

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF SEPTEMBER, 1984 AT 5:00 P.M.

On the 18th day of September, 1984, 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:

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, Jr.	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Nicholas Finan	City Planner

being present, and

Pitser H. Garrison	Mayor
Harvey Westerholm	City Manager
Lori Ann Nix	Assistant City Secretary
Ron Wesch	Public Works Director

being absent when the following business was transacted.

1. Meeting opened with prayer by Commissioner Louis Bronaugh.
2. Mayor pro tem Foley welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of the regular meeting of September 4, 1984, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

Minutes of the special meeting of August 28, 1984, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. OPEN HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - OLIVER PLUMBING, INCORPORATED - CLOSE HEARING

Mayor pro tem Foley officially opened public hearing on request by Oliver Plumbing, Incorporated, for Reinvestment Zone under the Tax Abatement Program covering property located at Lot 7 and 8 of Block 3 of the Clark Addition (1314 and 1316 North Raguet).

Mayor pro tem Foley recognized Doyle Oliver, applicant, who stated that he planned to build a new building on the site in an attempt to improve the image of his company, as well as the area.

Mr. Oliver stated that he presently has offices located on one of the lots and the adjacent lot would be included in the renovation.

There was no one present to speak in regard to the Reinvestment Zone and Mayor pro tem Foley declared public hearing closed.

5. PUBLIC HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - EAST TEXAS ENGINEERING AND SURVEYING - CLOSE HEARING

Mayor pro tem Foley officially opened public hearing on request by East Texas Engineering and Surveying, Incorporated, for a Reinvestment Zone under the Tax Abatement Program covering property located at Lot 10, Block 10, of the Original Town of Lufkin (118 and 120 East Lufkin Avenue).

Mr. Bill Moreau, owner of East Texas Engineering and Surveying, stated that he planned to renovate his present building in an effort to improve Downtown Lufkin and his offices would be on the top floor of the building. Mr. Moreau stated that he had asked for a 15 year Tax Abatement because that was the term of the promissory note on the property and the City Commission had granted 15 year Tax Abatement in the past. Mr. Moreau stated that he conferred with the State Historical Architect in Lufkin last week and because of the historical nature of the building the Architect will provide drawings for restoring the building facade and interior. Mr. Moreau stated that the drawings should be available next week and a \$500 grant had been received for work on the building facade.

Commissioner Louis Bronaugh stated that he supports the Tax Abatement Program because of the results in the Downtown area.

Mayor pro tem Foley stated that the improvements made under the Tax Abatement Program will freeze the property evaluation for tax purposes for the term of the agreement, and the Tax Abatement schedule allows 100 percent tax abatement for the first \$100,000 spent on improvements, 75 percent tax abatement for the next \$200,000 spent on improvements, 50 percent tax abatement for the next \$400,000 spent on improvements and 25 percent tax abatement on the next \$800,000. Mayor pro tem Foley stated that he felt the Tax Abatement Program was responsible for the recent improvements in the Downtown area.

City Attorney Flournoy stated that the normal position of the City Commission has been that the tax abatement period would extend ten (10) years and the applicant must enter into an agreement with the City of Lufkin which includes an estimated cost of construction. City Attorney Flournoy further stated that the agreement is available for review by proposed applicants.

There was no one present to speak in regard to the tax abatement request and Mayor pro tem Foley declared public hearing closed.

6. PUBLIC HEARING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - BILL WINDSOR - CLOSE HEARING

Mayor pro tem Foley officially opened public hearing on the request for Reinvestment Zone under the Tax Abatement Program for Bill Windsor covering Lots 1, 2, 3, Block 106, of the Original

Town of Lufkin (Corners of Angelina, Laurel and First Streets). Mayor pro tem Foley stated that Mr. Windsor was unable to be present for the public hearing and a letter had been submitted to the Commission requesting that he be included in the Tax Abatement Program to remodel two existing buildings on his property at an approximate cost of \$25,000.

Commissioner Lynn Malone stated that the City Commission should establish a policy on the term of the Tax Abatement Agreement because 15 years had been allowed in the past. Mayor pro tem Foley stated that the amount of time could be considered when the Tax Abatement requests were placed on the agenda for first reading of the ordinances, and only two (2) of nine (9) requests had received a fifteen year time limit.

Commissioner Louis Bronaugh stated that the cost of advertising for public hearings to consider Reinvestment Zones might be considered and it might be necessary to ask applicants to reimburse the City for this advertising expense.

There was no one to speak in regard to the Tax Abatement Program and Mayor pro tem Foley declared public hearing closed.

7. ORDINANCE - TABLED - SECOND READING - ZONE CHANGE - WILBUR E. ALEXANDER - RL TO A

Mayor pro tem Foley stated that zone change request by Wilbur E. Alexander covering property located on South John Redditt Drive and Allendale between Mossfield and Gobbler Knob Roads from Residential Large to Apartment had been approved on first reading at last meeting of this Commission. Mayor pro tem Foley further stated that a petition had been received from property owners in the area requesting that the zone change be approved according to the Article 24, Section 3, of the Zoning Ordinance which states that if twenty percent or more property owners object to the zone change the City Commission must approve the zone change by a four-fifths vote. Mayor pro tem Foley stated that the petition has been checked and the property owners have been certified to be equal to twenty percent of the property owners in the area.

City Attorney Flournoy stated that under the terms of the Zoning Ordinance, if twenty percent of the property owners object by sworn acknowledgement a four-fifths vote of the City Commission is required for approval of the zone change which would require six (6) affirmative votes for approval.

Mayor pro tem Foley recognized Mr. Alexander, who stated that the plans for the development of the apartments on the property had been discussed at great length and he was unaware of the petition and the provision in the Ordinance for the four-fifths vote once a petition was received. City Attorney Flournoy stated that in the past applicants who faced the rule of the four-fifths vote had opted to postpone consideration of the Ordinance until a full Commission could be present.

In response to question by Mr. Alexander, City Attorney Flournoy stated that if the second reading was not approved the procedure would begin again with the Planning and Zoning Commission.

Mr. Alexander stated that he would like to request that the zone change application be delayed until the October 2, 1984,

City Commission meeting to allow the entire Commission to be present.

Mayor pro tem Foley recognized James Hubbard, property owner in the area, who stated that he was responsible for submission of the petition and that he had not intended to surprise Mr. Alexander with the petition but recently became aware that the submission of the notarized petition would require the four-fifths vote of the City Commission for approval. Mr. Hubbard stated that he would prefer the vote be taken at tonight's meeting because he did not believe that an additional member of the City Commission would effect the outcome but the other property owners in the area did not want apartments in their neighborhood. Mr. Hubbard stated that the City Commission is the last line of defense for property owners and if they could not depend on the Commission to protect residential neighborhoods made up of tax paying citizens no help is available.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zone change be tabled until October 2, 1984, meeting of the City Commission. A unanimous affirmative vote was recorded.

8. ZONE CHANGE - APPROVED - DAVID PARISH - RS TO RS, AND LB, SU (GUN SHOP)

Mayor pro tem Foley stated that zone change request by David Parish covering property located at 410 Wilton Street between Home Avenue and Myrtie Street from Residential Small to Residential Small, and Local Business, Special Use (Gun Shop) 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 with the restrictions established at last meeting of this Commission. A unanimous affirmative vote was recorded.

9. BUDGET 1984-1985 - FINALIZED

Mayor pro tem Foley stated that the 1984-1985 budget had been discussed at great length at last meeting of this Commission and that the figures supplied to the City Commission indicated that the total amount of the budget is \$12,774,891.31, that the Revenue Sharing amounted to \$504,178.00 and the expenditures amounted to \$11,833,086.26, with the contingency fund in the amount of \$73,662.51.

Assistant City Manager Boudreaux stated that after salary adjustments were made, an additional \$10,000 was available for use in the budget and same was added to the contingency fund.

Commissioner Percy Simond stated that information regarding individual police vehicles had been provided for the City Commission members and he was very impressed with the information received. Commissioner Simond stated that a review of the information indicated all cities reporting were in favor of the individual police units and the program had been beneficial to all cities. Commissioner Simond stated that the additional \$10,000 might be used to purchase at least two (2) new vehicles for the Police.

Department. Mayor pro tem Foley stated that it had been suggested that one-third of the fleet be purchased each year which might require more than the \$10,000. Commissioner Simond stated that the City Commission had been known to procrastinate and if matters are not mentioned at succeeding meetings, items are sometimes forgotten.

Mayor pro tem Foley stated that a decision on whether to purchase the fleet should be made after a plan for the implementation of the program was developed.

Mayor pro tem Foley stated that the budget for the fiscal year 1984-1985 was basically approved at last meeting of the City Commission and the only change was the increase in the contingency fund of \$10,000.

10A. ORDINANCE LEVYING TAXES - APPROVED - FISCAL YEAR 1984-1985 BUDGET

Mayor pro tem Foley stated that a public hearing had been held at last meeting of City Commission on the proposed tax rate and the stated 41¢ per \$100 valuation of property was the same rate imposed in last year's budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Ordinance levying taxes for the use and support of the municipal government of the City be approved. A unanimous affirmative vote was recorded.

10B. APPROPRIATION ORDINANCE - APPROVED - 1984-1985 FISCAL YEAR

Mayor pro tem Foley stated that the Appropriation Ordinance adopting the budget for the fiscal year beginning October 1, 1984, and ending September 30, 1985, was now ready for consideration by the City Commission.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that budget be approved adopting Appropriation Ordinance for fiscal year 1984-1985 City budget as presented by the City Manager. A unanimous affirmative vote was recorded.

11. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - DENNIS F. DUNTON - RL TO RL, SU (HOME OCCUPATION-CARPET CLEANING SERVICE)

Mayor pro tem Foley stated that zone change request by Dennis F. Dunton covering property located at 607 Sunset Boulevard between Moss and Vine Streets from Residential Large to Residential Large, Special Use (Home Occupation-Carpet Cleaning Service) had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Mayor pro tem Foley recognized Dennis Dunton, who stated that he was attempting to get the property rezoned for the operation of his carpet cleaning business and that the dwelling would be used for offices only with the supplies being kept in a warehouse. Mr. Dunton stated that the Planning and Zoning Commission had included the following stipulations: (1) Only two company

vehicles at this location, (2) only the normal washing of vehicles be conducted at this address.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that ordinance be approved on first reading with the restrictions of two (2) company vehicles and only normal washing of vehicles be included in the ordinance. A unanimous affirmative vote was recorded.

12. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE - JOHN R. LARUE - RS TO C

Mayor pro tem Foley stated that zone change request by John R. LaRue covering property located on Kurth Drive between Sellers and McMullen Streets from Residential Small to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Mayor pro tem Foley recognized John LaRue, who stated that this property was adjacent to another piece of his property that had been zoned earlier. Mr. LaRue stated that because there were separate deeds on the property he thought each piece would have to be zoned separately. Mr. LaRue further stated that he did not plan any changes on the property at the present time but obtaining commercial zoning on all of his property would allow future improvements.

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

13. ZONE CHANGE - APPROVED - FIRST READING - LOIS RUTH TAYLOR - RL TO C

Mayor pro tem Foley stated that zone change request by Lois Ruth Taylor covering property located on South Medford Drive and Shady Pine Street from Residential Large to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Mayor pro tem Foley recognized Jeff Taylor appearing in representation of zone change, who stated that a contract for sale had been obtained on the property with the stipulation that it be zoned commercial. Mr. Taylor further stated that the buyer proposed to construct an office building on the property.

In response to question by Commissioner Malone, City Planner Nick Finan stated that neighbors have the privilege of waiving the requirement of a sight-bearing fence if they feel development of the site would better enhance their property. City Planner Finan stated that the fence would be constructed along the City Limits line at the rear of the property and along the adjacent residential large zone north of subject property.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that zone change be approved on first reading with the requirement for the six (6) foot sight-bearing fence unless waived by adjacent property owners. A unanimous affirmative vote was recorded.

14. AMENDMENT - APPROVED - FIRST READING - HOTEL/MOTEL TAX ORDINANCE

Mayor pro tem Foley stated that an increase in the hotel/motel tax was authorized in the budget for the next fiscal year and an amendment to the Hotel/Motel Tax Ordinance was required to implement same.

Assistant City Manager Boudreaux stated that it had been proposed that the four (4) percent hotel/motel tax be increased to five (5) percent to provide additional revenue for the Civic Center and Convention Bureau. Assistant City Manager Boudreaux further stated that the total budget provided by the hotel/motel tax would be \$290,663 with \$89,000 being used for the Convention Bureau and \$201,663 designated to the Civic Center.

Civic Center Director James Fears stated that the additional money would be used for the purchase of tables, chairs, stages, and repair of the Civic Center roof which was leaking.

In response to question by Commissioner Percy Simond, Civic Center Director Fears stated that estimates had been received on the repair of the roof and some companies were not interested in repairing same. Civic Center Director Fears stated that he had informed Public Works Director Ron Wesch regarding the roof which had been leaking approximately one (1) year.

Commissioner Jack Gorden stated that the increase in the hotel/motel tax would not provide enough revenue for roof repair. Commissioner Percy Simond stated that if the roof has been leaking for a year the City Commission should have been informed previously. Commissioner Don Boyd stated that the delay in action on approving the roof could increase the damage to the interior of the Civic Center.

Mayor pro tem Foley stated that information should be provided to the Commission for next meeting in regard to repair of the roof.

Motion was made by Commissioner Percy Simond that ordinance increasing hotel/motel tax to five (5) percent be approved.

Commissioner Louis Bronaugh stated that the law allowed the City to increase the hotel/motel tax by three (3) percent for a total of seven (7) percent that would be available for additional revenue, and many cities do not hesitate to take the maximum allowed by law. Commissioner Bronaugh stated that the hotels and the motels in the City of Lufkin originally opposed the Ordinance but the Managers are in support of the Ordinance now because of the increased business that has resulted from the Civic Center and the Convention Bureau. Commissioner Bronaugh stated that if the maximum increase means the difference between a first class Civic Center and Exposition Center, and increased selling of the City of Lufkin around the State of Texas, then the maximum tax should be levied.

In response to question by Commissioner Malone, Civic Center Director Fears stated that an estimate of \$3,500 had been received to patch the Civic Center roof.

Mayor pro tem Foley stated that the money to repair the roof

might be available in the contingency fund of next year's budget.

Commissioner Don Boyd stated that the hotel/motel tax could be increased an additional two (2) percent at this meeting and reduced at the second reading of the ordinance but the one (1) percent could not be approved on first reading and increased on second reading of the ordinance.

Commissioner Jack Gorden stated that he was in favor of increasing the hotel/motel tax the maximum three (3) percent but a plan should be developed for use of the money.

In response by Commissioner Lynn Malone, Finance Director Rita Jenkins stated that all money received from the hotel/motel tax would be spent for improvements to the Civic Center.

Commissioner Don Boyd stated that any excess money could be deposited in an escrow account and used for construction of a future Fine Arts Auditorium.

Commissioner Percy Simond stated that he would withdraw his motion.

Commissioner Louis Bronaugh stated that the use fees for the Civic Center have never been increased and are not adequate for upkeep on the building.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Amendment to Hotel/Motel Tax Ordinance be approved with an additional two (2) percent increase or six (6) percent total which could be reduced at next meeting of this Commission. The following vote was recorded: Aye: Commissioners Boyd, Bronaugh, Malone. Nay: Mayor pro tem Foley, Commissioners Gorden, Simond. Mayor pro tem Foley declared motion denied due to lack of majority vote.

Commissioner Percy Simond stated that more information was needed before he could vote for the maximum increase. Mayor pro tem Foley stated that he would like to have a plan for spending the money.

Commissioner Jack Gorden stated that he was serious about obtaining the maximum three (3) percent increase.

In answer to question by Commissioner Don Boyd, City Attorney Flournoy stated that the hotel/motel tax could be increased again later in the year.

Commissioner Louis Bronaugh stated that if the City Board of Development does not give consideration to upkeep of the Civic Center, it should be the responsibility of the City Commission. Commissioner Percy Simond stated that the City Board of Development should be asked to attend next meeting of the City Commission to indicate why they were only asking for a one (1) percent increase.

Commissioner Don Boyd stated that if the Amendment to the Hotel/

Motel Tax Ordinance was tabled the City of Lufkin will lose revenue that has been included in the budget for next fiscal year. Commissioner Boyd stated that the City of Lufkin is operating on a tight budget and all revenue possible should be obtained.

Commissioner Percy Simond made motion that Amendment to Hotel/Motel Tax Ordinance be approved as presented. Motion died for lack of a second.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Louis Bronaugh that Amendment to the Hotel/Motel Tax Ordinance be approved with a three (3) percent increase for a total City tax of seven (7) percent and a proposed plan for use of the money should be available at second reading of Amendment. The following vote was recorded: Aye: Commissioners Bronaugh, Boyd, Simond, Gorden, Malone. Nay: Mayor pro tem Foley. Mayor pro tem Foley declared motion approved by a vote of five (5) to one (1).

15. PUBLIC HEARING DATE ESTABLISHED - ANNEXATION AND PERMANENT ZONING - HARMONY HILL BAPTIST CHURCH

Mayor pro tem Foley stated that a request had been received for annexation and permanent zoning from Harmony Hill Baptist Church and requested that City Planner Nick Finan provide Staff comments.

City Planner Finan stated that Harmony Hill Baptist Church had requested the Annexation and Permanent Zoning to obtain City services for proposed construction as they continue with their master plan for the property. City Planner Finan stated that the annexation would include property directly north of Harmony Hill Baptist Church to assure that there would not be any islands of unannexed property and the Planning and Zoning Commission had included the stipulation that Harmony Hill Baptist Church provide a 25 foot right-of-way on the north side of Rice Drive for dedication to the City. City Planner Finan stated that recently a request was received from property owners south of Rice Drive requesting that their property be considered for annexation also, and the annexation of Harmony Hill Baptist Church property would require a sewer easement on Dr. Denman's property.

Commissioner Percy Simond stated that he would like to have a copy of the law governing annexations.

Mayor pro tem Foley stated that the City policy in the past had been that areas brought into the City pay a portion or all of the cost for the extension of City services into their area.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that public hearing date be established for October 16, 1984. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that a map must be published indicating the area to be included in an annexation and all people who want to be included have to be indicated on that published map.

16. INDIVIDUAL POLICE UNITS - PURCHASE, DISCUSSED - RECONSIDER
OCTOBER 16, 1984, MEETING

Mayor pro tem Foley stated that Commissioner Don Boyd had proposed that the City of Lufkin investigate the purchase of individual police units for patrolmen and requested that Commissioner Boyd provide his comments.

Commissioner Don Boyd stated that he had mentioned this to the City Commission several times and the information obtained from other cities would allow the City Commission to consider moving forward with the plan. Commissioner Boyd stated that according to the information received, all cities under this program have had success, and the City of Lufkin would need to develop a plan of operation and decide how much of the fleet would be purchased at one time.

In answer to question by Commissioner Don Boyd, Police Chief Leonard Latham stated that at the present time his full strength is 51 officers and he had at the present time two more detectives than cars available. In response to question by Commissioner Boyd, Chief Latham stated that the cars with new motors are having problems with the frame and other parts.

Commissioner Don Boyd stated that the City of Lufkin could get into the fleet program gradually by purchasing two (2) vehicles at a time. Commissioner Boyd stated that individual cars would be an incentive to work for the City of Lufkin, would help deter crime in the neighborhood by the presence of police cars, would have more officers available for emergencies, and would decrease maintenance costs on the car.

Chief Leonard Latham stated that cars that are used by only one person last considerably longer and that Lt. Amos Lewis was using a 1964 model van while a detective was using a 1979 car. Chief Latham stated that a one man car for detectives should last five (5) years while a patrolman could use his probably four (4) years.

Mayor pro tem Foley stated that he would like to have City Manager Westerholm develop some cost figures and guidelines for implementing the program.

Commissioner Percy Simond stated that this was one of the better ideas of the City Commission and the fact that the individual had the car for use 24 hours a day would insure that he could respond more quickly to an emergency situation.

Commissioner Don Boyd stated that all maintenance on the vehicles would be completed while the officer was off-duty and he would recommend that the City Manager and Police Chief work together to develop the plan for implementation.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that cost comparison and guidelines be established by City Staff and presented for consideration at October 16, 1984, meeting of this Commission. A unanimous affirmative vote was recorded.

17. INVOICES - APPROVED - MAURY STIVER - AUGUST

Mayor pro tem Foley stated that the Commission had two (2) invoices for August from Stiver Engineering, and according to calculations, these two (2) invoices to Stiver Engineering totaled \$42,317.90, which is well under the estimated \$48,000.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that invoices be approved for payment. A unanimous affirmative vote was recorded.

18. DRAINAGE PROBLEM - BONTON ADDITION - FRANKLIN AND CORDELIA - TABLED

Mayor pro tem Foley stated that consideration of a solution to the drainage problem on Franklin and Cordelia Streets in the Bonton Addition had been scheduled for consideration at this meeting and requested that Commissioner Louis Bronaugh provide information.

Commissioner Louis Bronaugh stated that he had spent a number of hours with the persons concerned and that Mr. Moore and Mr. Schwartz had agreed to pay their portion of the concrete culvert installation and that Mr. Wagoner had agreed to pay half of his assessed cost. Commissioner Louis Bronaugh stated that with participation of these three (3) individuals and consideration of the cost to construct the retaining wall on Mrs. Clark's property, City Manager Westerholm had suggested that the money would be better spent for installation of the storm sewer. Commissioner Bronaugh stated that if the retaining wall were constructed it would infringe on Mr. Wagoner's property and City Manager Westerholm had suggested that the \$1,100 additional owed by Mr. Wagoner should be absorbed by the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that consideration of the drainage problem be postponed until next meeting of this Commission to allow City Manager Westerholm and Public Works Director Ron Wesch to be present. A unanimous affirmative vote was recorded.

19. AMENDMENT APPROVED - PARKING ORDINANCE - LUFKIN DOWNTOWN ASSOCIATION

Mayor pro tem Foley stated that the Lufkin Association Downtown had recommended to the City Commission that the Parking Ordinance be amended to: (1) convert the two (2) hour parking on Second Street between Shepard and Frank to one (1) hour parking; (2) convert the two (2) hour parking on Third Street between Shepherd and Frank to all day parking; (3) convert the two (2) hour parking on the east side of Caulder Square and south side of Caulder Square between Perry Brothers and Mathew Miller to one (1) hour parking.

John Kay was present to represent the Lufkin Association Downtown and in response to question by Commissioner Don Boyd, stated that he understood that parking meters and poles would be removed and a buyer had been found to purchase the meters. Mr. Kay stated that he understood that off the ground signs would be installed to indicate the length of parking time.

Motion was made by Commissioner Louis Bronaugh and seconded by

Commissioner Percy Simond that Parking Ordinance be amended as requested and Amendment be approved on first reading. A unanimous affirmative vote was recorded.

20. EXECUTIVE SESSION - LAWSUITS, DISCUSSED

Mayor pro tem Foley stated that it was necessary for the City Commission to adjourn into an Executive Session to discuss court cases that the City was involved in at the present time. Mayor pro tem Foley recessed formal open meeting of the City Commission at 7:20 p.m. Mayor pro tem Foley reconvened meeting of City Commission and made announcement to those present regarding results of Executive Session at 7:53 p.m.

Mayor pro tem Foley stated that City Attorney Flournoy had informed the City Commission of developments in a lawsuit pending against the City by the Texas Water Quality Board and made suggestions for actions by the City of Lufkin.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that City Attorney Flournoy be authorized to negotiate settlement of the lawsuit up to a maximum figure of \$35,000. A unanimous affirmative vote was recorded.

21. MUNICIPAL COURT, DISCUSSED - PRODUCTIVITY STUDY, DISCUSSED

Commissioner Lynn Malone stated that he would like to have City Attorney Flournoy explain why a witness to an illegal act would have to go to Municipal Court to file a complaint and why he could only file between the hours of 8:00 and 10:00 a.m.

City Attorney Flournoy stated that the only one that witnessed the act would have to testify and therefore would have to file the complaint and that the hours mentioned would be the hours that the Municipal Court Judge was available at City Hall for consultation in filing the complaint.

Commissioner Lynn Malone stated that a victim should not have certain hours in which to file a complain because of work schedules.

City Attorney Flournoy stated that he would check with Municipal Judge Kelly Newman in regard to this.

Mayor pro tem Foley stated that he would like to request that the City Staff pursue the productivity study and get information from the City of Dallas regarding their study for submission to the City Commission. Mayor pro tem Foley stated that consideration should be given to having a productivity study done for the City of Lufkin.

22. There being no further business for consideration, meeting adjourned at 8:00 p.m.



Pat Foley
Pat Foley, Mayor pro tem

Ann Griffin
Ann Griffin, City Secretary