

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 17TH DAY OF APRIL, 1984, AT 5:00 P.M.

On the 17th day of April, 1984, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers 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
	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
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 and,

E.C. Wareing	Commissioner, Ward No. 6
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Curtis Keith, Pastor of First Christian Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of April 3, 1984, were approved by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. Canvass of April 7, 1984 - City Officer's Election - Returns Accepted As Certified By Election Judges - Oath of Office Administered

Mayor Garrison stated that the City's regular election had been held on April 7, 1984, and announced that Election Judges 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 5, Commissioner Ward 6, and Unexpired Term of Commissioner of Ward 3:

Total # Votes Received

Commissioner, Ward V

Jack Gorden, Jr.	522
David Thompson	147

Commissioner, Ward VI

Louis A. Bronaugh	108
Ed. C. Wareing	97

Commissioner, Ward III
(unexpired term)

Lynn Malone	142
O. Leo Porter	138

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated winners of the election to be Jack Gorden, Jr., Commissioner of Ward V, Louis A. Bronaugh, Commissioner of Ward VI, and Lynn Malone, Commissioner of Ward III for an unexpired term of two (2) years.

Commissioner Richard Thompson made a motion that the above listed results be made official as reported by election judges and Jack Gorden Jr. be declared winner for position of Commissioner of Ward V for a three (3) year term to terminate in April of 1987, that Louis A. Bronaugh be declared winner for position of Commissioner of Ward VI for a three (3) year term to terminate in April of 1987, and Lynn Malone be declared winner for position of Commissioner of Ward III for an unexpired two (2) year term to terminate in April of 1986. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison congratulated newly elected Commissioner Jack Gorden, Jr., Commissioner Louis Bronaugh, and Commissioner Lynn Malone. Mayor Garrison then administered Oath of Office to Commissioner Gorden, Commissioner Bronaugh, and Commissioner Malone. Mayor Garrison then recognized Commissioner Richard Thompson for his service of five (5) years on the Planning and Zoning Commission and two (2) three (3) year terms on the City Commission. Mayor Garrison stated that the City Commission was grateful to Commissioner Thompson for his guidance and service to the City of Lufkin and expressed thanks to his wife, Billie, for the time that she permitted Commissioner Thompson to spend in service to the City of Lufkin. Mayor Garrison presented Commissioner Thompson with a ten (10) year service pin and a plaque recognizing his service on the Planning and Zoning Commission and the City Commission.

Commissioner Richard Thompson stated that he enjoyed the responsibility and was willing to help the City of Lufkin in any way in the future.

Mayor Garrison stated that a plaque had been prepared for Commissioner E.C. Wareing and it would be presented to him at a later date.

5. Public Hearing - "Reinvestment Zone" - Tax Abatement Program -
Page Perry

Mayor Garrison stated that a request had been received from Page Perry to consider designation of a "Reinvestment Zone" for Tax Abatement Program covering property located in Block 12 of the Original Town of Lufkin being Lots 1,2,3,4, and West ½ of Lot 5. Mayor Garrison officially opened public hearing. Mayor Garrison recognized Page Perry appearing in representation of his request.

Mr. Perry stated that he had begun improvements, to his property and anticipated more in the future. Mr. Perry stated that he understood that the taxes on improvements to the property would be abated for a certain length of time.

Mayor Garrison stated that under this program at the end of ten (10) years, taxes will be assessed on the value of the property plus improvements. Mayor Garrison stated that most of the work proposed by Mr. Perry would be maintenance such as repairing air-conditioning and roofs, and he understood that the law was to encourage renovations and improvements to the outside appearance of buildings in the main business section of the City.

Commissioner Pat Foley stated that he would question whether Mr. Page's project qualified since he was only doing general maintenance and other participants under the Tax Abatement Program have renovated and upgraded the entire property.

Mayor Garrisons stated that the maintenance projects done by Mr. Perry would be needed again in ten (10) years because they were more of an interim type maintenance and Mr. Perry should consider an upgrading of his property.

City Attorney Bob Flournoy stated that a contract between the City and Mr. Perry indicating what Mr. Perry will be doing to upgrade the property and if he decides to do additional work a year later that is not listed under this contract, Mr. Perry would have to appear before the City Commission for another contract approval. City Attorney Flournoy further stated that there was 100% tax abatement on the first \$100,000 spent on upgrading of the property and Mr. Perry would have to provide plans and specifications of the proposed

renovations to his property. City Attorney Flournoy stated that the work that has been proposed by Mr. Perry will not change the tax assessment of his property.

In answer to question by Commissioner Jack Gorden, City Attorney Flournoy stated that under Vernon's Annstated Civil Statutes, the City of Lufkin is permitted to create Tax Abatement Zones which cover a new building or renovating an existing building. City Attorney Flournoy further stated maintenance work does not add to the tax base of property.

There being no further discussion, Mayor Garrison declared public hearing closed.

6. Ordinance - Approved - First Reading - "Reinvestment Zone" - Tax Abatement Program - Page Perry

Mayor Garrison stated that the City Commission would now consider the ordinance on first reading that would designate the property owned by Page Perry located in Block 12 of Original Town of Lufkin being Lots 1,2,3,4, and west ½ of Lot 5. Mayor Garrison further stated that the ordinance contained blanks that would be filled in before second reading and that the Tax Abatement Zone would become effective upon second reading and extend for ten (10) years.

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

7. City Hall - Future Space Needs - Discussed - Action Tabled

Mayor Garrison stated that City Manager Westerholm had been requested to make a study of the existing space and future space requirements of City Offices contained in the City Hall and the Annex for the next ten (10) to (20) years.

Commissioner Percy Simond stated that most of the City Commissioners understood that he was obsessed by the idea of relocating the City Hall. Commissioner Simond stated that he had met with several people in regard to purchasing the Angelina Hotel for City Offices. Commissioner Simond stated that it appeared that it was a consensus of the City Commission that the Angelina Hotel would not be appropriate for a new City Hall because of the cost involved in renovation, and he would like to propose an alternative to the Angelina Hotel. Commissioner Simond stated that land presently owned by the City behind the City Hall has houses adjacent to it for sale and the City might consider constructing the new City Hall on this property. Commissioner Simond stated that the City Commission should move with dispatch, that the City Engineering Department should develop floor plans, that the City Manager should be authorized to expend funds for plans to utilize available City land and possible acquisition of adjacent property, and obtain figures to move forward with approval of the new City Hall. Commissioner Simond stated that the City Staff should be in a new City Hall at the present time.

Mayor Garrison stated that he appreciated the fact that Commissioner Simond felt that the City needed new facilities and that space seems to be considerably inadequate, but it might be more economical to close the alley behind City Hall and build another section onto the existing building.

Commissioner Don Boyd stated that according to the figures displayed in the survey an additional 8,000 square feet was needed at the present time. Commissioner Boyd stated that the City Commission should decide if it would be more feasible to renovate the Angelina Hotel or add to the existing building. Commissioner Boyd stated that he would like to see this City Commission plan a building that would be adequate for the next five (5) or ten (10) years because it is evident that poor planning went into the present City Hall and figures were needed to consider the alternatives.

Mayor Garrison stated that he remembered when the present City Hall was built that funds were short and it was an emergency situation. Commissioner Louis Bronaugh stated that he had talked with a Commissioner who served on the Commission at the time the present City Hall was built and he stated that a foundation for a two story

building was considered but funds were not available at that time.

In response to question by Commissioner Bronaugh, Mayor Garrison stated that a new City Hall could be financed through certificates of obligation, rather than a bond election, but public approval would be needed to begin construction.

Commissioner Pat Foley stated that in planning for the new City Hall consideration should be given to employing an architect to decide what is needed and to make projections for the future. Mayor Garrison stated that it might be wise to get an idea of the cost and survey the citizens of Lufkin first and then after a thorough study was made on the alternatives, the City Commission should be supportive of the move.

Commissioner Simond stated that he would like to place consideration of the new City Hall on the agenda for the next two (2) or three (3) meetings. Mayor Garrison stated that he would like to suggest that the second meeting in May be designated for discussion of matter to provide 30 days for consideration and proposed plans.

8. Ordinance - Approved - Second Reading - Zone Change - Anna Bell Carter - RM to RS

Mayor Garrison stated that a request for zone change to establish Permanent Mobile Home Permit by Anna Bell Carter covering property located at 614 Kiln Street being lots 3 and 4 of Block 1 of the Louise Mantooth Subdivision between Bynum and Raguet from Residential Medium to Residential Small had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

9. Ordinance - Approved - Second Reading - Zone Change - Eloise Buschman - RL to RS

Mayor Garrison stated that zone change request by Eloise Buschman covering property located on the corner of Lufkin Avenue and Renfro Drive between South Medford Drive and Ford Chapel Road from Residential Large to Residential Small had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

10. Ordinance - Approved - Second Reading - Zone Change - Ray L. Beard - RM to RM, SU (Item 25C-Professional Office)

Mayor Garrison stated that zone change request by Ray L. Beard covering property located at 2001 N. Timberland Drive between Melvin Street and Forest Park Drive from Residential Medium to Residential Medium, Special Use (Item 25C-Professional Office) had been approved on first reading at last meeting of this Commission. There was no opposition present.

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

11. Amendment - Approved - Second Reading - Traffic Ordinance - Parking In Alleys

Mayor Garrison stated that amendment to the Traffic Ordinance regulating parking in alleys had been approved on first reading at last meeting of this Commission. Mayor Garrison further stated that an ordinance implementing suggestion for changes made at last meeting of this Commission had been prepared by City Attorney.

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

12. Zone Change - Approved - First Reading - Memorial Hospital - RL, SU to LB, SU (Professional Offices)

Mayor Garrison stated that zone change request by Memorial Hospital covering property located at the Southwest corner of Franklin and Ellis Avenues from Residential Large, Special Use to Local Business, Special Use (Professional Offices) had been recommended to City Commission for approval by Planning and Zoning Commission. Mayor Garrison recognized Don Duran, local Attorney, representing Memorial Hospital.

Mr. Duran stated that Memorial Hospital is asking for a zone change for the property surrounding the present Dialysis Center to develop a professional business community with an emphasis on medical and health care. Mr. Duran further stated that the Zone change would be consistent with the present zoning along Ellis Avenue and development of that area of the City. Mr. Duran stated that Jerry Hill, local architect, was present to present a drawing of what is proposed on the property and Jimmy Griffith, of Griffith and Associates, was present to speak on the drainage problems in the area.

Mr. Hill stated that the property would be divided into one-half acre lots and two lots would be reserved for the Family Practice Clinic where the Angelina City/County Health Unit would also be located. This clinic will be for doctors to complete their residency program in the City of Lufkin. Mr. Hill further stated that the offices would be restricted to Doctors Offices and that there would be 12 doctors completing the residency program that would be directed by both hospitals.

Mr. Griffith explained the existing drainage patterns in the neighborhood, that there was a ditch between Markus and Jordan Street, and that the water flows from Franklin Street to the ditch, across Cordelia, and into Cedar Creek in the Gaslight Square vicinity. Mr. Griffith stated that residents had expressed concern that additional water run-off from the subject property due to proposed development would aggravate flooding problems along Franklin Street. Mr. Griffith stated that he had discussed this with the City Staff and that one-third of the water from this property drains into the ditch between Markus and Jordan. Mr. Griffith stated that the storm sewer in the area is overloaded and that property along the water route are having problems with flooding. Mr. Griffith further stated that it would be possible to take the water to Franklin in a storm sewer and then release it into the ditch but an increase in the size of the storm sewer would be required and he would propose the hospital pay for the increase in storm sewer size.

In response to question by Commissioner Percy Simond, Mr. Griffith stated that this is a serious problem that has been existing for 25 years. Mr. Griffith stated that the impact of the development would not raise the level of the water over one-half inch. Mr. Griffith stated that an answer to the problem would be a storm sewer in the creek large enough to carry the estimated five year storm run-off with a provision to allow extra water to flow in a swale.

Mayor Garrison stated that the problem in this area is not the same as the problem with Charles Wilson's home, who complained that by the City removing the debris and cleaning out the creek it caused a washing of the bank below his property and that the City employees entered his property without permission.

City Attorney Bob Flournoy stated that the City does not have a liability but they might have some responsibility to help with the present drainage problem in the area. City Attorney Flournoy further stated that Charles Wilson's claim is that straightening out the creek one-half mile above his property caused the velocity of water to greatly increase which in turn caused erosion of his property. City Attorney Flournoy stated that if the City has a responsibility, it is to prevent flooding and to remove water from areas that are prone to flood. City Attorney Flournoy stated that the City does not have a liability in this situation but might have a responsibility as a public entity. In answer to question from City Commission, City Attorney Flournoy stated that a responsibility is something that you feel should be done rather than a legal requirement.

Commissioner Percy Simond stated that the point is that citizens living near the creek have a problem and it is the responsibility of the City Commission to clean the ditch where debris has made it difficult for the water to flow and the blame should not be laid on the hospital but the citizens should receive assistance.

In response to question by Commissioner Pat Foley, Jimmy Griffith stated that Ellis also had an existing drainage problem and that ditches in that area are loaded.

City Manager Westerholm stated that if the City had been requested to remove debris from the ditch it would be done. The City acknowledges there is a problem behind the homes where the creek flows, but every creek in the City of Lufkin has that problem to some extent.

In response to question by Commissioner Don Boyd, Jimmy Griffith stated that 42 inch storm sewers were proposed for Franklin Street where the road ditches fill up at each rain but nothing is proposed to be done to the creek which would be necessary to eliminate the problem. Mayor Garrison stated that the cost is estimated to be \$52,000 for work on the creek from Franklin to Cordelia Street.

In response to question by Mayor Garrison, Jimmy Griffith stated that construction on the proposed property would increase the amount of run-off by 40%, or for the present 290 cubic feet per second, the change would be 6 to 8 cubic feet per second which is minor. Mayor Garrison stated that at present, property is zoned for hospital construction, and if the hospital were built on the property the run-off would be considerably more. Mayor Garrison stated that the zone change would not increase the amount of run-off. Mayor Garrison stated that in the light of the report given by Jimmy Griffith, the City Commission needs to address the problem as a top priority item and, in cooperation with the neighborhood, plan to prevent this drainage problem from worsening.

Mayor Garrison recognized Ed Wagoner, property owner in the area, who stated that he would like to address the flooding situation in the Tanglewood Addition. Mr. Wagoner stated that when the Tanglewood Addition was developed, an attempt was made to change the drainage by constructing a ditch from Franklin to Cordelia and since that time the City has failed to address the drainage problem. Mr. Wagoner further stated that at the present time rain soaks into the ground but once the concrete parking lot covers the area this will cease. Mr. Wagoner stated that water coming from a 42 inch storm sewer will cause damage to the property below and increase the problem of erosion which at the present time is the biggest problem caused by the ditch.

Commissioner Percy Simond stated that he realized that area like this are all over town and the cost would be prohibitive to attempt renovation of all such areas. Commissioner Simond further stated that regardless of the cost of the storm sewer from Franklin to Cordelia the City Administration should meet with the property owners in the area and prepare a plan to relieve the drainage situation. City Manager Westerholm stated that a solution to the problem would be to install a covered storm sewer in the ditch.

In response to question by the City Commission, Jimmy Griffith stated that either a 60 inch or 42 inch pipe would be acceptable and both would allow for a swale to route the overflow from the pipes overland to the creek.

In answer to question by Cooper Castleberry, property owner in the area, Mayor Garrison stated that no one is allowed to change the normal flow of surface water. Mayor Garrison further stated that he served as a member of the board of Memorial Hospital as a civic duty for which he was not compensated and since he received no compensation for serving on the City Commission, he was not technically disqualified from voting on the drainage problem in the area. Mayor Garrison further stated that there is a problem and to the extent that the City could address it, we need to do so. Mayor Garrison further stated that the changing of the zone would not increase the water flow because, at present, a hospital could be constructed on the site which would increase the amount of run-off more than the proposed office park. Mayor Garrison stated that he could not remember the problem being presented to the City

Commission in the past 14 years and the proposed clinic for doctors completing their residency training would be a very important asset to the City of Lufkin.

Sarah Clark, property owner in the area, stated that in 1971, the City had made an agreement with her which stated that the City of Lufkin would build a concrete retaining wall along the ditch behind her property in return for an easement to reroute the sewer line.

Mayor Garrison stated that the zone change and the drainage problem should be considered as separate issues and that most of the drainage problems come from other sections of town rather than the area proposed for the zone change. Mayor Garrison stated that if the money were available to the City of Lufkin, he would be in favor of attempting to rectify the drainage situation.

In response to question by Mrs. Wagoner, Mayor Garrison stated that the City has not agreed to pay for any part of the storm sewer and was now considering the whole picture to see what could be done about the creek regardless of the zone change.

Doyle Blackburn, property owner in the area, stated that engineers had changed the flow of the creek and a pipe was installed on his property on the north side of Ellis Avenue without permission.

Harry Castleberry stated that erosion caused by the increased size of the storm sewer would cause more damage in the area. Mr. Castleberry further stated that the City had admitted responsibility by making an agreement with Mrs. Clark for an easement to re-route the sewer across her property and each property owner deserved the same consideration. Mr. Castleberry further stated that a pipe goes across Mr. Leach Waltz's property to the ditch, and if the City was going to have the property owners share the cost to rectify the situation, every property owner on the watershed should share in the cost.

Mayor Garrison stated that the agreement with Mrs. Clark and the City is for an easement and the City is obligated to fulfill the terms. City Manager Westerholm stated that the easement across Mrs. Clark's property was necessary to move the existing sewer line because the erosion had been damaging the sewer line.

Rebecca Allen, property owner, stated that Franklin Street was too narrow for the additional traffic that would be experienced when the offices are constructed and the street leading into the subject property would exit directly across from her rear driveway.

In response to question by Lynn Malone, City Manager Westerholm stated that the storm sewer would be the reasonable solution to the problem of water run-off from Franklin to Cordelia and the estimated cost to the City was \$52,752.

Mayor Garrison stated that a plat would have to be prepared and approved by the Planning and Zoning Commission at which time the drainage would be discussed. Mayor Garrison further stated that the narrowness of Franklin Street had been discussed at Planning and Zoning Commission meeting and requested information on whether the hospital planned to increase the width. Don Duran, Attorney for Memorial Hospital, stated that the hospital has not considered widening Franklin Street and the increase in traffic would not be significant because the same people using doctors on Ellis would still travel Ellis Street. Mr. Duran further stated that the hospital would be willing to assist the City in widening the street.

Mayor Garrison stated that everyone is concerned about the drainage problem and granting of the zone change should include consideration of the drainage problem and the width of Franklin Street.

Commissioner Pat Foley stated that consideration should be given to the width of Franklin Street and do further study into the drainage below Cordelia Street should be made, but he did not object to the approval of the zone change on first reading at this meeting.

Mayor Garrison stated that it appears the hospital plans are not being protested and the City should study the drainage problem further with Griffith Engineers and if the members of the City Commission agreed, the zone change could be considered on first reading with the understanding that before the second reading the

problem of drainage and street width should be settled to the satisfaction of everyone concerned.

Horace Cardwell, Administrator of Memorial Hospital, stated that the Family Practice Center hoped to be in their building by the middle of 1985, which placed them under somewhat of a time deadline, and that the hospital has always tried to get along with their neighbors.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that the zone change be approved on first reading. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that the City Administrator should start work immediately to have recommendations prepared by next meeting of this Commission indicating what the City of Lufkin would be willing to do in regard to the drainage problem.

13. Zone Change - Approved - First Reading - Lovie C. Lane - RM to RM,SU (Daycare Center)

Mayor Garrison stated that zone change request by Lovie C. Lane covering property located on Rowe Street between Culverhouse and Cain Street from Residential Medium to Residential Medium, Special Use (Daycare Center) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

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

14. Zone Change - Approved - First Reading - Lloyd C. Callahan - RL to C

Mayor Garrison stated that zone change by Lloyd C. Callahan covering property located at and behind 1910 S. First Street between Janeway and S. John Redditt Drive from Residential Large to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. Mayor Garrison recognized Larry Byrd, local attorney, who stated that the purpose of the zone change was to expand Mr. Callahan's business and the front 200 feet of the property was presently zoned Commercial. There was no opposition present.

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

15. Bids - Approved - Two Side Loading Waste Collection Vehicles - Sanitation Department - Basic Waste Systems

Mayor Garrison stated that bids had been received for the purchase of two side loading waste collection vehicles to be used in the Sanitation Department and requested that City Manager Westerholm provide staff recommendations.

City Manager Westerholm stated that Public Works Director Ron Wesch and I have been exploring some possibilities for improving garbage collection operations and with the purchase of two side loading waste collection vehicles, one lease purchase agreement, and outright purchase of another, the number of men to operate two (2) trucks would be reduced from six (6) to four (4), two (2) per truck, allowing the addition of one route, and trips to the dump would be reduced from three (3) per day to one (1). City Manager Westerholm stated that the City of Lufkin is charged by the size of the truck that goes to the dump and not for the weight of the garbage, therefore, this would reduce landfill fees which have been increased by 50% this year.

Mayor Garrison stated that he would like to have a report in six (6) months indicating how much has been saved with the addition of the new trucks to the Sanitation Department.

City Manager Westerholm stated that he would like to recommend the purchase of the 1981 International 25 cubic yard (demonstrator unit) in the amount of \$51,400 from Basic Waste System and the lease purchase of a 1981 International 20 cubic yard (demonstrator unit) for the amount of \$43,700 from Basic Waste Systems.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that City Manager be authorized to purchase one unit and lease purchase the other unit from the low bidder, Basic Waste Systems, and that the budget be amended accordingly. A unanimous affirmative vote was recorded.

In answer to question by Mayor Garrison, Public Works Director Ron Wesch stated that on the lease purchase agreement all money paid would be credited to the purchase price except for the 11% interest.

16. City Planning and Zoning Commission - Increase in Members - Tabled

Mayor Garrison stated that a letter had been received from City Commissioner Percy Simond recommending an increase in the number of members on the City Planning and Zoning Commission. Mayor Garrison requested that Commissioner Simond report to the City Commission the reason for his recommendation.

Commissioner Simond stated that he noticed that over the years absenteeism on the Planning and Zoning Commission has increased and that of the minutes included in the distribution for this meeting there were only five (5) and four (4) members present at each meeting. Commissioner Simond stated that it is possible there might be a time when they would not have a quorum to conduct a meeting, and he would like to provide an opportunity for more citizens to participate in local government.

Commissioner Foley stated that he was not aware of the absentee problem and while he did not disagree with increasing the size of the Commission he did not want to get so big that it would be unproductive.

Mayor Garrison stated that he did not see a problem with the Planning and Zoning Commission as it is presently operating and requested any specific examples from Commissioner Simond regarding the problem. Commissioner Simond stated that he did not have specific examples but was concerned about several meetings with only four (4) to five (5) members present.

Mayor Garrison stated that it had been his experience that the larger the board the more ineffective it becomes, and if the board were increased to nine (9) or eleven (11) members, there would be more absent. Mayor Garrison further stated that as long as there was a quorum and the Planning and Zoning Commission gave the City Commission the benefit of the facts, he did not believe anything would be gained by increasing the number of members. Mayor Garrison further stated that only two (2) people on the City Commission are voted for by each Ward which means that once a zone change is approved by the City Commission only those members have to answer to the ward in which the zone is involved.

Commissioner Simond stated that the Planning and Zoning Commission which is an appointed board has as much power as the City Commission. Mayor Garrison stated that the decision of the Planning and Zoning Commission is never final on Zoning matters, they only recommend, and the City Commission has the responsibility to have the final vote.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Lynn Malone that members of the Planning and Zoning Commission be increased to nine (9).

Commissioner Bronaugh stated that he lacked knowledge of the workings of the Planning and Zoning Commission to qualify him to vote on the motion and would like to study the problem and possibly attend a meeting of the Planning and Zoning Commission before action is taken.

Commissioner Foley stated that he was not aware of the problem and would be willing to look further into the matter but he could not vote to change the number of members at the present time.

Commissioner Don Boyd stated that if the number is increased to nine (9) members five (5) members would be necessary for a quorum.

Mayor Garrison stated that the City Commission could discuss the problem with the Planning and Zoning Commission and requirements on the members regarding their attendance at the meetings.

City Attorney Flournoy stated that for the information of the Commissioners, it is stated by charter that failure to vote on any motion is considered an affirmative vote.

Commissioner Bronaugh stated that he would like Commissioner Simond to know that because of his lack of knowledge in this area he would have to vote against the motion.

Commissioner Jack Gorden stated that he would like to see a record of the absentees during the past year. Mayor Garrison stated that this might provide an opportunity for the City Commission to place a requirement on the members of the Planning and Zoning Commission.

Commissioner Don Boyd stated that he would like to amend the motion to table same until next meeting of the City Commission to provide an opportunity for further study by the City Commissioners. Motion was seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

17. Resolution - Approved - "Pothole Bill" - Encouraging State Legislature

Mayor Garrison stated that a letter had been received from the Texas Municipal League encouraging the City of Lufkin to support the "Pothole Bill" by adopting an appropriate Resolution to forward to the State Legislature.

City Manager Westerholm stated that if the Legislature approved the bill, 5¢ a gallon tax would be added to the price of gasoline and a portion designated to the cities to repair streets. City Manager Westerholm stated that the revenue could amount to as much as \$350,000 annually.

Commissioner Boyd stated that this was before the Legislature last year and failed to pass.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Lynn Malone that resolution be approved as presented. A unanimous affirmative vote was recorded.

18. Authorization to Pay - Maury Stiver - Water Pollution Control Plant

Mayor Garrison stated that a bill had been received from Maury Stiver of Stiver Engineering Inc. in the amount of \$5,325 for his engineering services rendered during the month of March with respect to modifications to the Treatment Plant associated with the Texas Department of Water Resources requirements. Mayor Garrison stated that he would like to have an estimate of the length of time required to complete the plans.

City Manager Westerholm stated that Mr. Stiver's recommendations to the Texas Department of Water Resources had been tentatively approved and he is making plans for modifications to the plant even though the Attorney General has not accepted the plan.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that invoice in the amount of \$5,325 be approved for payment. A unanimous affirmative vote was recorded.

19. Resolution - Approved - Criminal Justice Council Grant - Burglary Investigation Unit

Mayor Garrison stated that the City of Lufkin Police Department requests consideration of a grant that would fund a criminal investigator for 12 months with no cost to the City of Lufkin. City Manager Westerholm stated that the amount of the grant would be \$21,711.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that resolution authorizing application for funds be approved as presented. A unanimous affirmative vote was recorded.

In answer to question by Commissioner Don Boyd, Police Chief Leonard Latham stated that the grant would provide another person to the police department for one year.

20. Turnover in Police Department - Charter Wording - Brian Maxey - Roberts Rules of Order

Commissioner Don Boyd stated that turnover in the Police Department was still a problem and that the City of Lufkin was losing money because of the training given to the officers that resign from the Police Department. Commissioner Boyd stated that if the cause of the turnover was money the City Commission should consider increasing the salary.

Commissioner Boyd stated that the charter still indicates that Commissioners are elected at large and it might be advisable to update the language in the present City Charter. City Attorney Flournoy stated that the Charter was adopted by the people and a court order to have Commissioners elected by Wards superseded the Charter but it might be possible to provide a supplement to the Charter indicating changes in election procedures.

Commissioner Jack Gorden stated that he was looking forward to working with the Commissioners and that his main interest was in developing a long range plan for the City of Lufkin.

City Attorney Bob Flournoy stated that a letter had been received from Brian Maxey making requests that the City provide specific things to him in regard to his recent lawsuit. City Attorney Flournoy stated that he would like to inform the Commission that all items mentioned in the letter by Mr. Maxey were dealt with at the hearing and the court has declared that he is not entitled to any of the requests in the letter.

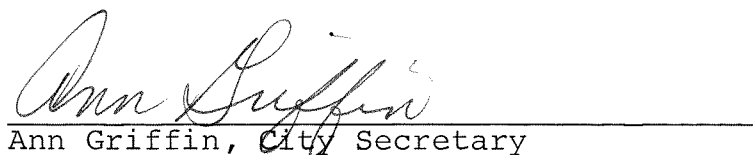
City Attorney Flournoy stated that there is a provision in the Charter of the City of Lufkin for the City Commission to establish all rules and order of business but when the question has been raised in the past, the City Commission has felt that Roberts Rules of Order had been established. Mayor Garrison stated that he thought the specific mention of Roberts Rules of Order was in the Charter and that he believed in the liberty of the Commission to set their own policies.

21. There being no further business for consideration, meeting adjourned at 8:15 p.m.


Pitser H. Garrison, Mayor



ATTEST:


Ann Griffin, City Secretary