MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF OCTOBER, 1983, AT 7:30 P.M.

On the 4th day of October, 1983, 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
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
Brian Boudreaux	Assistant City Manager

being present and,

Gil Fears	Commissioner, Ward No. 3
Ron Wesch	Public Works Director

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Jack Shoultz, Pastor of First United Methodist Church, Lufkin.

2. Mayor Garrison recognized visitors present.

3. <u>Approval of Minutes</u>

   Minutes of regular meeting of September 20, 1983, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. <u>Public Hearing - Alley Closing Request - C & H Investments - Former Woodland Heights Hospital Property</u>

   Mayor Garrison stated that a request had been received from C & H Investments requesting that alley covering property located between Bynum and Bledsoe and Mantooth and Frank in Block 5, Woodland Heights Addition at the site of the former Woodland Heights General Hospital be considered for closing by the City Commission. Mayor Garrison officially opened public hearing and recognized Jerry Hill, representative of C & H Investments.

   Mr. Hill stated that Angelina County had built Woodland Heights General Hospital over the alley, and his company could not obtain a clear title to the property until same had been closed by the City of Lufkin. Mr. Hill stated that the alley has never been used.

   Due to lack of discussion, Mayor Garrison declared public hearing closed.

5. <u>Ordinance - Approved - First Reading - Alley Closing - C & H Investments</u>

   Mayor Garrison stated that the City Commission had for consideration an ordinance closing the alley in Block 5, Woodland Heights Addition at the site of the former Woodland Heights General Hospital as requested by C & H Investments. There was no opposition present.

   Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

6. <u>Ordinance - Approved - Second Reading - Street Closing - James Mattox - North Banks Street</u>

   Mayor Garrison stated that street closing request by James Mattox covering a portion of North Bank Street located between Lake and Kurth Streets had been approved on first reading at last meeting of this Commission.

Commissioner Percy Simond stated that Mr. Mattox had previously informed the City Commission that he had spent approximately $2,000.00 on renovating the property and credit should be given to Mr. Mattox for this expenditure.

City Attorney Bob Flournoy stated that he had stated at last meeting of this Commission that the appraised value should be based on the condition of the property before improvements to allow credit to Mr. Mattox.

Commissioner E.C. Wareing stated that he had understood an allowance would be made for money spent by Mr. Mattox, but that the City would need something in writing stating that the money had been spent on subject property.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that Mr. Mattox receive credit for money spent in upgrading of the property not to exceed the appraised value of $600.00. A unanimous affirmative vote was recorded.

Mayor Garrison explained to Mr. Mattox that he would receive title to subject property without further payment once the City received a statement from him. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that ordinance for street closing of a portion of North Bank Street be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. <u>Ordinance - Approved - Second Reading - Street Closing - Robert Cold - Prairie Street</u>

Mayor Garrison stated that street closing request by Robert Cold covering a portion of Prairie Street located south of Lots 21 through 24 at east City Limits Line had been approved at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that appraised value of street be established at $480.00 as recommended by the City Tax Office. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. <u>Ordinance - Approved - Second Reading - Closing Streets and Alleys - Townsend Addition - Lufkin Lanes Property - Temple Pension Trust</u>

Mayor Garrison stated that ordinance closing streets and alleys in the Townsend Addition through the Lufkin Lanes Property as owned by Temple Pension Trust had been approved on first reading at last meeting of this Commission. There was no opposition present.

City Attorney Bob Flournoy stated that only one-half of the alley between lots 39 and 40 would require payment because the City does not have title to the additional portion of the subject alley.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Don Boyd that appraisal by the City Tax Office in the amount of $150.00 be approved. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. <u>Amendment - Approved - Second Reading - Traffic Ordinance - Speed Zone on Loop 287</u>

Mayor Garrison stated that amendment to the traffic ordinance establishing speed zones on Loop 287 from 103 South counterclockwise to Tulane was approved on first reading at last meeting of this Commission.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. Ordinance - Approved As Amended - Second Reading - Parking Zones, Time Limits, Fees, and Fines For Overparking - Established - Downtown Area

Mayor Garrison stated that an ordinance complying with the Lufkin Association Downtown recommendations to the City Commission regarding parking, time limits, fees, and fines for overparking had been approved on first reading at last meeting of this Commission.

City Manager Westerholm stated that a letter had been received from Bill Prince, President of the Lufkin Association Downtown, requesting an amendment to this ordinance that would change the proposed parking on lots 1 through 4 in Block 6, and lots 1 through 4 in Block 12, from all day parking to two hour parking and that lots 6 and 7 of Block 6, and lot 1 of Block 12 on First Street be changed from two hour parking to all day parking. City Manager Westerholm stated that this request reflected the desire of the businessess involved and same had received general approval at the Lufkin Association Downtown September 27, 1983, meeting.

Commissioner Percy Simond requested information regarding the maximum fines for parking in other cities. City Manager Westerholm stated that this information was not immediately available. Commissioner Percy Simond stated that his only objection to the ordinance was the maximum fine of $200.00.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading as presented with amendments as requested. The following vote was recorded: Aye: Mayor Garrison, Commissioners Boyd, Foley, Thompson, Wareing. Nay: Commissioner Simond. Mayor Garrison declared motion approved by a vote of five to one.

Commissioner Percy Simond stated that he was only opposed to the maximum fine.

11. Ordinance - Approved - Second Reading - School Zones Established - Anderson, Brandon, & St. Cyprian's Elementary Schools

Mayor Garrison stated that ordinance establishing school zones for Anderson, Brandon, and St. Cyprian's Elementary Schools was approved at last meeting of this Commission.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

12. Zone Change - Approved - First Reading - Haynes Rodeway Inns of Lufkin Incorporated - C to C,SU (Private Club)

Mayor Garrison stated that zone change application by Haynes Rodeway Inns of Lufkin, Inc. covering property located at 2130 South First Street, south of Loop 287 from Commerical to Commercial, Special Use (Private Club) had been recommended to City Commission by Planning and Zoning Commission for approval. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zone change be approved on first reading as presented. The following vote was recorded: Aye: Mayor Garrison, Commissioners Boyd, Simond, Foley, Wareing. Nay: Commissioner Thompson. Mayor Garrison declared motion approved by a vote of five to one.

13. Fire Service Contract - Angelina County - Approved

Mayor Garrison stated that the City of Lufkin had been discussing a fire service contract with Angelina County for several months. Mayor Garrison further stated that the contract would benefit the City of Lufkin by providing governmental immunity to City equipment that would be used on fires outside the City Limits. Mayor Garrison further stated that the contract had been discussed by the City Commission previously, has now been approved by the County, and is being submitted to the City Commission for approval. Mayor Garrison stated that the County would pay $25,000.00 a year in monthly payments to the City and the contract could be cancelled with 30 days' notice by either party. Mayor Garrison stated that the City has the right to decline to answer a call outside the City limits if the fire equipment is needed within the City, and that the County will assume responsibility for any accidents that occur outside the City limits.

City Attorney Bob Flournoy stated that the City has insurance that will cover fire trucks outside the City limits, and that ambulance service has been incorporated into the contract.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that contract be approved as presented. A unanimous affirmative vote was recorded.

14. Executive Session - Appointments to Various City Boards - Approved - Sewer Plant Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into an executive session to discuss various matters. Mayor Garrison recessed formal open hearing of the City Commission at 8:15 p.m.. At 8:30 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcements to individuals present regarding results of the executive session.

Mayor Garrison stated that the City Commission had discussed legal aspects of problems with the present Sewer Treatment Plant and that City Attorney Bob Flournoy is making a study regarding operation of same. Mayor Garrison stated that the Sewer Plant problems will be discussed at a later date. Mayor Garrison further stated that vacancies on various City Boards had been discussed.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that Velma Reese and Joe Floyd be reappointed to the Planning and Zoning Commission. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that Roger G. Johnson and Rayburn Brock be reappointed to the Air Conditioning, Mechanical, Refrigeration, and Heating Board. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Max Powers, Bill Philmon, and L.V. Charles be reappointed to the Taxi Cab Committee. A unanimous affirmative vote was recorded.

15. Pictures of Former City Commission Members, Discussed - Community Development Block Grant, Scoring Discussed - Driveway Regulations, Discussed

Commissioner E.C. Wareing stated that several pictures of earlier City Commissioners appeared to be turning yellow, and information should be sought to salvage the older pictures.

Commissioner Percy Simond stated that he had received complaints from various members of his Ward regarding water standing in ditches or slow flowing water during heavy rains. Commissioner Simond stated that in most instances culverts are not installed under driveways and the ditch being filled in to provide access by a driveway causes the problem.

City Manager Westerholm stated that the City will install a culvert, but the homeowner has to purchase same and request installation.

Commissioner Percy Simond stated that he was on the committee that did the scoring for the Community Development Block Grant, and he felt that the scoring was in error. Commissioner Simond stated that the twelve member board was requested not to vote for their own City or Place of Service, but in several instances a town or county received a total of twelve votes. Commissioner Simond stated the scores were not always accurate and were not available until very late. Commissioner Simond further stated that DETCOG was representing some Counties and Cities even though they were handling the scoring at the same time.

16. There being no further business for consideration, meeting adjourned at 8:42 p.m.

Pitser H. Garrison

Pitser H. Garrison, Mayor

CITY OF LUFKIN TEXAS

ATTEST:

Ann Griffin

Ann Griffin, City Secretary