

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY  
OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF OCTOBER, 1982, AT 7:30 P.M.

On the 5th day of October, 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:

Pitser H. Garrison	Mayor
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
Libby Sims	Assistant City Secretary

being present, when the following business was transacted.

1. Meeting opened with prayer by Rev. Kenneth W. Goodell, Pastor of St. Paul United Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of September 21, 1982, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. OPEN HEARING - Annexation & Permanent Zoning Request - Duncan Construction - A & C

Mayor Garrison stated that a public hearing was necessary to reconsider Annexation & Permanent Zoning request by Duncan Construction covering property fronting on Highway 94, west of Loop 287. Mayor Garrison further stated that the annexation and permanent zoning had been approved at a previous meeting, but because of the new annexation statutes, the sequence of events required, the City Commission was requested to reapprove the annexation and permanent zoning. Mayor Garrison stated that the on-site public hearing for this annexation and permanent zoning was held out of sequence and to avoid any questions of the legality of same, the Commission would reapprove the annexation proceedings. Mayor Garrison officially opened public hearing and there was no one present to speak in regard to annexation and permanent zoning request. Mayor Garrison closed public hearing.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that Annexation & Permanent Zoning be considered for First Reading at November 2, 1982, meeting of City Commission. A unanimous affirmative vote was recorded.

5. OPEN HEARING - RepublicBank - Resolution Approved - Development Corporation Act of 1979 - Downtown Area set for Public Hearing

Mayor Garrison stated that public hearing was necessary to consider RepublicBank application to participate in the Development Corporation Act by determining that the area bordered by First Street, Townsend Street, Second Street, and Jodie Street, is eligible for tax exempt financing. Mayor Garrison further stated that the designation only authorized that the interest earned on the bonds would be tax free.

Bubba Shands, President of RepublicBank, stated that the bank had only asked for consideration of the area on which the bank is located.

Robert Flournoy, City Attorney stated that a number of cities are designating entire downtown areas to receive the tax exempt financing status.

Richard Warner, local Attorney, stated that he would like to

recommend that the entire area proposed by City Staff bounded by Abney, Laurel, Chestnut, Timberland, Groesbeck, Conn, Denman, S. Angelian and Herndon Streets be considered as eligible for consideration under the tax exempt financing. Mr. Warner further stated that he owns property within this area. There were four (4) persons present in regard to request that the entire area be considered for approval under the Development Corporation Act of 1979.

Mayor Garrison officially closed public hearing.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that resolution be approved designating area advertised for RepublicBank, bordered by First Street, Townsend Street, Second Street, and Jodie Street, be designated as eligible for tax exempt financing. A unanimous affirmative vote was recorded.

Bubba Shands stated that there had been an expression of concern about RepublicBank applying for this type of financing and if the City Commission would be more comfortable, the bank property could be waived until the entire area was designated for this type of financing. Commissioner E.C. Wareing stated that the City Commission feels designation of RepublicBank property is a step forward and should be approved at this time.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner E.C. Wareing that the large area bounded by Abney, Laurel, Chestnut, Groesbeck, Timberland, Conn, Denman, S. Angelina and Herndon Streets should be considered at Public Hearing on November 2, 1982, meeting of City Commission to determine if same is eligible under the Development Corporation Act for tax exempt financing. A unanimous affirmative vote was recorded.

6. Water and Sewer Rate Increase - Ordinances Approved - Second Reading

Mayor Garrison stated that two (2) ordinances increasing water and sewer rates for the new fiscal year had been approved on First Reading at last meeting of City Commission.

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

Mayor Garrison stated that the ordinance providing for the increase in sewer rates, Section 26-70, Subsection B, TSS in excess of 250 pounds per million should be \$.44 per pound, and at last meeting it was reported in error that it should be \$.48 per pound.

7. Sanitation Rates Increase - Second Reading - Approved

Mayor Garrison stated that the increase in Sanitation Rates had been approved on First Reading at last City Commission meeting.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that ordinance be approved on Second and Final Reading as presented. The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, Boyd, McCurry, Thompson, Wareing. Nay: Commissioner Foley. Mayor Garrison declared the motion approved by a vote of six (6) to one (1).

Commissioner Pat Foley stated that he was not voting against the rate increase on proposed Sanitation ordinance, but was voting against the overall increase in this department because he felt the excess was not necessary for operation.

Commissioner E.C. Wareing requested information on whether industries complying with the 300 parts per million of waste released into the sewer system would allow the present sewer plant to operate in compliance with the EPA requirements.

City Manager Harvey Westerholm stated that there would still be the problem of the disposition of the sludge, and heavy rainfall would cause the plant to be out of compliance.

Commissioner E.C. Wareing stated that it would be expensive for the industries that are exceeding the regulations by a substantial amount, but the citizens of the city should not pay for overloading of the plant caused by industries.

Commissioner Bob McCurry requested information regarding the fact that if industries were in compliance, the city would not have to construct a new sewer plant.

City Manager Westerholm stated that the city would still have to provide for the sludge and construct the holding pond for storm waters. City Manager Westerholm further stated that at present half of the aeration basin is having to be used for aerobic digestion tanks which results in the present plant operating at capacity.

Mayor Garrison stated that he would be interested to know if there were any cities meeting all the guidelines of the EPA, and he was not satisfied that Lufkin should be required to construct a new plant.

City Manager Westerholm stated that a public hearing would be held on October 28, 1982, concerning the proposed facilities.

8. Zone Change Application - Approved - Kenneth Koon - RL to C

Mayor Garrison stated that zone change application by Kenneth Koon covering property on Loop 287 at Loop Lane from Residential Large to Commercial had been recommended to City Commission for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change application be approved as presented. A unanimous affirmative vote was recorded.

9. Bid - Approved - Refuse and Leaf Bags - Adams Industry

Mayor Garrison stated that yearly bids had been received for the purchase of refuse and leaf bags to be used in the Sanitation Department, and the City Staff had recommended that the bid of Adams Industries be approved as the lowest and the best bid.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that the bid of Adams Industry in the following amount be approved as recommended by City Staff.

Leaf Bags - .0972 per bag  
Refuse Bags - .0532 per bag

A unanimous affirmative vote was recorded.

10. Bid - Approved - 1960 Firetruck - Central Volunteer Fire Department

Mayor Garrison stated that bids had been received for the sale of the 1960 Firetruck in the following amounts:

Hudson Volunteer Fire Department - \$4,000.00  
Central Volunteer Fire Department - \$4,005.00

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that bid of Central Volunteer Fire Department be approved in the amount of \$4,005.00. A unanimous affirmative vote was recorded.

11. Appointments Approved - Air Conditioning, Mechanical Refrigeration and Heating Board

Mayor Garrison stated that three (3) members of the Air Conditioning, Mechanical Refrigeration and Heating Board have terms that expire in October this year. They are: Tom Paxson, Richard Smelley, and Roger G. Johnson.

Motion was made by Commissioner E.C. Wareing and seconded by

Commissioner Percy Simond that these three (3) members be reappointed to another term. A unanimous affirmative vote was recorded.

12. Waiver for Dumpster Pickup - Civic Center Fees - Lufkin Leadership Class - Fire Plug Maintenance

Commissioner Richard Thompson stated that collection of dumpsters at some locations have caused damage to driveways, and a waiver should be received from the property owners freeing the City from responsibility for repair of driveway surface if damage is caused by pickup of dumpsters.

City Manager Westerholm stated that new construction is required to prepare a concrete pad for placement of the dumpster to avoid this type of damage.

Mayor Garrison stated that the City Attorney should prepare a waiver for the property owners to sign when they subscribe for dumpster service.

Commissioner Pat Foley stated that fee schedule for the Civic Center should be considered to determine if an increase was needed.

City Manager Westerholm stated that deposit amounts had been increased, but the rates for the Civic Center had not been considered since it opened. City Manager Westerholm further stated that carpet for installation in the Civic Center should be received November 8, 1982.

Commissioner E.C. Wareing stated that he had the opportunity to participate in the first class of the Lufkin Leadership Program, and he would like to compliment the City Manager and City Staff for the good impression that was left with the participants.

Commissioner Percy Simond stated that he was upset by the report that the City Fire Department during a recent fire attempted to use a fireplug that was not in operation. Commissioner Simond further stated the fire department should be aware of any plugs that were not in working condition.

City Manager Westerholm stated that the fire plug was installed by an individual on a two (2) inch line, but the Fire Department was in error. City Manager Westerholm further stated that the fire plug has been removed, and a new program has been instituted to clean and renovate all fire plugs. City Manager Westerholm stated that the Fire Department has a meter that indicates the amount of flow that can be derived from any fire plug.

Commissioner Don Boyd stated that some areas in the City of Lufkin are still without fire protection, and City Manager Harvey Westerholm stated there are no fire plugs on the East Loop.

Mayor Garrison stated he would like to see a chart indicating which fire plugs are available and how many homes are still without fire protection.

Commissioner E.C. Wareing stated that the Commission has discussed this problem several times before and the City is attempting to cover the entire area with fire protection but it would be very expensive to complete the entire job at one time.

13. There being no further business for consideration, meeting adjourned at 8:40 p.m.

*Pitser H. Garrison*  
Pitser H. Garrison, Mayor



*Ann Griffin*  
Ann Griffin, City Secretary