

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF OCTOBER, 1985, AT 7:30 P.M.

On the 1st day of October, 1985, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Tommy Deaton	Asst. City Attorney
Nicholas Finan	City Planner
Atha Stokes	Asst. City Secretary

being present, and

Harvey Westerholm City Manager

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Bill Troth, Minister, Believer's Bible Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of September 17, 1985, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Jack Gorden. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - DR. ANDY JORDAN - RL TO LB, SU (DENTAL OFFICE)

Mayor Garrison stated that Ordinance for Zone Change Request by Dr. Andy Jordan covering property located on South John Redditt Drive between Hanks and Copeland Streets from Residential Large to Local Business, Special Use (Dental Office) had been approved on First Reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

5. AMENDMENT - APPROVED - SECOND READING - SANITATION ORDINANCE - GARBAGE PICKUP RATES INCREASED

Mayor Garrison stated that Amendment to the Sanitation Ordinance revising garbage rates from \$4.00 to \$5.00 with a corresponding change in the commercial rate had been approved on First Reading at last meeting of this Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that Amendment to the Sanitation Ordinance increasing garbage pickup rates be approved as presented. A unanimous affirmative vote was recorded.

6. AMBULANCE RATES - REVISED - RESOLUTION - APPROVED

DATE 10/01/85

PAGE 1

Mayor Garrison stated that the Commission had passed a Resolution revising ambulance rates at last meeting of this Commission and it had been decided that further consideration should be given to the differential between City and County residents.

Mayor Garrison stated that City Manager Westerholm and the City staff had prepared a review of ambulance rates from other Cities and it would appear that the average base rate per City was \$75.96 with our rate being \$75.

In response to question by Commissioner Pat Foley, Asst. City Manager Brian Boudreaux stated that a study had not been made to determine the cost per ambulance trip and that the Staff had been waiting for the Fire Management Study report by Long Associates to help in making a determination. Asst. City Manager Boudreaux stated that the rate shown for other Cities was not their actual cost to operate the ambulance but what they charged per run. Commissioner Pat Foley stated that he would be interested in the rates of the privately owned ambulance services and that their charges would possibly be closer to the actual cost.

Commissioner Pat Foley stated that on the list of ambulance rates prepared by the Staff he had not seen any place where it was indicated that the County contributed any funding to the services. Asst. City Manager Boudreaux stated that the only information sought for the report was the actual rate charged.

Commissioner Lynn Malone stated that he was still concerned about the same mileage rate being charged for the City and County, and in his opinion the City residents in essence are paying an additional amount through City taxes.

In response to question by Commissioner Malone, Asst. City Manager Boudreaux stated that the rate of \$45 had been changed to \$75 for the base rate in the City and a \$30 fee added on for emergencies in the City and County. Commissioner Malone stated that from reading the minutes of the last meeting there had been an inequity with the City residents paying City taxes and paying the same rate as County residents for ambulance service.

Mayor Garrison stated that he was concerned about getting the contribution from the County since Chief Jackson had pointed out that the City was assuming obligations it shouldn't assume. Mayor Garrison stated that since City Attorney Bob Flournoy was involved in the lawsuit in Beaumont he had not been able to research our obligations where we agree to provide the service through our firemen.

Commissioner Jack Gorden stated that he would be in favor of passing the Resolution as is and having the option of changing it when we get into the Fire Management Study. Commissioner Gorden stated that in the meantime the new rate change would create some additional revenue. Asst. Manager Boudreaux stated that the City would have to order new forms and program the computer with the new rates and that if the City is going to wait until meeting with the Fire consultants to make a decision we could wait on the actual billing.

Mayor Garrison stated that the new rates were effective as of last meeting. Commissioner Foley stated that he was under the impression that the Resolution had been passed at last meeting and that the Commission could come back at a later date for changes.

Commissioner Pat Foley stated that he was for creating new revenue and there should be a difference in the rates between the City and the County. Mayor Garrison stated that he did not believe in charging mileage in the City.

Mayor Garrison stated if we find that its better judgment to refuse to accept the County's subsidy based on our current contract which puts obligations on us, then we need to make a differential. Mayor Garrison stated that if instead of taking a lump sum guaranteed contract from the County perhaps they would agree to subsidize us so much money for the runs made outside the City. Mayor Garrison stated the County could subsidize the run on mileage or time and we could bill them up to a guaranteed amount and they could reimburse us for the calls we actually make.

Mayor Garrison stated that just having the men and equipment on "standby ready" in case somebody calls costs alot of money.

Mayor Garrison stated that we had already adopted the Resolution with the new rates and he did not want to wait on putting the billing into effect. Asst. City Manager Boudreaux stated that he would get started in the morning with the new billing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to table the revision of the ambulance rates until the Commission finishes the Fire Management Study report. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ANNEXATION & PERMANENT ZONING - OLD ORCHARD ADDITION - RL

Mayor Garrison stated that in looking at an analysis prepared by the City staff there were considerably more residents in the Old Orchard area than he had thought. The analysis estimates there are 175 residents and the estimated revenue from this annexation was \$60,239 including ad valorem tax.

Commissioner Percy Simond stated that he had received numerous phone calls from residents of the area asking why they were not included in the annexation. Mayor Garrison stated that this was the most densely populated area in Fuller Springs and the other areas are more scattered. Mayor Garrison stated that in his opinion if the people are interested we should look into expanding the annexation. Mayor Garrison stated that he would be very much in favor of annexing and zoning more of the area with the understanding that it will take some time to get all of the services to them. Mayor Garrison stated that it would take approximately \$160,000 of expense to do the basic work. Mayor Garrison stated that it was recommended that we improve the streets. Public Works Director Ron Wesch stated that it would cost \$72,292 to resurface the streets and would be close to three years before the work could be done.

In response to question by Mayor Garrison, Public Works Director Wesch stated that it would take approximately \$38,000 worth of materials for the sewer which includes the lift station.

Mayor Garrison stated that if the City of Lufkin annexes the area now the value would be added as of January, 1986, and the ad valorem taxes would be payable in October, 1986, but fees for garbage pickup could begin immediately upon the final annexation.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Ordinance be passed on First Reading as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that when the Old Orchard Addition is annexed into the City it will be zoned Residential Large. A unanimous affirmative vote was recorded.

8. RIGHT-OF-WAY - BROCK & SELLERS STREETS - LOUISIANA PACIFIC LUMBER COMPANY

Mayor Garrison stated that the Commission now had for consideration acceptance of right-of-way on Brock and Sellers Street from Ford to Kurth Drive from Louisiana Pacific Lumber Company.

Commissioner Louis Bronaugh stated that the project had started when he was contacted by Benny Moye in reference to cleaning up some trash that had been dumped along the road on Louisiana Pacific property. Commissioner Bronaugh stated that he and Mr. Moye had met with officials of Louisiana Pacific and there had been a joint effort to clean up the area. Commissioner Bronaugh stated that it was suggested that a crew go out and run the property line and they found that the right-of-way had never been deeded to the City. Public Works Director Ron Wesch stated that Louisiana Pacific Company had wanted to erect a chain link fence along their property line and it was necessary to establish the right-of-way line.

Mayor Garrison stated that he could not understand why we were getting half of the right-of-way and not the entire right-of-way. Public Works Director Ron Wesch stated that the East side of the property was owned by numerous property owners. Mr. Wesch stated that the City was getting 25' from the center line and the Louisiana Pacific property line extended beyond the center line of the street to the East. Mr. Wesch stated that they would deed us from the center line of the street 5' over and that will establish the right-of-way line down the Louisiana Pacific side.

Mayor Garrison stated that the City did not have a deed or proposal from Louisiana Pacific and the City needed some kind of formal document.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the Commission accept the right-of-way from Louisiana Pacific Lumber Company covering property on Brock and Sellers Street from Ford to Kurth Drive. A unanimous affirmative vote was recorded.

9. FIRE MANAGEMENT STUDY - RESCHEDULED - LONG ASSOCIATES

Mayor Garrison stated that since City Manager Harvey Westerholm was out of the City attending the trial in Beaumont the Workshop scheduled for earlier today would be rescheduled for October 15th at 4:00 P.M.

10. KURTH MEMORIAL LIBRARY - CONTRACT - RENEWAL

Mayor Garrison stated that the last contract approved for the Library was only effective through September 30, 1985, and this Contract extends for another year and is required to comply with the State Library system.

Commissioner Lynn Malone stated that under item #10 of the Contract it is stated that the City shall not be held liable for any damage to persons or property that might arise at the public library facility, and the Library agrees to hold the City blameless from any and all claims arising at such premises and he wanted to know who was liable.

Mayor Garrison stated that in his opinion the City would be held liable because we own the property the Library is on and we also are responsible for the maintenance of same.

Asst. City Attorney Tommy Deaton stated that we can put all the disclaimers we want to in the Contract but if we maintain it and someone is hurt its possible we might have some liability. Mr.

Deaton stated that in some circumstances we might be able to get some sort of guarantee or "hold harmless" statement from the injured person.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Kurth Memorial Library Contract be accepted as presented. A unanimous affirmative vote was recorded.

11. AMENDMENT - TRAFFIC ORDINANCE - APPROVED - ANGELINA STREET - ABNEY TO BREMOND - SHEPHERD TO DENMAN - 30 MPH TO 40 MPH

Mayor Garrison stated that there had been a proposal that we amend our Traffic Ordinance regarding speeds on Angelina Street and recognized Commissioner Percy Simond who requested the proposal.

Commissioner Simond stated that he had numerous calls from citizens who traveled this street and that the Police Department was giving an inordinate amount of tickets on Angelina. Commissioner Simond stated that a lady who had been given a ticket was told by the Policeman that the speed limit was 30 mph in that area and she should have been aware of it without a sign having to be posted. Commissioner Simond stated that he had driven down Angelina and found that it was one of the widest streets in Lufkin and he could not understand why there was a "police trap" ticketing people in the morning. Commissioner Simond stated that since the street was wide enough and in good condition it could tolerate a faster speed and if any street in town should be 40 mph that one should.

Public Works Director Ron Wesch stated that a traffic survey had been conducted recently on Angelina from Laurel to Bremond and the average speed was 38 mph and he would recommend that the speed be raised to 35 mph. Mayor Garrison stated that if we raise the limit to 40 mph we wouldn't have people violating the law. Mr. Wesch stated that the City has the option of going seven miles in either direction, raising or lowering the speed limit.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Lynn Malone that Traffic Ordinance be amended on Angelina from Abney and Bremond to 40 mph.

Public Works Director Wesch stated that he had also conducted a traffic survey on Angelina between Shepherd and Denman and that the average speed was 38 mph. Mr. Wesch stated that the same set of circumstances existed in this area and he would like to suggest the speed limit be raised to 40 mph.

Commissioner Simond stated he would agree to amend the motion to change the speed limit on Angelina between Shepherd and Denman to 40 mph. Commissioner Lynn Malone who seconded the motion also concurred. A unanimous affirmative vote was recorded.

Commissioner Jack Gorden stated that he would like to relay to the Police Department his appreciation for the Police patrolling the Feagin Street area in the morning and since it has been opened up to the Loop people have a tendency to speed. Commissioner Lynn Malone suggested that the problem could be solved if two policemen were stationed along the street which had proved successful on Paul.

12. INVOICE - APPROVED - ARCHITECTURAL SERVICES - NEW CITY HALL - MORGAN, O'NEAL, HILL & SUTTON

Mayor Garrison stated that the Commission now had for approval an invoice from Morgan, O'Neal, Hill & Sutton in the amount of \$80,000 for architectural services on the new City Hall.

Motion was made by Don Boyd and seconded by Commissioner Pat Foley that invoice for architectural services by Morgan, O'Neal, Hill & Sutton in the amount of \$80,00 for the new City Hall be approved as presented. A unanimous affirmative vote was recorded.

13. INVOICE - APPROVED - BUCHER, WILLIS & RATLIFF - COMPREHENSIVE MASTER PLAN

Mayor Garrison stated that the Commission had an invoice from Bucher, Willis & Ratliff for the Comprehensive Master Plan in the amount of \$12,986.00.

In response to question by Commissioner Simond, Asst. City Manager Brian Boudreaux stated that the total amount of the contract was \$64,247.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that invoice from Bucher, Willis & Ratliff in the amount of \$12,986.00 be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Simond stated that he was still at a loss as to what the consultants had done for the \$64,000, and in his opinion the Comprehensive Master Plan was not necessary. Commissioner Simond stated that he wanted to know what would happen if the consultants suggested an \$8,000,000 project, would we be obligated to proceed with same or have the option to reject their proposal. Mayor Garrison stated that that would not even be a problem because the City would not have the money.

Commissioner Pat Foley stated that it was basically up to the Council whether it derived any good out of the Master Plan and that if some useful planning comes out of it then it has been worthwhile.

Mayor Garrison stated that the Commission had outlined what we expected them to do, we had made an enforceable contract with them, and he did not remember if there was a cancellation clause in the Contract.

In response to question by Commissioner Simond, City Planner Nick Finan stated that "...the right is reserved by the client to terminate this agreement upon completion of any of the items included in the work should the client deem it where the work is not warranted".

14. TRANSFER OF FUNDS - APPROVED - ELLEN TROUT PARK - PARKING LOT

Mayor Garrison stated that the Commission now had for consideration a request from Recreation & Parks Director Don Hannabas that we transfer \$7,500 out of the Parks Budget Fund for 1984-85 into the Budget for 1985-86 because he had not been able to build a parking lot last year. Mayor Garrison stated that the Lion's Club was donating \$6,000 in addition to the \$7,500, and that would build a first class parking lot near the railroad terminal.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley to amend the budget to transfer \$7,500 from the 1984-85 budget to be used for the parking lot in the 1985-86 budget. A unanimous affirmative vote was recorded.

15. CHANGE ORDER - APPROVED - INTERCEPTOR LINE - GRIFFITH AND ASSOCIATES

Mayor Garrison stated that when the interceptor line was being laid to the sewer treatment plant it apparently was not brought to the attention of the engineers that the City agreed to put stub-outs for the benefit of property owners. Mayor Garrison stated there was a need

to add nine stub-outs which would increase the cost by \$900 and a Change Order to the Contract in that amount would need to be approved.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Change Order in the amount of \$900 be approved permitting the inclusion of the nine stub-outs. A unanimous affirmative vote was recorded.

16. ORDINANCE - FIRST READING - APPROVED - TEXAS MUNICIPAL RETIREMENT SYSTEM

Mayor Garrison stated that the Texas Municipal Retirement System has suggested that we update our Ordinance allowing new retirees to base their retirement on the salary of their last three years of employment.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

17. RESOLUTION - APPROVED - TEXAS WATER PLAN - TEXAS MUNICIPAL LEAGUE

Mayor Garrison stated that the Texas Municipal League has requested that we support by Resolution the proposed constitutional amendment to adopt the Texas Water Plan. Mayor Garrison stated that he had information that the Resolution was being universally supported even by the Sierra Club which had opposed the last Amendment. Mayor Garrison stated that Texas needs a good water plan and this amendment was worthy of our support.

Mayor Garrison stated that Commissioner Pat Foley had been in Austin on Monday in connection with the Water Plan. Commissioner Foley stated that the general consensus was that it may not be a perfect plan but at least it was a starting place and there was a need to begin to develop a water plan in the State of Texas since we do not have one.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to adopt Resolution in support of the Texas Water Plan as presented. A unanimous affirmative vote was recorded.

18. MEETING TIME - CHANGED - CITY COMMISSION

Mayor Garrison stated that at last meeting we had agreed to put on the agenda for this meeting the possibility of changing the meeting time for the City Commission meetings. Mayor Garrison stated that he disliked coming to the 7:30 p.m. meeting and staying until 9:30 or 10:00 p.m. after a busy day.

It was the consensus of opinion that changing the meeting time to 5:00 p.m. would be an acceptable time for the Council meetings.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that time for City Commission meetings be set at 5:00 P.M. A unanimous affirmative vote was recorded.

19. WORKSHOP - FIRE MANAGEMENT STUDY - RESCHEDULED - PERSONNEL

In response to question by Commissioner Lynn Malone, Mayor Garrison stated we could have the Fire Management Study Workshop at 4:00 p.m. on the 15th of October and follow with the regular Council meeting at 5:00 p.m. Mayor Garrison stated that should the Workshop extend into the 5:00 p.m. meeting time we would start the Council meeting at the conclusion of the Workshop meeting.

Commissioner Lynn Malone stated that he has received several telephone calls recently from his constituents relating that they had been treated shabbily at the Personnel Office when applying for work. Commissioner Malone stated that since the City has had several openings lately he has notified a number of people to apply for a position with same. Commissioner Malone stated that these people consider it an opportunity to work for the City.

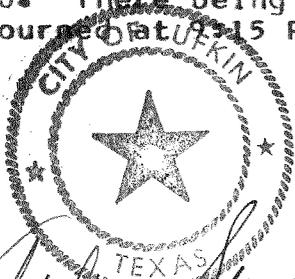
Mayor Garrison stated that he firmly believed every person who is employed by the City should be a goodwill ambassador and there should be no excuse for treating anyone rudely or abruptly.

Commissioner Malone stated that he had been treated rudely at City Hall and he was convinced that these people were telling the truth. Commissioner Malone stated that the Staff has the advantage when a job is open and he sees no reason to be rude to anyone applying for a job.

Mayor Garrison requested that Assistant City Manager Boudreaux report to the City Manager when he returns and see that this problem is straightened out.

Commissioner Simond stated that he would like to augment the things that Commissioner Malone had stated. Commissioner Simond stated that a lady reported to him that when she had applied for a job last week with the City that Laura Owens in Personnel had thrown an application at her. Commissioner Simond stated that this problem has been going on for some time. Asst. City Manager Boudreaux stated that he would report this to the City Manager.

20. There being no further business for consideration, meeting adjourned at 5:15 P.M.



Pitser H. Garrison
Pitser H. Garrison - Mayor

Atha Stokes
Atha Stokes - Asst. City Secretary