

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF MAY, 1979, AT 7:30 P.M.

On the 1st day of May, 1979, 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:

Pitser H. Garrison	Mayor
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

being present, and

W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Joseph Dufner, Pastor of Cross Roads Baptist Church, Lufkin, Texas.

2. Approval of Minutes

Motion was made by Comm. Richard Thompson that minutes of regular meeting of April 17, 1979, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

3. Zone Change Approved 2nd Reading - Mrs. Ann Dotson From RL to RL & LB District, Special Use (Pet Grooming Shop - No Overnight Boarding of Animals)

Mayor Garrison recognized City Attorney Robert Flournoy and asked that he report to the Commission on the legal aspects of this zone change application by Mrs. Ann Dotson from RL to RL & LB District, Special Use (Pet Grooming Shop - No Overnight Boarding of Animals) covering property located West of Bynum Street and between Frank and Mantooth Streets, being South 30 feet of Lot 2, Block 11, of the Woodland Heights Addition. City Attorney Flournoy reported that he had determined valid variance was granted to Mrs. Dotson by the Zoning Board of Adjustment & Appeals and no appeal of same was received in the time limitation established.

Mayor Garrison then inquired of City Attorney Flournoy concerning whether or not there were any additional legal matters to be considered regarding this zone change application. City Attorney Flournoy stated that the City's Zoning Ordinance required a 25' front yard setback for structures located in an LB District, and he could not determine how Mrs. Dotson would be able to have the required 25' setback when the area of property for which she desired to change the zone was only 30'. City Attorney Flournoy then stated that the City's Zoning Board of Adjustment & Appeals had the authority within their guidelines to grant a variance for this requirement.

Mayor Garrison stated that it appeared the Zoning Board of Adjustment & Appeals had the legal authority to allow construction of this building by Mrs. Dotson without regard to other complications which had been discussed by this Commission to include the front yard setback requirement.

Comm. E. C. Wareing expressed his concern that Mrs. Dotson had not been processed in an expeditious manner in this matter. Comm. Wareing also stated that a lesson should be learned from the problem which had resulted.

Comm. Richard Thompson expressed his concern for the proper access to this property and proposed parking. It was determined that adequate parking could be provided along the east portion of this property.

City Attorney Flournoy stated that Zoning Board of Adjustment & Appeals had made this variance applicable only to the particular problem described by Mrs. Dotson and no additional party could render use of this property for the same purpose inasmuch as zoning was provided to revert back to the present residential use in the event same was no longer necessary.

There was no opposition present and Mayor Garrison stated that in view of previous discussions it appeared unnecessary for Mrs. Dotson to reappear before the Zoning Board of Adjustment & Appeals in view of their previous decision regarding same.

Comm. Pat Foley made motion that zone change application by Mrs. Ann Dotson from RL District to RL & LB District, Special Use (Pet Grooming Shop - No Overnight Boarding of Animals) be approved on second and final reading of ordinance, with the stipulation that Mrs. Dotson be allowed to construct her facility as proposed. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Signalization of Abney Railroad Crossing Approved Without Crossing Gate Arms

City Manager Westerholm stated that he had discussed signalization of Abney railroad crossing and the use of gates at same with the Texas Department of Highways & Public Transportation and it had been suggested the Commission could approve motion to participate in signalization of Abney Street railroad crossing with the stipulation that warning lights be used without the crossing gate arms. City Manager Westerholm also stated that according to the TDH&PT, the railroad might possibly accept a compromise of this nature, although the railroad would recommend the use of crossing gate arms.

Comm. E. C. Wareing made motion that the City of Lufkin participate in the signalization of the Abney Street railroad crossing providing warning lights were utilized without crossing gate arms. Motion was seconded by Pat Foley and a unanimous affirmative vote was recorded.

5. Lufkin News - Approval of Property to be Removed From Fire Zone

Mayor Garrison recognized Mr. Joe Murray who was present appearing in representation of request by Lufkin News for removal of their property from the City's fire zone. Mr. Murray reviewed a letter he had written outlining the newspaper's reasons for request. Mr. Murray stated that the request had been prompted by problems with gasoline supply and prices, and the Lufkin News was concerned about whether or not their carriers would be able to obtain sufficient gasoline to make deliveries. Mr. Murray also explained exactly where the tank would be located and invited questions from City Commission.

City Manager Westerholm made reference to letter from Fire Marshal Roscoe Gibson recommending that property being considered for removal not be removed. City Manager Westerholm also stated that it was the duty of the Fire Marshal to reduce and eliminate problems dealing with hazards regarding usage of gasoline. City Manager Westerholm also stated that there were no hotels or motels on the property and less than 50% of the land contained structures.

Mayor Garrison stated it was his opinion that the proposed tank location would be isolated enough to be removed from the fire zone. Mayor Garrison also stated that at one time a hotel had been located on the property and there had been commercial establishments on the property which were some of the reasons the property had been previously included in a fire zone.

Discussion then developed regarding Fire Marshal Gibson's letter in which he stated that fire danger would be increased by numerous persons operating gasoline pump at this location. Mr. Murray then stated that he proposed to use one individual who would be responsible for maintaining the gasoline pump and dispersing gasoline to users.

Motion was made by Comm. Pat Foley that ordinance be approved on first reading amending the fire limits of the City of Lufkin and removing certain properties as requested by The Lufkin News in accordance with attached maps indicating exact location between Ellis, Bonner, and Moore Streets. Prior to second of motion, Comm. Richard Thompson stated his opinion that Comm. Foley's motion should include all property located between Frank and the railroad tracks inasmuch as this property was also located in the fire zone and possibly should be considered for removal. Following discussion, City Attorney Flournoy stated that it would be necessary to include all properties when first reading of ordinance was read due to the fact that a second reading may include removal of particular sections of the ordinance but could not include an addition.

Comm. Pat Foley then amended his previous motion to include all properties between Frank Street and the railroad tracks. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded to approve request on first reading of ordinance.

Comm. E. C. Wareing then requested that City Manager Westerholm review the balance of property in the fire zone in the downtown area due to obsolescence of use and the possibility of same being considered for removal in the future. City Manager Westerholm stated that he would have a study made of the area and report to members of the Commission at a later date.

6. Data Processing Department - Approval to Purchase Additional Data Processing Equipment

City Manager Westerholm stated that additional equipment was needed for the City's Data Processing Department in order to handle more workload added by City departments being placed on-line in the computer system. City Manager Westerholm made reference to letter submitted by Linda Lively, Director of Administrative Services, and stated that Ms. Lively was present to answer any questions members of Commission may have regarding the additional equipment.

Comm. Pat Foley stated it had been his understanding that when the present equipment was acquired, same would be sufficient for the City's needs for a longer period.

Ms. Lively stated that at the present time it was not possible to place all City departments on-line with the present equipment. This implementation would allow each department to update its own records. Discussion developed regarding costs of additional equipment and City Manager Westerholm stated that the monthly cost of same would be \$3,400, and the City would receive approximately \$2,700 in rental fees from Angelina County and Deep East Texas Regional Mental Health/Mental Retardation Services for completion of their services.

Comm. Don E. Boyd inquired as to the amount of disk packs the City presently handled with its computer system. Comm. E. C. Wareing inquired as to adequate fireproofing containers for these disk packs. In response to these questions, Ms. Lively indicated that the City presently had approximately six disk packs and adequate fireproofing arrangements had been made for protection of same.

Comm. E. C. Wareing also inquired as to whether or not the City would be able to add additional customers to the use of this equipment to assist in reimbursement of the costs to the City. Ms. Lively stated that the City of Diboll and Hudson School District had made inquiries and adequate monies could be obtained for these services if decision was made by the City Commission to accept.

Mayor Garrison also inquired as to whether or not these added costs would be an additional expense to the City for personnel. It was reported that no additional personnel would be added as a result and only additional paper would be needed.

City Manager Westerholm recommended purchase of this new equipment based on the fact that City Commission could recover costs through additional customers added.

Motion was made by Comm. E. C. Wareing that purchase of additional data processing equipment be authorized. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

7. Water Pollution Control Plant - Approval of Bids - Purchase of 10,000 Pounds of Earthworms (EISENIA FOETIDA)

Mayor Garrison recognized City Manager Westerholm who informed members of Commission that bids had been opened and tabulated by City staff on April 30, 1979, at 2:00 p.m., for the purchase of 10,000 pounds of earthworms (Eisenia foetida) for use at the City's Water Pollution Control Plant. City Manager Westerholm stated that Mr. Ed Green, consultant for this project, was present to answer any questions members of Commission may have regarding same. Mr. Green stated that he had discussed a possible contract with low bidder and this company should be reliable; but suggested members of Commission may desire to consider a performance bond.

The following bids were reviewed:

<u>Name of Company</u>	<u>Bid Amount</u>
Tommy McMahon	1,200 lbs. @ \$2.50 per pound
Mahan Worm Farm	1,200 lbs. @ \$2.50 per pound
* Carolina Worm Growers Co-op	10,000 lbs. @ \$1.15 per pound
W. W. Worm Ranch	2,000 lbs. @ \$2.10 per pound
Tommy Penn	500 lbs. @ \$2.50 per pound
Bill's Worm Farm	\$3.50 per pound
Phillip's Worms, Inc.	10,000 lbs. @ \$1.39 per pound
Peacewood Worm Farm	10,000 lbs. @ \$3.50 per pound
Mr. & Mrs. Everett Howell	500 lbs. @ \$4.00 per pound
Mrs. Shirley M. Penton	10,000 lbs. @ \$2.55 per pound
H. T. Autrey	10,000 lbs. @ \$4.50 per pound
Wildwood Worm Farm	500 lbs. @ \$2.50 per pound
Mrs. Neva Parker	100 lbs. @ \$2.00 per pound

* Low bidder - recommended

Discussion developed regarding amount of bond and it was unanimously agreed that same be set at \$10,000. It was also unanimously agreed that the City should pay the cost of preparing this bond to the lowest bidder selected.

Motion was then made by Comm. E. C. Wareing that low bid be awarded to Carolina Worm Growers Co-op in the amount of \$1.15 per pound (\$11,470.00) for the purchase of 10,000 pounds of earthworms, subject to the following conditions:

1. \$10,000 performance bond be furnished by bidder, at expense of City.
2. Company awarded bid deliver worms within 15 days of date requested during month of June, 1979.
3. That bid be passed on to next lowest bidder if agreement could not be reached with Carolina Worm Growers Co-op; and
4. Acceptance of contract between vendor and City of Lufkin.

Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Mr. Green inquired of members of Commission as to the amount of time that should be given to lowest bidder to respond to conditions of this purchase. It was unanimously agreed by members of Commission that low bidder should respond within 3 to 7 days from notification by the City of Lufkin regarding confirmation of bid acceptance.

8. Resolution Adopted - New Federal Building

Mayor Garrison reported it had recently been announced that a new Federal Building would be erected at the corner of Second and Howe Streets and same would be a valuable asset to the redevelopment extension of the central business area of Lufkin. Mayor Garrison also stated that this addition would be in keeping with the orderly growth of the City and the land use planning, and the City of Lufkin should propose to authorize construction of this improvement and make necessary utility connections.

Mayor Garrison then read a copy of proposed resolution based on this acceptance and approval by the City Commission. Motion was made by Comm. Pat Foley and seconded by Comm. Richard Thompson that resolution be approved as read by Mayor Garrison. A unanimous affirmative vote was recorded.

9. Texas National Guard - Authorization to Utilize City's Old Landfill Site

City Manager Westerholm reviewed letter received from Texas National Guard requesting that the City authorize utilization of the old sanitary landfill site for training purposes. City Manager Westerholm also stated that if the Commission authorized the Texas National Guard for this usage, some type of agreement would be drawn regarding same. City Manager Westerholm recommended acceptance of same for improvement of the area which would be completed as indicated in request.

Motion was made by Comm. Pat Foley that the Texas National Guard be authorized to utilize the site of the old sanitary landfill area for future training purposes and City Manager Westerholm be authorized to facilitate an agreement regarding said utilization. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing stated that any construction in and around the Cedar Grove area should be carefully watched to minimize dust and noise due to the residences near this area and to further clarify any possible objections from the state regarding use of this facility at the present time prior to final completion of contract.

10. Executive Session - Discussion of Appointment of Member to Fill Unexpired Term of Comm. Pat Foley - Discussion of Various City Board Appointments

Mayor Garrison adjourned formal open meeting of the City Commission to Executive Session at 8:45 p.m., for the purpose of discussing a possible appointment to replace the vacancy left by Comm. Pat Foley and possible appointments to various City boards.

At 9:45 p.m., Mayor Garrison reopened regular meeting of the City Commission and announced that members of Commission had discussed appointments to various City boards and a replacement to fill the unexpired term of Comm. Pat Foley. Mayor Garrison further stated that the City Manager had been requested to contact these individuals, and announcements would be made in the future following acceptance by individuals selected.

11. Telephone Service - Discussion - Lufkin Telephone Exchange

Comm. Richard Thompson inquired of members of Commission as to whether or not they had received information regarding a complaint against the Lufkin Telephone Exchange for services within certain areas. Mayor Garrison stated that he was familiar with this particular complaint and he had received letter from Mr. Larry Ross regarding the problem which existed with the phone service involved in this particular complaint. Mayor Garrison stated that it had been explained by Mr. Ross that a cable had been cut during construction and outages were experienced in these areas.

12. Public Works Coordinator - Introduction of Dwayne Humphrey

City Manager Westerholm stated that Mr. Dwayne Humphrey had been recently appointed as the new Public Works Coordinator. Mr. Westerholm then introduced Mr. Humphrey to members of Commission.

13. Copeland Street Bridge - Report on Construction

Comm. Pat Foley inquired as to the construction of Copeland Street Bridge. City Manager Westerholm reported that the bridge would be reopened by Friday of the present week and the new estimated cost of construction was only \$6,000, which was considerably less than the amount estimated of repairs previously discussed.

14. Adjournment

There being no further business for consideration, meeting adjourned at 9:50 p.m.

Peter H. Harrison
MAYOR - City of Lufkin, Texas



Angela G. Johnson
Assistant City Manager