

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 23RD DAY OF MARCH, 1982, AT 5:00 P.M.

On the 23rd day of March, 1982, 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 A. Simond, Jr.	Commissioner, Ward No. 1
Don E. Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Criffin	City Secretary

being present, and

Richard Thompson	Commissioner, Ward No. 5
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Fletcher Erwin, Associate Pastor of First Baptist Church, Lufkin.
2. Mayor Garrison welcomed visitors present, and stated that everyone should pay special attention to the Centennial Flag which had been placed in the Council Chambers. Mayor Garrison stated that the flag was flown at the Civic Center January 1, 1982, to usher in the Centennial Year of Lufkin.

3. Approval of Minutes

Minutes of regular meeting of March 9, 1982, regular meeting and special meeting of March 17, 1982, were approved on motion by Commissioner Pat Foley and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. "Reinvestment Zone" - Ordinance approved - Second Reading - Contracts Approved - John Duke - John Estes

Mayor Garrison stated that the City of Lufkin had been considering the creation of a "Reinvestment Zone" for the purpose of encouraging improvement and redevelopment of the deteriorating areas of the City. Mayor Garrison further stated that four (4) different plans or proposals for redevelopment of the downtown area had been discussed with the following individuals: John Duke, John Estes, Nila Boddie, and Glenn Armstrong. Mayor Garrison further stated that the zones must be implemented by special contract between the City and developer to provide for abatement of taxes for a designated period of time. Mayor Garrison stated that interested individuals were asked to bring specific proposals to the City Commission, and tonight the Commission will consider Ordinance on second reading. There was no opposition present.

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

Mayor Garrison then recognized Mr. John Duke who stated that he had listed twelve (12) items in his plan to rennovate his building in downtown Lufkin. Mr. Duke stated that he would essentially only leave the present roof and walls of his building, demolish 204, 206, and 208 North First Street, and demolish 25 feet from the rear of the remaining building. Mr. Duke stated that he estimated his cost between \$20,000 and \$50,000 in improvements.

Mayor Garrison stated that the procedure for determining amount of tax abatement had not been decided, and the City Staff had suggested the implementation of a sliding scale to make the determination.

Commissioner E. C. Wareing stated that a rule of procedure should be established, and the following suggestion was agreeable:

first \$100,000 of improvement	100% abated
next \$200,000 of improvement	75% abated
next \$400,000 of improvement	50% abated
next \$800,000 of improvement	25% abated
all above	no abatement

Mayor Garrison stated that if additional money is spent in the downtown section of Lufkin an impact would be felt by other property in the area. Mayor Garrison stated that if first \$100,000 of improvements was abated the entire amount for Mr. Duke's property would be abated.

Commissioner Pat Foley stated that he felt eight (8) to ten (10) years would be a feasible time period for abatement, and he would encourage people to seek financing even with high interest rates. Commissioner Bob McCurry stated that he was in favor of ten (10) years rather than 15 for the abatement period.

City Attorney Bob Flournoy stated that the revitalization of a deteriorating area of town should be the main objective of reinvestment zones. City Attorney Flournoy further stated that the worst area should be considered and most favorable amount of abatement should be in that area.

City Attorney Flournoy stated that if a zone was designated for a certain time period a request for additional time would have to be made under another contract, and terms must remain the same in the entire zone.

Motion was made by Bob McCurry and seconded by Commissioner Pat Foley that John Duke's proposal be accepted according to conditions of contract, and that tax abatement be awarded for ten (10) years beginning January 1, 1983.

Motion was made by Percy Simond and seconded by Commissioner E. C. Wareing that the City be authorized to execute a contract with John Duke. A unanimous affirmative vote was recorded.

Mayor Garrison recognized David Dunn, local attorney, representing John Estes, who stated that Mr. Estes had submitted a proposal for renovation work with approximate cost of \$39,000.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that agreement be executed with John Estes as outlined for John Duke. A unanimous affirmative vote was recorded.

5. Zone Change - Approved - Second Reading - Connie Lee - RL to NR, SU (Beauty Shop)

Mayor Garrison stated that zone change application by Connie Lee covering property located at 811 Hylane Street between Allendale Drive and Feagin Drive from Residential Large District to Neighborhood Retail, Special Use (Beauty Shop), 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 Don Boyd that zone change application be approved on second and final reading with restrictions designated at last meeting. A unanimous affirmative vote was recorded.

6. Zone Change Approved - Second Reading - Bobby H. Tucker - RM to NR

Mayor Garrison stated that zone change application by Bobby H. Tucker covering property located on Chestnut Street between Denman Avenue and York Drive from Residential Medium District to Neighborhood Retail 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 Don Boyd that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Proposed use of Alternate Fuel in City Vehicles - LPG - CNG - Bids to be Received

Mayor Garrison stated that the City Commission had received information from several sources and had requested that specifications be written for receipt of bids on CNG and LPG as alternate fuel sources for City vehicles. Commissioner E. C. Wareing stated that the City should accept best bid overall.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that specifications be submitted to public bid for CNG and LPG. A unanimous affirmative vote was recorded.

8. Establishment of Hearing Date - Approved - Herty Area - Annexation & Permanent Zoning

Mayor Garrison stated that the City had been petitioned by a group of homeowners in the Herty Area for annexation, primarily because of a severe sewage problem. The area was determined by locating the property of all petitioners and then squaring off the boundary to include same and some who did not sign. Mayor Garrison stated that 65% of property owners in the area had signed petition requesting annexation.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that public hearing be set for April 20, 1982, meeting at 5:00 p.m. A unanimous affirmative vote was recorded.

9. Request for Street Closing & Installation of Safety Devices - Postponed-Crown Colony Improvement Association

Mayor Garrison stated that a petition had been received from Crown Colony Improvement Association requesting the closing of a portion of Temple Blvd., and the installation of safety devices on Champions Drive. Mayor Garrison recognized Walter Borgfeld, local Attorney, appearing in representation of request.

Mr. Borgfeld stated that the petition contained 130 signatures, and the Planning & Zoning Commission had voted to recommend closing of Temple Blvd. which would necessitate the purchase of same by Exeter Investment who would convey the property to the Homeowners Association. Mr. Borgfeld further stated that the property owners desired to install video tape cameras and striping on Champions Blvd. to have one lane of traffic to allow camera to record license plates of cars entering Crown Colony. Mr. Borgfeld stated that Temple Blvd. would be open during normal business hours and closed from 10 p.m. to 6 a.m. Mr. Borgfeld stated that the video tape camera would work 24 hours a day and be triggered by an electric eye device or something similar.

Mayor Garrison stated that the City of Lufkin does not have the authority to allow a barrier to be erected on a public street. Commissioner Percy Simond stated that he was opposed to making laws to accomodate the affluent within the community. Commissioner Simond stated that the City should submit the question to a vote by the people at next election in 1983.

In answer to question by Commissioner Don Boyd, Mr. Borgfeld stated that the police and fire chief were consulted regarding a hindrance to emergency vehicles if closing occured, and they stated that Champions Drive would not slow response time to any great degree.

Mayor Garrison stated that the City would be accepting liability if an ambulance driver or doctor did not know gate was closed and had to seek an alternate route on Champions Blvd. Mr. Borgfeld stated that he knew of no law which required the City provide streets to allow the quickest way to his house for emergency vehicles. Mayor Garrison stated that the City could not close a street that is already there and people are used to traveling. Mayor Garrison inquired if every possibility of providing security had been explored without closing Temple Blvd. Mayor Garrison stated that he would have no problems with the request if Temple Blvd. was closed at Hwy. 59 right-of-way and at Champions Drive right-of-way, but he could not agree to have it blocked halfway into the subdivision.

Commissioner Percy Simond stated this would open a floodgate of people wanting their street closed, and he had not heard of any crime problems in Crown Colony.

Commissioner Pat Foley stated that the property owners would have to agree to hold the City harmless for any actions that were taken against it relative to the street closing.

Horace Stubblefield, property owners, stated that the request was an attempt to have people use one entrance and this would provide protection for property owners. Mr. Stubblefield stated this would make the job of the police department easier because the number of people entering would be on video tape.

Walter Borgfeld stated that the property owners are aware of the procedures and would not be at meeting if they did not feel it was in their best interest.

Commissioner Percy Simond stated that the rich and powerful are not subjected to crime, and Crown Colony has not had any crime problems. Commissioner Simond stated that he would like to see a report from the police department on the amount of calls answered in this area by the police department.

Commissioner Pat Foley stated that closing of the entire street had been mentioned; and if the property owners would be agreeable to purchasing their share of the street this would be a better plan. Mr. Borgfeld stated that it would have to be discussed by property owners.

Robert W. Smith, property owner, stated that his home and two others were burglarized, and Fleetwood development in Fort Worth also had a main and auxiliary entrance which was closed as crime increased, and the property owners at Crown Colony are asking that something be done before crime increases. Mary Jane Maroney stated that Temple Blvd. is one (1) block in length and goes nowhere. Mrs. Maroney stated that they would like to keep traffic down and people out who have no business in the area between the hours of 10 p.m. and 6 a.m.

Mayor Garrison stated that Temple Blvd. is a public thoroughfare which everyone has a right to travel, and the City has an obligation to keep open. Mayor Garrison further stated the request is just an effort to put a gate across a street to close it even though only 50 feet is requested to be closed.

Mr. Stubblefield requested that item be tabled until next meeting to allow time to consult with property owners to ascertain if they want to close entire block on Temple Blvd.

Commissioner E. C. Wareing requested that traffic counts be made and City Tax Assessor/Collector appraise the street because state law requires that City sell streets at appraised value.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that request be postponed until next meeting of City Commission. A unanimous affirmative vote was recorded.

10. Personnel Policies - Postponed

Mayor Garrison stated that a study authorized by the City Commission had been completed and the proposed new personnel policies had been submitted for adoption.

City Manager Westerholm stated that the personnel policies would update present policies and conform with guidelines established by EEOC. Commissioner Pat Foley stated that he would like more time to study proposed plan in more detail.

Commissioner E. C. Wareing stated that particular attention should be given to Chapter 8 which covers changes in "Leave" policies. City Manager Westerholm stated that a classification system with minimum salaries for each job are established, and the City would like to adjust first those salaries that did not meet minimum recommendations. Mayor Garrison stated that he would like to have a detailed analysis of changes in the salaries.

Commissioner E. C. Wareing stated that most Commissioners may not understand the job evaluation system on which the study is based, and to receive a favorable reaction, it must be understood how each decision was made in the first place. Commissioner Wareing stated that he felt the proposed plan is a good system if properly done and is a necessity for any organization with over 15 to 20 employees. Commissioner Wareing stated that a brief summary might be helpful as background material to the study. City Manager Westerholm stated that certain jobs in the City have been evaluated and duties listed.

It was the consensus of opinion that the Personnel Policy consideration be postponed until further information is available.

11. Bids - Approved - Copper Tubing, Water Department, Universal Supply Co. - Self-Priming Pump, Water & Sewer Dept. - Smith Pump Co. - Budget Amended

Mayor Garrison stated that bids had been received for the purchase of Copper Tubing for use in the Water Department. Mayor Garrison stated that the Bid of Universal Supply Co., in the amount of \$.485 for 3/4" and \$.705 for 1" tubing was recommended for approval.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the low bid of Universal Supply Company be approved for purchase. A unanimous affirmative vote was recorded.

Mayor Garrison stated that bids had been received for the purchase of self-priming pumps to be used in the Water & Sewer Department. Mayor Garrison stated that the bid of Smith Pump Company in the amount of \$9,190 per lift station was recommended for approval. City Manager Westerholm stated that the bid was \$380 over budget amount for the pumps.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that low bid of Smith Pump Co., be approved for purchase and budget be amended to cover the \$380 overage on same. A unanimous affirmative vote was recorded.

12. EXECUTIVE SESSION - Appointments to Board of Development -Purchase of Real Estate

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss appointments to the Board of Development and the purchase of real estate. Mayor Garrison recessed formal open meeting of the City Commission at 7:05 p.m. At 7:30 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of Executive Session. Mayor Garrison stated that the Commission had discussed two vacancies on the Board of Development which works closely with the Chamber of Commerce, and agreement had been made on two appointments. Mayor Garrison further stated that City Manager Westerholm will talk to the individuals and if they accept, the names will be released to the press. Mayor Garrison further stated that if the individuals did not accept, this would again be considered at next meeting of Commission.

Mayor Garrison stated that the Commission also discussed the acquisition of property from the B. F. Gibson Family with the idea of expanding the Civic Center with a view toward a fine arts auditorium at a future date. Mayor Garrison stated that the price of the property is \$250,000 with \$25,000 cash and the balance payable at \$25,000 per year for 9 years. Mayor Garrison stated that the Gibson family would retain mineral rights, be allowed to move buildings off the property before August 31, 1982, and to erect a marker to pay homage to their family.

Mayor Garrison stated that part of the agreement is that if the property is sold by the City during the first year, the balance would be immediately payable, and a portion of the block would be donated to the City which would provide tax consideration to the family. Mayor Garrison stated that the contract was in hand executed by the Gibson family, and it is the opinion of the Commission to go forward with the transaction.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd to authorize Mayor Garrison to represent the City and execute such instruments as necessary to achieve this real estate acquisition. A unanimous affirmative vote was recorded.

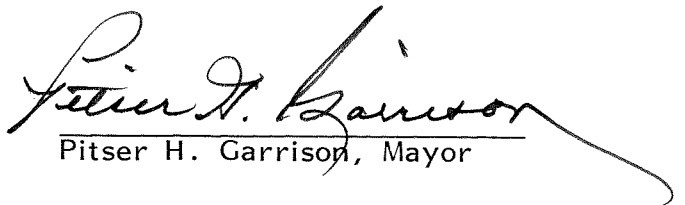
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Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that necessary documents be instituted to issue certificates of obligation for balance due on subject property. A unanimous affirmative vote was recorded.

Mayor Garrison stated that this transaction would give the Government Services Agency the option to purchase property on First Street or to purchase this property from the City for construction of the new federal building, but the City hoped to keep the B.F. Gibson property.

13. There being no further business for consideration, meeting adjourned at 7:40 p.m.




Pitser H. Garrison, Mayor


Ann Griffin, City Secretary