

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF MARCH, 1986, AT 5:00 P.M.

On the 4th day of March, 1986, 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
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present when the following business was transacted:

1. Meeting was opened with prayer by Rev. L. D. Bell, Minister, Mt. Olive Baptist Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

Mayor Garrison presented a Resolution to Commissioner Don Boyd in honor of being presented a Silver Beaver Award from the Boy Scouts of America.

3. APPROVAL OF MINUTES

Minutes of regular meeting of February 18, 1986, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. PRESENTATION - PLAQUE - ECOMET BURLEY

Mayor Garrison presented a plaque to Ecomet Burley in appreciation of his fine work to the community and for the service he has given to the Planning & Zoning Commission for the past 14 years.

5. ORDINANCE - APPROVED - SECOND READING - ALLEY CLOSING - TOBY AND CHESTNUT, BETWEEN MARGARET AND DOZIER

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Alley Closing covering property located between Toby and Chestnut and between Margaret & Dozier.

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

6. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - RANDY WINSTON - 1130 SOUTH FIRST STREET - RESIDENTIAL LARGE TO LOCAL BUSINESS, SPECIAL USE (OFFICE/APARTMENTS)

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Zone Change Request by Randy Winston covering property located at 1130 S. First Street from Residential Large to Local Business, Special Use (Office/Apartments).

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

7. ORDINANCE - APPROVED - SECOND READING - ANNEXATION AND PERMANENT ZONING - OLD UNION ROAD - RESIDENTIAL LARGE

Mayor Garrison stated that the Commission now had for consideration Second Reading of Ordinance for Annexation and Permanent Zoning of area North of Old Union Road and South of Texas Southeastern Railroad Line, West of Largent and East of Hudson City Limits line.

Mayor Garrison recognized William Long appearing in opposition of Zone Change Request. Mr. Long stated that he did not apply for the annexation and, in his opinion, leaving his property out would not hinder anyone else from being annexed in the area. Mr. Long stated that Commissioner Lynn Malone had visited with him earlier in the day to look over the situation.

In response to question by Commissioner Malone, City Planner Finan stated that under State law the City isn't allowed to exclude anything under 50' unless the City can prove a definite hardship, otherwise the City would be in violation of the State's discrimination policy. City Planner Finan stated that if Mr. Long's property were left out, it would cause a hardship by having to go outside the City and then back into the City in order to provide services.

Commissioner Pat Foley stated that he would have no problem excluding Mr. Long if his property was not surrounded by other property being annexed, and if he were left out, it would give the appearance of "an island".

City Planner Finan stated that Texas Department of Community Affairs is explicit in the guidelines for annexation and if this piece of property is excluded, there's a possibility that the whole annexation could be disallowed.

Commissioner Malone stated that in his opinion Mr. Long has a legitimate reason for not wanting to come into the City, and it would be a hardship to him individually.

Mr. Long stated that he would like to have his property included in the extra-territorial jurisdiction.

Mayor Garrison stated that annexation can't be based on whether one person wants to be in or not, if he's in an area that's logically a part of the development of a municipality, then his individual rights, to some extent, have to be sacrificed in view of the whole. Mayor Garrison stated that Mr. Long had stated at a previous meeting that he has a septic tank at his residence. Mayor Garrison stated that there is more and more pressure on septic tanks to where if that area develops, which it likely will, health authorities will not allow them to be put in that concentration. Mayor Garrison stated that this is an area where the City has to look at the overall development for the benefit of the people who are there and are likely to be there. Mayor Garrison stated that, in his opinion, this was a logical development of the City of Lufkin and Mr. Long just happened to be between two municipalities, Lufkin and Hudson.

Mayor Garrison stated that in the very near future the new Post Office would be located a very short distance from Mr. Long's property and that will affect the development of the whole area.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Annexation be approved on Second and Final Reading as presented. The following vote was recorded: Aye - Commissioners

Foley, Bronaugh, Simond, Boyd, Gorden, Mayor Garrison. Nay - Commissioner Malone. Mayor Garrison stated that the motion carried by a vote of 6 to 1.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that area being annexed be zoned Residential Large on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - SECOND READING - BAT ERADICATION

Mayor Garrison stated that the Commission now had for consideration Second Reading of Bat Eradication Ordinance.

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

9. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT ZONE - RONALD J. SCHAEFFER - 201-203 EAST FRANK AVENUE

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Tax Abatement/Reinvestment Zone for Ronald J. Schaeffer covering property located at 201-203 E. Frank Avenue.

Mr. Schaeffer stated that he was appearing before the Commission to apply for a Tax Abatement/Reinvestment Zone to improve the property for his law office and the leasing of some offices in the building next door.

In response to question by Commissioner Percy Simond, City Attorney Bob Flournoy stated that a question had arisen over whether or not an Ordinance had been passed or an agreement signed prior to any work being started and whether or not that improvement could be abated for tax purposes. City Attorney Flournoy stated that what was contemplated was that a whole area be established as a Tax Abatement Zone and the Commission had decided not to do it that way, but to take each individual piece of property. City Attorney Flournoy stated that, in his opinion, even though a person starts the work before he gets the Tax Abatement Ordinance passed, if it has never gone on the tax rolls, then it could still be abated and in Mr. Schaeffer's particular situation, none of the improvements has gone on the tax rolls, so it would qualify for the Tax Abatement.

City Attorney Flournoy stated that in his opinion once the improvements have been put on the tax rolls then they would have to be taken off the rolls and there would be some difficulty in doing that, while abating the property before it actually goes on the rolls is what was planned. City Attorney Flournoy stated that in an abatement the improvements are not put on the roll and the taxes are not paid on the improvements.

City Attorney Flournoy stated that 80% of the improvements for Mr. Calhoun's property has gone on the tax rolls.

In response to question by Commissioner Simond, City Manager Westerholm stated that on January 1, 1986, the Tax Appraisal District considered Mr. Calhoun's building 80% complete and that is what is on the tax rolls. City Manager Westerholm stated that the improvements for Mr. Schaeffer's property is not on the tax rolls yet. City Manager Westerholm stated that one project was started in August and one was started in October.

City Attorney Flournoy stated that, in his opinion, the Tax Appraisal District adds those improvements to the tax rolls that are over 50%

complete and in this situation, since Mr. Calhoun started earlier, he had 80% of his improvements completed by January 1, even though they haven't put a dollar amount on the improvements, it's entitled to be taken through the Board of Equalization.

Commissioner Jack Gorden stated that, in his opinion, once improvements have started, the property should not be eligible for Tax Abatement and he would question whether 80% of Mr. Calhoun's property has been completed and perhaps the Tax Appraisal District has made a mistake.

In response to question by Commissioner Simond, City Attorney Flournoy stated that when he had written his letter, he did not know whether either piece of property was on the tax rolls, and he was merely trying to find a cut off point which would determine when it was too late for the property to be abated. City Attorney Flournoy stated that the Commission might want to say that once any work is done, then it's too late to apply for a Tax Abatement. City Attorney Flournoy further stated that the original purpose of the Tax Abatement program was as an incentive to get people to get out and get some work done on improving the area and if the work's already been done, it was probably not an incentive for them.

Commissioner Simond stated that in his opinion it was the prerogative of the Commission to make that decision.

Mayor Garrison stated that, in his opinion, the objective of the law was to get people to rebuild those areas that are deteriorating and to him it was a little hypertechnical as to whether it could be said that the Tax Abatement had to be applied for first, the main point being that the building be rebuilt or restored.

Mayor Garrison stated that he was surprised that there wasn't something in the law that says what values take place and the City Attorney has said that the intent is not to go beyond the January 1 date, but, in his opinion, the law should be explicit about that. Mayor Garrison stated that he didn't know how property could be abated without some basis from which to work, some date to start.

City Attorney Flournoy stated that basically the Statute contemplated that a depressed or dilapidated area some size such as a three City block area be designated as a Reinvestment Zone, then anyone within the area could come in at any particular time, and they could participate and get the benefit of the Tax Abatement.

Mayor Garrison stated that the substance of the program is that the City has gotten improvements in an area that was otherwise deteriorating.

Commissioner Simond stated that he agreed with the Mayor, and in his opinion, his statement could apply to both situations, Mr. Schaeffer's and Mr. Calhoun's.

Mayor Garrison stated that when a person comes in for a building permit, it might be pointed out to them that they might be able to participate in the Tax Abatement program.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Ordinance for Tax Abatement/Reinvestment Zone be approved on First Reading as presented, and that Tax Abatement be designated for a 15 year period. A unanimous affirmative vote was recorded.

10. ORDINANCE - APPROVED - FIRST READING - TAX ABATEMENT/REINVESTMENT ZONE - CLARENCE CALHOUN, JR. - 1002, 1004, AND 1006 WILSON STREET

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Tax Abatement/Reinvestment Zone for Clarence Calhoun, Jr. covering property located at 1002, 1004, and 1006 Wilson Street.

Commissioner Don Boyd stated that in his opinion the Tax Abatement Program had been fully discussed on the last item.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Ordinance for Tax Abatement and Reinvestment Zone be approved on First Reading as presented, and that Tax Abatement be designated for a 15 year period. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - ELECTION ORDINANCE

Mayor Garrison stated that new election procedures required the appointment of a Judge for the Absentee Ballot Board and the staff was recommending Pat Ramsey to be appointed for this position with S. T. Lewis and Rosalie Elliott as assistants.

Mayor Garrison stated that Alternate Judge Harvey Rowin had resigned and Annie Jenkins was being recommended to serve as Alternate Judge at the Ward I Polling Place.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Jack Gorden that recommendation of staff be accepted as presented. A unanimous affirmative vote was recorded.

12. RESOLUTION - APPROVED - CERTIFICATES OF OBLIGATION - TRIBBLE & STEPHENS - FIRST SOUTHWEST COMPANY

Mayor Garrison stated that the Commission now had for consideration a Resolution for Certificates of Obligation for payment of invoices to Tribble & Stephens for City Hall construction and to First Southwest Company for City Hall financing.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Don Boyd that invoice to Tribble & Stephens in the amount of \$163,515.00 and invoice to First Southwest Company in the amount of \$23,600 be approved as presented. A unanimous affirmative vote was recorded.

13. CHANGE ORDER - APPROVED - NEW CITY HALL

Mayor Garrison stated that the Commission now had for consideration Change Order No. 2 on the new City Hall. Mayor Garrison stated that an explanation from Jerry Hill justifying the change had been submitted and was included in the packet.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Change Order No. 2 in the amount of \$1,293.00 be approved as presented. A unanimous affirmative vote was recorded.

14. CONTRACT - APPROVED - EMERGENCY MEDICAL SERVICES SYSTEMS

Mayor Garrison stated that the Commission now had for consideration a revision in the Emergency Medical Services System Program and requested City Manager Westerholm to explain the program.

City Manager Westerholm stated that this contract was to fulfill the requirements of the Texas Health Department that any emergency medical service has to have a health director to set up the protocol and take care of training of the EMS personnel. City Manager Westerholm stated that previously the City had been under Health Director Dr. Jim Culp, who was based in Oklahoma, and he was terminated in January of this

year. City Manager Westerholm stated that the staff is suggesting operating with the two hospitals and they have an organization set up where their two emergency room doctors will act as the City's Health Directors for the EMS and a contract had been enclosed in the packets for the Commissioners to review and approve. City Manager Westerholm stated that Southwest Medical Associates, Inc. and Emergicare System Corporation will actually provide the services to the hospitals and the two emergency room doctors will work under their directions.

City Attorney Bob Flournoy stated that Southwest Medical Associates, Inc. had contracted with Dr. Dan Farmer at Memorial Medical Center and Emergicare System Corporation had contracted with Dr. John Tarr at Woodland Heights Medical Center, and that they are over any other medical personnel in the Emergency Room.

Mayor Garrison stated that under the contract the City agrees to pay a total of \$22,500; \$750 per month per doctor and the balance is for training and education.

In response to question by Commissioner Simond, City Attorney Flournoy stated that the contract is automatically renewed annually, but could be terminated at any time with or without cause.

Commissioner Pat Foley stated that under Section I of the Contract he questioned whether the services were too limited.

Attorney Don Duran stated that the Contract covers all the guidelines as set out by the Texas Health Department.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Contract be approved as presented. A unanimous affirmative vote was recorded.

15. GRANT APPLICATION - APPROVED - GIRLS' SOFTBALL ASSOCIATION - MORRIS FRANK PARK

Mayor Garrison stated that the Commission had received a request from Bill Ricks suggesting that the City apply to the T.L.L. Temple Foundation for the funds to build a girls' softball field fence at Morris Frank Park.

Mr. Ricks stated that actually he had applied to the Softball Association for girls whose ages were 7 through 15 years for a matching grant through the City and they were supplying the City's portion of the fund. Mr. Ricks stated that his organization has an application pending for a 501C designation, which has not been approved by the Federal Government. Mr. Ricks further stated that softball season is quickly approaching and that two fields at Morris Frank Park need to be fenced. Mr. Ricks stated that the application has already been filled out, but needs the City's approval and the association was asking the City to supply the labor to install the fence.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that application be approved as presented. A unanimous affirmative vote was recorded.

16. PROPOSAL - APPROVED - ARCHERY CLUB PAVILION - KIT MC CONNICO PARK

Mayor Garrison stated that the Commission had a proposal by the Parks Department made in accordance with a request from the East Texas Archery Club to construct a pavilion at Kit McConnico Park.

City Manager Westerholm stated that Butch Gorman was President of the East Texas Archery Club and spokesman of the group. City Manager Westerholm stated that a letter had been included in the Commissioner's packets where the club set forth their proposal and some of

the things they do and what kind of operation they have. City Manager Westerholm stated that Proposal A and Proposal B, along with some drawings, were included for consideration and the club was requesting that the City participate in Proposal A in the amount of \$1,000. City Manager Westerholm stated that the City has \$797 left over in oil lease money at Kit McConnico Park.

In response to question by Mayor Garrison, Butch Gorman stated that the project would cost \$2,000 and the archery club was providing half of the money. Mr. Gorman stated that the pavilion would be 20' X 20' in size with a 10' x 20' storage building. Mr. Gorman stated that there are three organized clubs in Lufkin with approximately 200 people participating in this sport. Mr. Gorman stated that the clubs host three invitational meets per year in Lufkin and that \$1.00 of the proceeds from the entry fee goes to Parks and Recreation. Mr. Gorman stated that last year \$1,278 had been turned over to the Parks Department and the projection this year was for \$1,400 to \$1,500. Mr. Gorman stated that, in his opinion, the City would benefit by having the newly constructed pavilion because it would benefit local business and the City because it is centrally located between Dallas and Houston.

In response to question by Commissioner Pat Foley as to the danger of having archery in the park, Butch Gorman stated that the range had been laid out and the trails were well defined and was similar to a golf course. Mr. Gorman stated that if the layout had been unsafe in any way, it would not have been sanctioned.

In response to question by Commissioner Lynn Malone, Butch Gorman stated that an electrician would be needed to install a guard light at the park to prevent vandalism. Mr. Gorman stated that a small bulldozer had been used at the park to cut narrow lanes in order to get three wheelers through. Mr. Gorman stated that he and his group had done all the work themselves on clearing out the underbrush. Mr. Gorman stated that they had installed 18 benches, a new practice range and some rest areas.

In answer to question by Mayor Garrison, Don Hannabas, Parks and Recreation Director, stated that he had talked with Frank Strothers regarding insurance coverage and Mr. Strothers had assured him the City was covered.

Commissioner Louis Bronaugh stated, for safety sake, perhaps some signs could be posted to keep people from straying onto the range. A member of the archery club stated that they had painted numerous signs and had posted them in strategic places and they had been stolen.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that proposal be approved as presented, with \$797 to be taken from oil lease fund and the balance of \$203 to be taken from the \$1.00 entry fees. A unanimous affirmative vote was recorded.

17. BID - APPROVED - MATERIAL - LOCATION OF WATER LINES - LOOP 287 AND HIGHWAY 59 SOUTH

Mayor Garrison stated that the Commission now had for consideration a bid on materials for relocation of water lines at Loop 287 and Highway 59 South.

City Manager Westerholm stated that the low bid was in the amount of \$34,386.24 and that \$41,000 had been set aside in the budget for implementation of this project. City Manager Westerholm stated that he would like for the balance to be used to relocate the water lines on Paul Street.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that bid of Big State Utility Supply in the amount of \$34,386.24 be accepted as presented. A unanimous affirmative vote was recorded.

18. ASSISTANCE AGREEMENT/AMENDMENT - APPROVED - SEWER TREATMENT PLANT

Mayor Garrison stated that the EPA is allowing the City \$99,735 on the sewer plant and it is necessary that an acceptance be signed.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that EPA agreement be accepted as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond authorizing Mayor Garrison to execute the contract document. A unanimous affirmative vote was recorded.

19. EXECUTIVE SESSION

Mayor Garrison stated that the Commission would now go into Executive Session to discuss reappointments of members whose terms have expired on the Zoning Board of Adjustment and Appeals. Mayor Garrison recessed formal meeting of the City Commission at 6:30 P.M. Mayor Garrison reconvened regular session and made announcements to those present concerning results of the Executive Session at 7:03 P.M.

Mayor Garrison stated that legal obstacles reaching some degree of resolution had been discussed and the Commission had also discussed the appointment of replacement or possible reappointments of members whose terms have expired on the Zoning Board of Adjustment and Appeals.

20. WIDENING OF SECOND STREET - CABLECOM - FIRE DEPARTMENT STUDY

In response to question by Commissioner Percy Simond, Public Works Director, Ron Wesch, stated that he was still aware of the need for widening Second Street across from the Sheriff's office and that it could be done.

Commissioner Simond stated that Cablecom was supposed to change over to Channel 3, the Beaumont station, and he would like to know the status of the change.

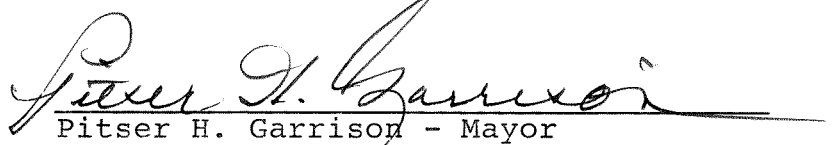
City Manager Westerholm stated that he had told Mr. Neal that the City would wait until he got it installed and the City Commission had made a commitment.

City Attorney Flournoy stated that Mr. Neal does not need the City to take any action on adding the channel.

Mayor Garrison requested City Manager Westerholm to check with Mr. Neal regarding same.

In response to question by Commissioner Simond, City Manager Westerholm stated that the staff had worked on the Fire Department study for over an hour this afternoon and had come up with 7 options that they will be presenting to the Commission perhaps next week.

21. There being no further business for consideration, meeting adjourned at 7:08 P.M.


Pitser H. Garrison - Mayor

ATTEST:

A handwritten signature in cursive script that reads "Atha Stokes". The signature is written in dark ink and is positioned above a horizontal line.

Atha Stokes - City Secretary