

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD
ON THE 3RD DAY OF MAY, 1983, AT 7:30 P.M.

On the 3rd day of May, 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 A. Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Gil Fears	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
Bob Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

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1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God, Lufkin.
2. Mayor welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of April 19, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. Public Hearing - Jerry Hill & Associates - Tax Abatement Program

Mayor Garrison stated that Jerry Hill & Associates had purchased the former Woodland Heights Hospital property and were requesting that it be considered for the Tax Abatement Program. Mayor Garrison then recognized John Fleming, local attorney, appearing in representation of this item.

Mr. Fleming stated that a resolution declaring the area "blighted" was needed to render the property eligible for the Tax Abatement Program. Mr. Fleming further stated plans were to renovate the former Woodland Heights General Hospital to provide a retirement home consisting of 80 apartments with a 60 bed nursing unit attached.

Mayor Garrison officially opened public hearing and there was no opposition present. Mayor Garrison stated that he was familiar with the area and knew of approximately two (2) old residences that were deteriorating and the property would certainly qualify for the Tax Abatement Program.

Commissioner Gil Fears stated there were other areas of the City that need far more attention.

Mayor Garrison officially closed public hearing due to lack of discussion.

5. Resolution - Approved - Jerry Hill & Associates - Former Woodland Heights Hospital - Tax Abatement Program

Mayor Garrison stated that the resolution declaring the Jerry Hill property appropriate to significantly contribute to redevelopment of the "blighted" area and eligible for Lufkin Housing Finance Corporation financing was before the Commission.

John Fleming, local attorney, stated that the "blighted" classification was needed to move forward for financing by the Lufkin Housing Finance Corporation.

In answer to question by Commissioner Gil Fears, John Fleming stated that fees would be required of persons living in the retirement home, that each apartment would be purchased on a lease purchase agreement, and that the entire unit would be modeled after the Westminister Manor in Austin, Texas.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that resolution declaring the property "blighted" and eligible for the tax exempt financing under the Lufkin Housing Tax Abatement Finance Corporation be approved as presented. A unanimous affirmative vote was recorded.

7. Resolution - Approved - Peoples' National Bank - Lufkin Industrial Development Authority

Mayor Garrison stated that the City Commission will now consider approval of a resolution declaring the Peoples' National Bank project appropriate to significantly contribute to redevelopment of the "blighted" area under the Lufkin Industrial Development Authority. Mayor Garrison stated that the description included with the resolution indicated the entire annexed area was to be considered.

Mr. Fleming stated his client desired to include more than the bank property eligible for the tax relief.

Commissioner E.C. Wareing stated that he could not classify the new apartments constructed on the adjacent property as "blighted".

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that the four (4) acres owned by Peoples' National Bank be approved for redevelopment under the resolution. The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, Boyd, Foley, Wareing. Nay: Commissioners Fears and Thompson. Mayor Garrison declared the resolution approved by a vote of 5 to 2.

8. Public Hearing - Amendment to Revenue Sharing Budget

Mayor Garrison stated that this public hearing to consider the amendment to the Revenue Sharing Budget was a requirement of the Revenue Sharing Act, and he declared the public hearing opened. There was no opposition present, and Mayor Garrison officially closed public hearing due to lack of discussion.

9. Amendment- Approved - Revenue Sharing Budget - O'Quinn Street - Curb & Gutter

Mayor Garrison stated that the City Commission had for consideration approval of the amendment to the Revenue Sharing Budget to provide for construction of curb and gutter on O'Quinn Street.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that amendment to Revenue Sharing Budget be approved. A unanimous affirmative vote was recorded.

10. Ordinance - Approved - Second Reading - Lufkin Daily News - Tax Abatement Program

Mayor Garrison stated that ordinance authorizing Lufkin Daily News to participate in the Tax Abatement Program covering property located at the intersection of Ellis Avenue and Herndon Street had been approved on first reading at last meeting of this Commission.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

11. Ordinance - Approved - Second Reading - Zone Change - Sabine Investments - D to A, SU (Condominiums or townhouses, 6 foot sight bearing fence on north and south boundary line required, 15 foot building setback on south boundary line required)

Mayor Garrison stated that zone change application by Sabine Investments covering property located on Champions Drive, Crown Colony, Section XI, located between Brentwood Drive and Champions Drive, north of Windsor Court covering 3.5 acre tract from Duplex to Apartments, Special Use (condominiums or townhouses, 6 foot sight bearing fence on north and south boundary line required, 15 foot building setback on south boundary line required) had been approved on first reading at last meeting of City Commission. There was no opposition present.

Commissioner Pat Foley stated he would abstain from vote or discussion on this item because of his employment with Home Savings and Loan which had an interest in the property.

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

12. Appointments - Approved - Civil Service Commission - Floyd Yancy and Duncan Garner

Mayor Garrison stated that two (2) appointments to the Civil Service Commission had been considered in Executive Session at last meeting of City Commission, and one (1) person had agreed to serve on the Commission while one (1) could not serve because of a previous commitment to another City Board.

6. Public Hearing - Peoples' National Bank - Industrial Revenue Bond Financing

Mayor Garrison stated that Peoples' National Bank located on property north of Highway 94 and adjacent to the City Limits had asked for consideration as a "reinvestment zone" and to be declared "blighted" for the purpose of Industrial Revenue Bond Financing. Mayor Garrison officially opened public hearing and recognized John Fleming, local attorney, appearing in representation of application.

Mr. Fleming stated that the resolution to be considered next set out the applicable standards for property being declared "blighted", and Mr. Jack Gorden, president of the bank, was present to answer questions about the area. Mr. Fleming further stated that as he understood the requirements for a "blighted" area, the City Commission should decide the meaning of the term "blighted".

City Attorney Bob Flournoy stated that property being considered for bond financing should be treated differently than property being considered for tax abatement. Mr. Flournoy further stated that the area size is not defined within the act, and the terms "blighted" are "economically depressed areas", shall mean those areas or areas immediately adjacent thereto within the City which by reason of presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures are eligible. City Attorney Flournoy further stated that any place within the City could qualify for this term.

Mayor Garrison stated that the City Commission has to make a factual determination that something is a "blighted" area.

Mr. Fleming stated that he would suggest the Commission bear in mind the overall purpose of the act which is to provide jobs, keep money in Lufkin, and help with the present economical condition.

Jack Gorden stated that on the north side of Berry Road adjacent to the property were many dilapidated houses that provide for less than desirable living conditions. Mr. Gorden further stated there is a small piece of property between the bank and the City Limits of Lufkin on which a house is located that is not visible from the highway and is in a very bad state of disrepair. Mr. Gorden further stated that people are presently living in the house rent free with the owner's permission.

Commissioner Gil Fears stated that after the bank was constructed the condition of the houses would not change, and the location of the bank would not alter the "blighted" condition of the area.

Jack Gorden stated that construction of the bank on the subject property will enhance the area, and both future and present owners might receive an incentive to upgrade their property.

Mayor Garrison stated that he understood from Mr. Gorden's statement that he was testifying that a deteriorating house was located west of the bank's property and inside the City Limits of the City of Lufkin.

Mr. Gorden stated that this was correct, and in answer to question by Commissioner Gil Fears, stated that the area around the present Civic Center has been greatly improved because of its construction.

John Fleming stated that designation of the area as "blighted" will make the entire area eligible for tax exempt financing if the owners desire to request same from the Lufkin Industrial Development Authority.

Commissioner Wareing stated that the fieldnotes notes included with the application indicated that the entire area recently annexed into the City was to be considered under this application.

John Fleming stated that if there was a problem with the entire area being designated for consideration his client would be satisfied with consideration of the bank property.

Commissioner Richard Thompson stated that he understood the program was designed to encourage redevelopment of truly "blighted" areas and provide incentives for downtown renovation. Commissioner Thompson further stated that he was in favor of anything to aid in the growth and employment of the City, but approval of this application would not encourage redevelopment of the downtown area.

Mayor Garrison stated that he did not have a problem with the application if subject property was adjacent to deteriorating areas.

City Attorney Bob Flournoy stated that the deteriorating area could be outside the City Limits and still create growth inside the City of Lufkin.

Mayor Garrison officially closed public hearing due to lack of discussion.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Floyd Yancy be appointed to the Civil Service Commission. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the floor was now open for nominations to fill the second vacancy on the Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that Duncan Garner be asked to serve another term on the Civil Service Commission. A unanimous affirmative vote was recorded.

13. Curb & Gutter Paving Petition - Approved - Scarbrough Street

Mayor Garrison stated that curb and gutter paving petition by the residents of Scarbrough Street from Davis Street to the deadend had been recommended to the City Commission by the Planning and Zoning Commission.

City Manager Westerholm stated that the petition indicated an estimated cost of \$15.89 per linear foot would be assessed each property owner but this price would be refigured after a thorough estimate of the City's cost.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that curb and gutter paving petition be approved and that the Ordinance and cost factor be considered at next meeting of this Commission. A unanimous affirmative vote was recorded.

14. Ordinance - Approved - First Reading - Larry Byrd - RL to RL, SU (Daycare Center)

Mayor Garrison stated that zone change application by Larry Byrd covering property on the southwest corner of Fuller Springs Drive and Birdsong Road between Dawson Road and Tower Lane from Residential Large to Residential Large, Special Use (Daycare) had been recommended to the City Commission for approval by Planning and Zoning Commission. Mayor Garrison further stated that it had been noted in the minutes of the Planning and Zoning Commission that Mr. David operator of the Day Care Center had declared that he would construct a circle drive to the property and a six (6) foot privacy fence on three (3) sides of the property. There was no opposition present.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Pat Foley that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

15. Bid - Approved - Shotguns - Police Department - Angelina Arms

Mayor Garrison stated that three (3) bids had been received for the purchase of shotguns for use in the Police Department and requested that City Manager Westerholm provide more information.

City Manager Westerholm stated that funds for the purchase of the shotguns would be derived from the sale of rifles two (2) months previous, and that the staff was recommending that the low bid of Angelina Arms in the amount of \$2,925.00 be approved.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the low bid of Angelina Arms be approved. A unanimous affirmative vote was recorded.

Commissioner E.C. Wareing requested information about disposition of the old shotguns because he would not want unsafe firearms to be sold by the City of Lufkin.

Assistant City Manager Brian Boudreaux stated that the shotguns presently in the Police Department were unreliable as police weapons, but with a minimum amount of repairs, they would be suitable shotguns for the local citizens.

16. Amendment to City Charter - Denied

Mayor Garrison stated that Commissioner Percy Simond, Commissioner Don Boyd, and Commissioner Gil Fears had requested that the City Commission consider an amendment to the present City Charter. Mayor Garrison requested Commissioner Percy Simond present his reasons for the recommendation.

Commissioner Percy Simond stated that the City Commission should approve appointments of Department Heads by the City Manager because the City Commission should take more responsibility because lawsuits against the City are also against the City Officials. Commissioner Simond further stated that he was proposing that the City Manager would make a recommendation and it would be approved by a majority vote of the City Commissioners. Commissioner Simond stated that he hoped that the Commissioners would

support his recommendation because he would be hesitant to request a vote of the people without a majority of the City Commissioners' approval. Commissioner Simond further stated that discussion of the charter amendment should be in executive session to allow more discussion of the reasons for his recommendations.

Commissioner Pat Foley stated that a charter amendment could not be discussed in an executive session.

City Attorney Bob Flournoy stated that charter amendments could not be considered in closed session.

Commissioner Don Boyd stated that the charter amendment would not usurp responsibility from the City Manager, and that the appointments would only be approved by the City Commission.

Mayor Garrison stated that it is best for the City to allow the City Manager responsibility to choose department heads without interference of the City Commissioners. Mayor Garrison further stated that before the Charter was written in 1966, there was more interference by City Commissioners and the mortality rate of City Managers was greater than any City in Texas. Mayor Garrison further stated that the City Commission should stay out of the City Manager's business and the results achieved by him are the Commission's only concerns.

Commissioner Percy Simond stated that the City of Lufkin should not have a dictatorship and at present, Commissioners only have responsibility for expressing their views on the budget and zone changes.

Commissioner Pat Foley requested that Commissioner Percy Simond share with the Commission any problems that might have prompted the request for the Charter amendment.

Commissioner Percy Simond stated that since he began his term of office, the City of Lufkin had not employed a minority department head, there were not more than 20 black employees in the City, three (3) of which are crossing guards, and one (1) is a temporary employee. Commissioner Simond further stated that James Fears at the Civic Center is not a department head and only makes \$5.86 per hour.

Commissioner Pat Foley stated that he understood that all the salary ranges had been studied by a private company and recommendations had been made for any needed adjustments.

Commissioner Percy Simond stated that the population of the City of Lufkin is 27% black but the City of Lufkin has only 7% black employees.

Mayor Garrison stated that qualified applicants for the Police Department have been employed, and a request had been made for help from black Commissioners in receiving applications for these jobs.

Commissioner Simond stated that he did not have time to look for black police employees, and that the City should go to colleges and recruit black employees.

Mayor Garrison stated that the City Manager should study Commissioner Simond's statements and suggest solutions. Mayor Garrison stated that a person should not be hired just because they fit a certain category, and a study to reveal the present status of the City Government should be considered.

Commissioner Don Boyd stated that he would like to have a copy of the City Affirmative Action Plan.

Mayor Garrison stated that the Commission should study the problems and racial complications should not arise from the problem.

Commissioner Percy Simond stated he had nothing personally against Harvey Westerholm but the City Manager has dictatorial powers.

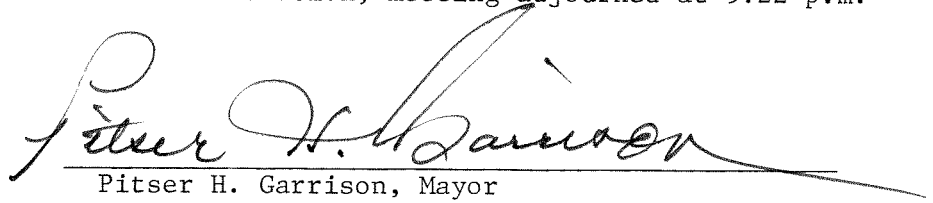
Motion was made by Commissioner Gil Fears and seconded by Commissioner Percy Simond that an amendment to the City Charter be approved and an election be ordered in this regard. The following vote was recorded: Aye: Commissioners Fears, Simond, and Boyd. Nay: Mayor Garrison, Commissioners Thompson, Foley, Wareing. Mayor Garrison declared motion failed by a vote of four (4) to three (3).

17. Executive Session - Lawsuits - Discussed

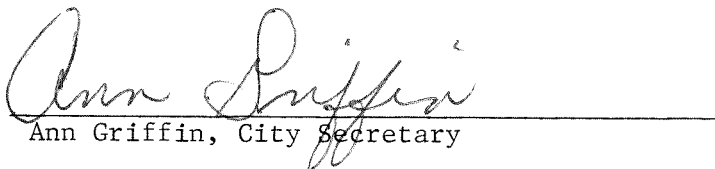
Mayor Garrison stated that it was necessary for the City Commission to adjourn into executive session to discuss pending lawsuits. Mayor Garrison recessed formal open meeting of the City Commission at 8:57 p.m.. At 9:20 p.m. Mayor Garrison convened regular meeting of the City Commission and made announcement to those present regarding results of the executive session.

Mayor Garrison stated that the City Commission had discussed three (3) current lawsuits, two (2) of which are not in progress, and the possibility of one (1) being filed. Mayor Garrison stated that the City Attorney will consider the lawsuits further and will report back to the City Commission with an announcement being made to the public as soon as there is anything to report.

18. There being no further business for consideration, meeting adjourned at 9:22 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary

*Before the City Commission meeting began Commissioner Gil Fears notified City Secretary, Ann Griffin, that he was substituting Patricia Powell's name to serve on the Citizen's Advisory Board instead of Rev. C.A. Berry.