considerable saving and the cost for implementation of the proposal would be \$6,000.00. City Manager Westerholm stated that items one (1) two (2) and three (3) of the proposal, aeration blower power consumption, aeration basin mixed liquor solids management, and aerobic digester solids management would not require any extra cost on the part of the City. City Manager Westerholm stated that items four (4) through eight (8) of the proposal would have to have City Commission approval at a later date to implement.

In answer to question by Commissioner Gil Fears, City Manager Westerholm stated that \$6,600.00 was available because of overbudgeting for raises in the Police Department, and that a small contingency fund remained in the budget.

City Manager Westerholm stated that the sales tax this month had increased and was available because the budget was based upon sales tax equal to last years.

Mayor Garrison stated that the electric bill for the Wastewater Treatment Plant would reveal if the adjustments were saving the City money. Mayor Garrison recognized Murray Stiver of Stiver Engineering, Inc., who stated that he had identified several areas where operating cost for the plant could be decreased and treatment efficiencies could be increased. Mr. Stiver stated that in many cases the operating cost savings would exceed the expenditure.

In answer to question by Commissioner Gil Fears, City Manager Westerholm stated that the work done by Griffith Engineers was to bypass zempro conditioning and to prepare a grant application for the Environmental Protection Agency. City Manager Westerholm further stated that Stiver Engineering, Inc. would provide a means of saving money on an interim basis.

Commissioner Percy Simond stated that he was not in favor of taking money from the Police Department, and that if the savings were approximately \$6,000.00 per month, this money could be used for payment to Stiver Engineering, Inc. City Manager Westerholm stated that the money would not be taken from the Police Department because same is not needed due to estimated expense in that department creating an overage. City Manager Westerholm further stated that the funds are in the budget for any other project.

In answer to question by Commissioner Richard Thompson, City Manager Westerholm stated that the City does not have to take bids on engineering work.

In response to question by Mayor Garrison, Mr. Stiver stated that the changes could begin producing results as soon as one (1) month and definitely by the third month of implementation.

In response to question by Commissioner Pat Foley, Mr. Stiver stated that he had considerable experience in improving both small and large plants and was presently providing these types of services on a continuing basis to many other cities. Mr. Stiver stated that he has not examined the proposed improvements to the Wastewater Treatment Plant, and that the study he performed for the City of Lufkin in 1979 dealt with the solids handling with implementation of his suggestions having improved this operation. Mr. Stiver stated that item #4, Laboratory Analysis schedule, is not an expense item but only an analysis of procedures used at the City of Lufkin plant. Mr. Stiver states the State of Texas requires a minimum number of analysis to be conducted and that any additional analysis results in added expense to the City of Lufkin which could be reduced by streamlining the analysis procedures, completing only the number required by the State of Texas. Mr. Stiver stated that the Wastewater Treatment Plant is spending money to aerate that provides no benefit to the plant. Mr. Stiver stated that the main problem experienced by Lufkin's Wastewater Treatment Plant is the ridding of solids.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that proposal by Stiver Engineering, Inc. be accepted and work be authorized to begin. A unanimous affirmative vote was recorded.

12. Firemen's Relief and Retirement Fund - Application - Approved - Internal Revenue Service - Defer Federal Income Taxes on Firefighters Contributions

Mayor Garrison stated that the Firemen's Relief and Retirement Fund had requested approval of the City Commission to submit an application to the Internal Revenue Service to allow all the paid firemen to defer federal income tax on their monthly contributions to the pension fund from the time the contributions are made until they receive benefits from the fund.

City Manager Westerholm stated that the approval of the application would not result in any cost to the City of Lufkin, and the only change in the present handling of the Firemen's Relief and Retirement Fund would be increased accounting procedures to keep an accurate account of what is exempt from Federal Income Tax. City Manager Westerholm stated that a majority vote of the paid firemen would be necessary in order to be approved as a qualified retirement plan. City Manager Westerholm further stated that the Texas Municipal Retirement System has filed application to take advantage of this same legislation.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that the City Commission approve application by the Firemen's Relief and Retirement Fund to the Internal Revenue Service to defer Federal Income Tax on firefighter's contributions if a majority of the firefighters elect to do so. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that the benefit of the program would be realized after retirement when taxes would be paid on the money and the firemen would be in a lower income tax bracket.

13. Amendment - Approved - Electrical Ordinance - License Requirements

Mayor Garrison stated that under the present electrical ordinance of the City of Lufkin if an electrician fails to renew his electrical license prior to December 31, he must take the Board's examination or be reviewed by the Board in order to renew his license. Mayor Garrison further stated that this amendment to the ordinance provides for a 90 day period of grace after December 31 to renew the license and has been recommended by the City Attorney with the concurrence of the Examining and Supervising Board of Electricians. Mayor Garrison stated that a penalty should be recommended to prevent electrical contractors from waiting until the end of the grace period to renew their licenses. Mayor Garrison stated that the electrical contractors might take advantage of the grace period and incentive should be provided to obtain their licenses on time.

Commissioner E.C. Wareing suggested that a 20% per month penalty should be included in the ordinance.

Mayor Garrison stated that he would propose that if license is renewed within 30 days after expiration the electricians should pay an additional \$10.00 fee, two months, a \$20.00 fee, and three months \$30.00 fee, which would be an incentive to renew the license on time.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that amendment be adopted as proposed and that fees be examined at next meeting of this Commission. A unanimous affirmative vote was recorded.

14. Paper Cups for Commissioners - EPA Grant Status Discussed -  
Complementary Letter - Mount Calvary Baptist Church

Commissioner Percy Simond stated that he would prefer that paper cups were provided for the Commissioners' water at future meetings of the City Commission.

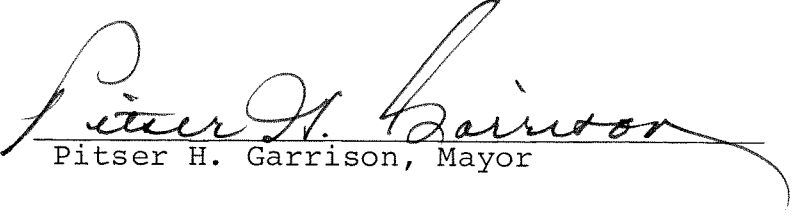
Commissioner E.C. Wareing requested information regarding status of the EPA Grant for construction of the Wastewater Treatment Plant. City Manager Westerholm stated that unless the law was changed or supplemental funding is granted, the City of Lufkin did not receive the 75/25% funding for the proposed Sewer Plant, and if application is approved, the City of Lufkin would receive a 55/45% grant. City Manager Westerholm stated congress made appropriations in the month of July, but the City of Lufkin had been given a September 30th deadline to submit application.

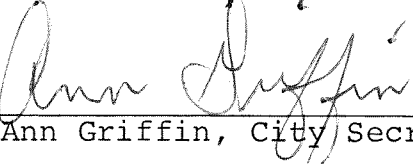
Mayor Garrison stated that he would like to take note that a letter had been received from Rev. I.D. Starlings, of the Mt. Calvary Baptist Church, thanking the Street Department of the City of Lufkin for the work they had done on Calvary Street which is the primary street leading to the church. Mayor Garrison further stated that the City Commission is very appreciative of this letter, and that the Street Department employees should be made aware of same.

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



ATTEST:

  
Pitser H. Garrison, Mayor

  
Ann Griffin, City Secretary