

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF OCTOBER, 1982, AT 5:00 P.M.

On the 19th 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. Frank Starr, Pastor of First Lutheran Church, Lufkin.
2. Mayor Garrison welcomed visitors present and recognized members of Leadership Lufkin Program as special guests of the City Commission. Mayor Garrison stated that Leadership Lufkin is sponsored by the Chamber of Commerce and the purpose is to acquaint those chosen to participate in the program with the various entities of government that are important to the growth and development of the City of Lufkin.

3. Approval of Minutes

Minutes of regular meeting of October 5, 1982, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. Annexation and Permanent Zoning - Steel -Martin Enterprises LM to C

Mayor Garrison stated that Annexation and 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 considered at public hearing during last meeting of City Commission. There was no opposition present.

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

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that permanent zoning of property to Light Manufacturing and Commercial be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. 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 approved on First Reading at last meeting of City Commission. There was no opposition present.

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

6. Zone Change Application - Approved - First Reading - Charles E. Lucas III, RL to NR

Mayor Garrison stated that zone change application by Charles E. Lucas III, covering property located at 205 Joyce Lane, south of Highway 69, from Residential Large to Neighborhood Retail had been recommended to City Commission by Planning and Zoning Commission for approval. 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 on First Reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - First Reading - Fred L. Walker and Dr. C.A. Allen - RL to LM

Mayor Garrison stated that zone change application by Fred L. Walker and Dr. C.A. Allen, covering property located on Hill Street between Lotus Lane and North Raguet from Residential Large to Light Manufacturing had been recommended to City Commission by Planning and Zoning Commission for approval. There was no opposition present.

Fred L. Walker was present at the meeting and stated that the area proposed for zone change was the central 27 acres of the entire 44 acre tract.

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

8. Budget Revised - Gas & Oil Lease Monies - Kit McConnico Park - Underground Electric System - TP&L - Budget Amended

Mayor Garrison stated that the Texas Department of Parks & Wildlife has ruled that all overhead electrical lines must be placed underground in Kit McConnico Park which was improved with money received from this department. Mayor Garrison further stated that the City Manager and the Parks & Recreation Department were requesting that the \$28,177.20 received from oil and gas leases on City property be committed for construction of the underground utilities. Mayor Garrison stated that this money can only be used for park improvements and would be added to the \$15,000.00 budgeted for construction of the underground lines.

City Manager Harvey Westerholm stated that the Texas Department of Parks & Wildlife has stated that overhead lines are considered an environmental intrusion in park lands and have to be placed underground.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that gas and oil lease monies in the amount of \$28,177.20 be allocated to construct underground electric system at Kit McConnico Park and that the budget be revised accordingly. A unanimous affirmative vote was recorded.

9. Bid Approved - Forms Burster - Data Processing Department - Uarco Incorporated

Mayor Garrison stated that bids had been received for a new forms burster as authorized in our budget and that Pam Bates, Data Processing Manager, was recommending the bid of Uarco Incorporated be approved.

City Manager Westerholm stated that two (2) companies had bid on the piece of equipment. They were Moore Business Forms and Uarco Incorporated in the following amounts:

Uarco Incorporated - \$7,840.00

Moore Business Forms - \$7,678.00 (does not meet specs)
\$9,990.00 (meets specs)

City Manager Westerholm further stated that the bid of Uarco Incorporated exceeded the budgeted amount by \$840.00, but the additional amount could be absorbed during the year.

City Manager Westerholm stated that the present forms burster tears the paper which requires extra time by employees to repair.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that bid of Uarco Incorporated in the amount of \$7,840.00 be approved. A unanimous affirmative vote was recorded.

10. Resolution Approved - Community Development Block Grant - Application to HUD

Mayor Garrison stated that a resolution had been prepared by DETCOG for submission to HUD authorizing execution of document for Community Block Grant application in the amount of \$500,000.00.

City Manager Westerholm stated that the City would match the grant money in the amount of \$127,000.00 for improving the utility lines and other work that could be completed by the City. City Manager Westerholm further stated that \$75,000.00 would be used for the following improvements; drainage on the creek between Locke and Lining Stree, curb and gutter and widening of Chestnut Drive from Groesbeck to Atkinson Street, and curb and gutter on Paul Street from Timberland to Fifth Street. City Manager Westerholm further stated that the application must be submitted no sooner than October 25, 1982, and no later than November 8, 1982.

Commissioner Percy Simond stated that particular attention should be given to minority construction firms participation in work on the projects. Randy Blanks, DETCOG Representative, stated that when bid forms were released, minority construction companies would be contacted to determine if they were interested in submitting a proposal for any of the work.

Commissioner Percy Simond stated that Shankle Construction Company was allowed to do the sidewalk work on the last Community Development Block Grant, but he would prefer that minority construction companies be allowed more participation in this block grant.

Commissioner Pat Foley stated that with the granting of this Community Development Block Grant the people of the subject neighborhood should be advised that all projects would be completed as far as possible with the money received from the grant. Commissioner Foley stated that the sidewalks had to be completed with City money on the last grant because they were promised, and when the money was depleted, the City felt obligated to complete the project.

Commissioner Don Boyd stated that the main reason City money had to be used to complete the construction was an error on the part of the engineering firm.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that resolution be approved as presented, authorizing application to be made for a Community Development Block Grant in the amount of \$500,000.00. A unanimous affirmative vote was recorded.

11. Pedestrian Crosswalk Signal - Approved - Pershing Street

Mayor Garrison stated that with the improvements to Pershing Street the City Manager and Staff were recommending a pedestrian crosswalk signal be installed to provide a safe crosswalk for Lufkin Industries employees without unduly interfering with the traffic on Pershing Street.

City Manager Westerholm stated that the signal would be actuated by the pedestrian and provide a one (1) minute interval for foot traffic between the normal traffic flow. City Manager Westerholm stated that he would recommend the low quote of Teeco Safety Incorporated of Shreveport, Louisiana, in the amount of \$2,877.00 and that \$25,000.00 had been designated in

the budget for signal systems.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that City Manager and Staff be authorized to proceed with installation of the crosswalk signal. A unanimous affirmative vote was recorded.

12. Halloween Observance - Saturday Designated

Mayor Garrison stated that the City had received a request to designate Saturday night as the date to observe Halloween in the City of Lufkin to avoid conflicts with Sunday evening church services.

Commissioner Percy Simond stated that Halloween had been banned in some cities because of the recent problems with drugs and poisoned Halloween candy. Commissioner Simond further stated that something should be done in the City of Lufkin to control the children's night activity, and perhaps a central location could be set up for dispensing candy.

Mayor Garrison stated that because of the danger that has been experienced during Halloween night, parents are more protective of their children and the Halloween Holiday should not be discontinued. Mayor Garrison further stated that the P.T.A. might consider addressing the problem, and if the parents wanted to cease the observance of Halloween, the City Commission would support them.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that the City Commission would suggest that any celebration of Halloween take place on Saturday night, October 30, 1982, that parents are requested to supervise any activity that might be harmful to the children, and that the news media assist in making this information available to the public. A unanimous affirmative vote was recorded.

13. Propane Tank Installation - Approved - Hal Adams

Mayor Garrison stated that Hal Adams had made application for installation of a 12,000 gallon propane tank at Highway 69 and Loop 287. Mayor Garrison stated that the City Commission must approve the application before Mr. Adams can complete the application to the Railroad Commission.

Commissioner E.C. Wareing stated that the Railroad Commission has very stringent regulations that have to be followed when loading and unloading the propane. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that installation of the 12,000 gallon propane tank be approved as requested. A unanimous affirmative vote was recorded.

14. EXECUTIVE SESSION - Dr. Waldo Gonzalez - Statement Issued

Mayor Garrison stated that it was necessary for the City Commission to adjourn into executive session to discuss an attorney-client matter. Mayor Garrison recessed formal open meeting of City Commission at 5:50 p.m.

At 7:15 p.m., Mayor Garrison reconvened the regular meeting of the City Commission and made an announcement to individuals present regarding the results of the executive session. Mayor Garrison stated that during the executive session, the City Attorney and City Manager briefed the City Commission on events leading to the complaints of Dr. and Mrs. Gonzalez. Mayor Garrison further stated that under the Charter of the City of Lufkin, the City Manager has all authority in personnel matters and the City Commission has no right to interfere in discipline or other matters relating to personnel. Mayor Garrison stated that City Manager Harvey Westerholm would release a written statement to those interested, and no elaboration would be made because of pending litigation. The

following written statement was given to representatives of the media:

A very thorough investigation of the complaints made by Dr. and Mrs. Waldo Gonzalez has been made. From this investigation we have concluded that the arrest of Dr. and Mrs. Gonzalez was within the legal authority of the officers involved and in accordance with the established policies of this and other cities, and that they did not use any more force than appeared reasonably necessary at the time. We regret that the incident occurred, and we are seeking to employ an independent police management consultant to examine our police procedures and to recommend such changes as will enhance the effective administration of law enforcement in Lufkin.

15. Assistant City Manager - Introduced; Fire Plugs - Discussed; Ambulance Collections - Discussed; Appreciation Expressed to Centennial Commission

City Manager Harvey Westerholm introduced Brian Boudreaux, new Assistant City Manager, who assumed his duties on October 11, 1982.

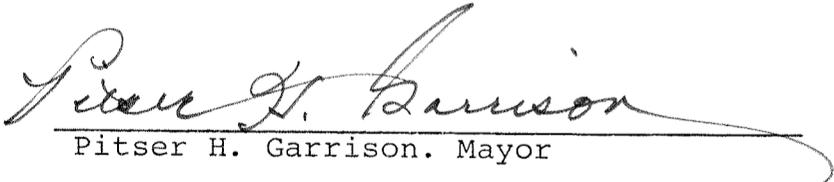
In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the map of fire plug locations is 90% complete and should be available to Commissioners at next meeting.

City Commissioner Don Boyd requested information in regard to ambulance service of the City of Lufkin. City Manager Harvey Westerholm stated that if the ambulance service was operated with personnel other than firemen, the service would not be self-supporting. City Manager Westerholm further stated that at present 68 to 70 percent of the bills were collected, even though people covered by Medicare and Medicaid only have 80% of their bill paid.

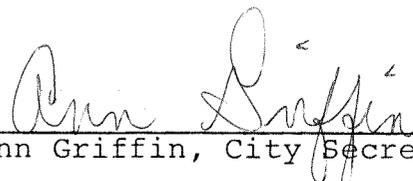
Commissioner Pat Foley stated that he would like to commend the members of the Centennial Commission for the preparation and execution of the Centennial Play and the Centennial Homecoming held this past week.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that a letter of appreciation be drafted to the Lufkin Centennial Commission. A unanimous affirmative vote was recorded.

16. There being no further business for consideration, meeting adjourned at 7:20 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary