

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF SEPTEMBER, 1982, AT 7:30 P.M.

On the 7th day of September, 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:

Percy Simond	Commissioner, Ward No.1
Don Boyd	Commissioner, Ward No.2
Bob McCurry	Commissioner, Ward No.3
Pat Foley	Commissioner, Ward No.4
Richard Thompson	Commissioner, Ward No.5
E.C. Wareing	Commissioner, Ward No.6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present, and

Pitser H. Garrison	Mayor
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being absent, when the following business was transacted.

1. Meeting opened with prayer by Major Ray Wortham, Salvation Army, Lufkin, Texas.
2. Mayor pro tem welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of August 17, 1982, and Special Budget Workshop meeting of August 24, 1982, were approved on motion by Commissioner Richard Thompson and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. OPEN HEARING - Tax Rate for Fiscal Year 1982-83 - City Budget Discussed

Mayor pro tem Wareing officially opened hearing on Tax Rate, and stated that a public hearing was required by charter to allow discussion of proposed tax rate and budget for the next fiscal year.

City Manager Harvey Westerholm stated that the tax rate for the new fiscal year would be 41¢ per \$100.00 of valuation which would be an increase of 13.22% of tax revenue over last year. City Manager Westerholm further stated that the Tax Appraisal District had conducted the majority of appeal hearings, and the master tax roll should be available in the near future.

There were two persons present regarding the public hearing for the tax rate. The hearing was declared closed by Mayor pro tem Wareing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that tax rate of \$0.41 per \$100.00 of valuation be advertised for consideration and adoption at next meeting of City Commission. A unanimous affirmative vote was recorded.

Mayor pro tem Wareing officially opened hearing in regard to City Budget for the next fiscal year.

City Manager Westerholm stated that Angelina County had requested an increase in the landfill fees which would amount to \$24,000.00. City Manager Westerholm further stated that the increase was needed because the County had to purchase new land and bulldozers, which put a strain on their finances.

In response to questions by Commissioners, City Manager Westerholm stated that many industries are now paying the City of Lufkin, instead of the County, to haul the garbage they previously took to the landfill.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that \$24,000.00 additional fee to the County Landfill be approved and Sanitation Department Budget be adjusted accordingly. A unanimous affirmative vote was recorded.

Mayor pro tem Wareing stated that a petition had been received from property owners in East Lufkin requesting fire protection for their area of the City. Mayor pro tem Wareing recognized B.R. Hooker, Jr., speaking in representation of property owners.

Mr. Hooker stated that the property owners in question had been annexed into the City 12 years previously, and fire plugs had not been installed to this date. Mr. Hooker further stated that the property owners were asking for consideration and were not placing a timetable upon the installation of the fire plugs.

City Manager Westerholm stated that the present Revenue Sharing Budget has provided \$24,750.00 to extend 12" water lines from Atkinson Drive to Ford Chapel Road, but this line could instead be extended north from Chestnut to Ford Chapel Road which would bring the 12" line close to this area of the City. City Manager further stated that the following year additional progress would be made toward providing the needed waterline in subject area.

Commissioner Bob McCurry stated that he was greatly disturbed that this area had been inside the City for 12 years and fire protection had not been installed.

City Manager Westerholm stated that there are several areas that have been within the City limits 40 to 50 years without fire plugs because of the remoteness of the area. City Manager further stated that a portion of the \$55,134.82 in the Revenue Sharing Budget would be used for the first phase of extending the water lines toward this area.

Mayor pro tem Wareing informed Mr. Hooker that the City was working on the problem and hoped to take care of the area before the protection was needed.

Commissioner Percy Simond stated that he had received numerous calls opposing the increase in Sanitation rates. Commissioner Richard Thompson stated that the City of Lufkin has the lowest sanitation rates of the 22 cities polled, and this increase was the fairest of all.

Mayor pro tem Wareing stated that the Sanitation Department should be self-sustaining with the increases.

City Manager Westerholm stated that no increase had been provided for participation in the City/County Health Unit and a meeting was scheduled for Thursday, September 9, 1982, to discuss the proposed increase to the budget.

There were no persons present regarding this hearing and same was closed by Mayor pro tem Wareing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that budget be considered for adoption at September 21, 1982, meeting. A unanimous affirmative vote was recorded.

5. Alley Closing - Approved - Second Reading - Duncan Construction

Mayor pro tem Wareing stated that Duncan Construction had requested that the alley located in Block 101, Original Townsite of Lufkin, between North Angelina and North First

Street be closed. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that alley closing be approved on Second and Final Reading. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved - First Reading - Leslie N. Cahill - RL to C

Mayor pro tem Wareing stated that zone change application by Leslie N. Cahill covering property located on the north side of Ford Chapel Road between Renfro Drive and Loop 287 from Residential Large to Commercial had been recommended to City Commission by Planning and Zoning Commission. There was no one present in opposition.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that zone change application be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. Bid - Approved - Ellen Trout Zoo - Foundation for Isolation Building - David Cole

Mayor pro tem Wareing stated that bids had been received for construction of 25 foot by 55 foot slab, complete with plumbing, for proposed isolation building at Ellen Trout Zoo. Mayor pro tem Wareing further stated that the low bid of David Cole in the amount of \$4,390.00 had been verified and references had been received for Mr. Cole's work.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the low bid of David Cole in the amount of \$4,390.00 be approved. A unanimous affirmative vote was recorded.

8. Annexation & Permanent Zoning - Hearing Date Established - Steel-Martin Enterprises

Mayor pro tem Wareing stated that annexation & permanent zoning request by Steel-Martin Enterprises covering 32.53 acres of property in Herty Subdivision to be zoned Light Manufacturing and Commercial had been recommended to the City Commission for establishment of a hearing date. Mayor pro tem Wareing further stated that property to be zoned commercial was currently being used for commercial purposes.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that public hearing be established for the next City Commission meeting on September 21, 1982. A unanimous affirmative vote was recorded.

9. Resolution - Approved - RepublicBank - Public Hearing Set - Industrial Development Bond Financing

Mayor pro tem Wareing stated that a request had been received from RepublicBank that property being considered for renovations to present building be allowed to participate in Industrial Development Bond Financing.

City Attorney Bob Flournoy stated that a public hearing should be held to determine that the tract in question is of such nature that it would be eligible for designation under the Development Corporation Act, which would allow for the sale of tax free bonds.

Commissioner Percy Simond stated that he felt the entire downtown area could be designated eligible for this type of assistance. Commissioner Bob McCurry stated that he would be in favor of including the entire area.

Bubba Shands, President of RepublicBank, stated that to receive any benefit from the program, the anticipated work should be in excess of one (1) million dollars to justify

this type of financing, and in designating the entire downtown area, a conflict might occur in future developments.

Mayor pro tem Wareing stated that in designating the entire downtown area, the time frame of RepublicBank might be delayed. Mayor pro tem Wareing further stated that City Manager should provide a map defining the entire downtown area to allow the City Commission to understand what area would be covered by this designation.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that resolution be approved establishing the hearing date for City Commission meeting of October 5, 1982, and that a map be prepared for distribution at the public hearing. A unanimous affirmative vote was recorded.

10. Resolution - Approved - State Department of Highways & Public Transportation - Quitclaim Deed

Mayor pro tem Wareing stated that a letter had been received from the Texas Department of Highways and Public Transportation regarding the need for quitclaim deeds on two (2) tracts of land at the former junction of Ellis and Frank Ave. Mayor pro tem Wareing recognized Mr. Johnny Medford, Texas Highway Department, who stated that surplus right-of-way on State Highway 94, was to be offered for sale to Gaslight Square Development Corporation, and in checking the titles for same, the following items need to be clarified: Section acquired in the name of the City of Lufkin was never deeded to the State of Texas and this section can be quitclaimed back to the City, one section has no record of title and may be quitclaimed to the abutting land owners at the City's request.

Mayor pro tem Wareing stated that the Highway Department should return the property without a title to the adjacent property owners, return the city property, and the city could offer their share to the Gaslight Square Development Corporation for purchase.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that resolution be approved requesting the state give a quitclaim deed to the City's property and stating that the City has no claim to the area without a deed. A unanimous affirmative vote was recorded.

11. Amendment to 1981-82 Revenue Sharing Budget - Approved

Mayor pro tem Wareing stated that additional funds were needed for completion of Hill Street from Lotus Lane to Frank Avenue and the City Manager was proposing an amendment to the Revenue Sharing Budget transferring a portion of the unused sewer line extension funds in the amount of \$22,140.11 to augment the funds set aside for the Hill Street completion.

City Manager Westerholm stated that a survey was taken and approximately 15 houses are without sanitary sewer within the City Limits, but additional funds are provided in the new budget for the extension of sewer lines which is an ongoing project. City Manager Westerholm further stated that with the transfer of the \$22,140.11 a balance of \$10,065.23 would remain in this fund.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that amendment be made to the Revenue Sharing budget to provide additional funds for completion of Hill Street. A unanimous affirmative vote was recorded.

12. Water Pollution Control Plant - Facilities Plan Approved - Griffith & Associates

Mayor pro tem Wareing stated that at previous meeting of City Commission, Griffith Engineering presented alternatives for a facilities plan to improve the Water Pollution Control Plant.

City Manager Harvey Westerholm stated that a narrative description of the alternatives was requested at that time which was provided in distribution to Commissioners.

Mayor pro tem Wareing stated that \$3,900,000.00 is the amount of the proposed modifications of the Waste Water Treatment Plant, and additional items that compise the six (6) million dollar figure are part of the overall long-range improvements for the plant, such as repairs to the sewer lines.

Mayor pro tem Wareing stated that under requirements of the Environmental Protection Agency, the proposed overall plan must be submitted by December, 1983, and construction must begin by October, 1984, in order to receive the 75% participation by the Federal Government. Mayor pro tem Wareing further stated that the facility plan has to be submitted to the Environmental Protection Agency by October 30, 1982.

In response to a question by Commissioner Pat Foley regarding a 1978 study of the sewer plant, City Manager Westerholm stated that many suggestions given in that report were completed and some suggestions were for long range improvements.

In answer to question by Mayor pro tem Wareing, Jimmy Griffith, of Griffith Associates, stated that once application is made for a specific system, it could be altered, but it would require a great deal of paperwork. Mayor pro tem Wareing stated that local industries are sending less water to the Sewer Plant because of the increase in water rates and conservation methods, thus increasing the amount of solids being sent to the plant, which results in the plant being out of compliance with regulations set by the Environmental Protection Agency. Mayor pro tem Wareing further stated that when the 75% participation by the Federal Government is considered, the more expensive plan would be the best because of reduced operating cost after installation.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that recommendation of Griffith Engineers be accepted for the installation of anaerobic digester with vacuum assisted drying beds, and that Griffith Engineers be instructed to provide plans to complete Phase I for submission by the end of October 1982. A unanimous affirmative vote was recorded.

13. Davisville Road - Right-of-Way Donated - Ottis Locke

Mayor pro tem Wareing stated that Ottis Locke had donated additional right-of-way on Davisville Road, north of Loop 287 to the City Limits sign, to provide a 60 foot right-of-way, and that authorization was needed by the City Commission to accept the gift deed.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that the gift of the right-of-way be accepted. A unanimous affirmative vote was recorded.

14. There being no further business for consideration, meeting adjourned at 10:05 p.m.



E. C. Wareing
E.C. Wareing, Mayor pro tem

Ann Griffin
Ann Griffin, City Secretary