

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS HELD
ON THE 17TH DAY OF MAY, 1983.

On the 17th 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
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Ron Wesch	Public Works Director

being present and,

Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager

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 welcomed visitors present and stated that the Senior Girl Scout Troop #271 with its leader Mrs. Lynn Owens was present for tonight's meeting in regard to their work on leadership interest projects.

3. Approval of Minutes

Commissioner Percy Simond stated that at last meeting of this Commission he had mistakenly stated that the City of Lufkin had 14% black employees, and the percentage should have been 7%. Commissioner Simond stated that this change should be made in the minutes for May 3, 1983.

Minutes of regular meeting of May 3, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley with the correction as requested by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. Ordinance - Approved - First Reading - Curb & Gutter Paving - Scarbrough Street

Mayor Garrison stated that curb and gutter paving petition had been approved at last meeting of this Commission for Scarbrough Street from Davis Street to the dead-end. Mayor Garrison stated that it was decided at the May 3, 1983, meeting that ordinance and cost factor in regard to this curb and gutter petition would be considered tonight.

City Manager Westerholm stated that the total cost of the project would be the same as announced at last meeting of this Commission, but more accurate estimates of property owner's participation had been provided.

Commissioner E.C. Wareing stated that estimates had been given for asphalt and concrete construction, and he would suggest the ordinance be approved on first reading without specifically stating whether asphalt or concrete would be used which would allow the property owners to make a decision on which type of construction they would prefer. Commissioner Wareing further stated that the cost per front foot on asphalt is \$15.56 and concrete would be \$20.76.

Commissioner Pat Foley stated that the money is not available in this year's budget for completion of the project, but it would be first in line for the next fiscal year.

City Attorney Bob Flournoy stated that the ordinance as presented tonight stated that curb and gutter would be constructed with a concrete street, but the ordinance could be revised at the next meeting of this Commission.

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

5. Ordinance - Approved - Second Reading - Larry Byrd - RL to RL, SU (Daycare Center)

Mayor Garrison stated that zone change application by Larry Byrd covering property located 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 Center) had been approved at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that zone change application be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6a. Bid - Rejected - Air Masks - Fire Department

Mayor Garrison stated that bids had been requested for the purchase of air masks for the use in the Fire Department, and suggested that City Manager Harvey Westerholm provide staff recommendation.

City Manager Westerholm stated that only one (1) bid was received, and Fire Chief Billy Stephens had requested that the bid of Claude Wright & Associates be rejected. City Manager Westerholm further stated there are many manufacturers of this type of equipment, and it was hard to understand why only one (1) bid was received. City Manager Westerholm further stated that the staff would request that re-advertisement be made and new bids be received.

Commissioner Percy Simond stated that he was in agreement that one (1) bid should not be accepted and that re-advertisement should be done.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E.C. Wareing that bid of Claude Wright & Associates be rejected and re-advertisement made for bids.

6b. Bid - Approved - Recorder - Fire Department - Sound Center Incorporated

Mayor Garrison stated that bids had been requested for the purchase of a recorder for use in the Fire Department, and suggested that City Manager Westerholm provide the staff recommendation.

City Manager Westerholm stated that the recorder was needed for the Fire Department to record the response times on fire and ambulance calls as well as instructions from local physicians to the new paramedics. City Manager Westerholm further stated that the recorder would also reduce the amount of unnecessary conversations on the phones if messages were being recorded. City Manager Westerholm stated that Fire Chief Billy Stephens would recommend the low bid of Sound Center Incorporated in the amount of \$4,526.25 be approved.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that low bid of Sound Center Incorporated be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that a representative of the Fire Department should have been present for discussion of the bids.

7. Appointment - Approved - Lufkin Industrial Development Authority - Lufkin Housing Finance Corporation - Gil Fears

Mayor Garrison stated that with the resignation of Bob McCurry from the Lufkin Industrial Development Authority and the Lufkin Housing Finance Corporation there was a vacancy that should be filled by appointment of the City Commission.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that Commissioner Gil Fears be elected to serve on the Lufkin Industrial Development Authority and the Lufkin Housing Finance Corporation Boards. A unanimous affirmative vote was recorded.

8. Ordinance - Approved - First Reading - Food and Food Establishment Ordinance

Mayor Garrison stated that the City Staff had been working with the Angelina County & City Health District for revision of the Food and Food Establishment Ordinance to provide a more efficient inspection and control of this type business. Mayor Garrison stated that a recommended ordinance had been presented for consideration at this meeting.

Commissioner Percy Simond stated that he was concerned about the provision for one (1) inspection every six (6) months and whether the inspectors were waiting until the next inspection period to review problems that had been revealed during a previous inspection.

City Manager Westerholm stated that an inspection must be made once every six (6) months, but if complaints were received, inspections would be done more frequently.

James Templeton, Health Inspector, stated that his organization was responsible for the entire County with only three (3) inspectors which included himself. Mr. Templeton further stated that the personnel available would only allow an inspection of every facility once a month because there are 300 plus permits outstanding at any one time in the County.

In response to question from Commissioner Percy Simond, Mr. Templeton stated that hair restraints were required by the State Ordinance, and they would be more important to a kitchen worker than a waitress.

City Manager Westerholm stated that the \$10.00 Food Establishment fee was mainly for the purpose of registering the food establishments within the City Limits, and that in addition to this, every employee of a food establishment must have a health card every six (6) months which many of the owners pay for.

Mr. Templeton stated that the City Food Establishment Permit and a health permit from Angelina County are both required.

In response to question by Commissioner Don Boyd, Mr. Templeton stated that the barbeque stands along the State highways are addressed as mobile units under the present ordinance, but under the proposed ordinance, each mobile unit would be required to return to a commissary each day. Mr. Templeton further stated that the proposed ordinance would have to be adopted by the County Commissioners' Court, and upon their approval, would be enforced in the County and the City.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that Food and Food Establishment Ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

9. Application - Economic Development Administrative Grant - City Manager Authorized To Proceed

Mayor Garrison stated that under the new Federal Jobs Bill funds will be made available to the Economic Development Administration for public works projects that are labor intensive in areas of high unemployment. Mayor Garrison further stated that City Manager Westerholm had requested an application for the City of Lufkin to participate in such a program, and suggested that City Manager Westerholm provide further information.

City Manager Westerholm stated that the maximum funds available would be one million dollars, and the grant must be matched on a 50-50 basis with Revenue Sharing Funds being allowed as matching funds. City Manager Westerholm further stated that the application must be returned before July 1, 1983, to allow the money to be distributed in October of this year.

A list of proposed projects for the EDA Grant was distributed to Commissioners for their consideration. In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that projects that had previously been considered for Community Development Block Grant Funds would be submitted under a new application for Community Development Block Grant Funds.

Commissioner E.C. Wareing stated that it would be appropriate for each member of the City Commission to determine the needs of his particular ward in an effort to cover the entire City with the projects.

City Manager Westerholm stated that the deciding factor regarding projects for the application would be the amount of money that the City could match.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Gil Fears that City Manager Westerholm be authorized to make application and that projects be designated at a later date. A unanimous affirmative vote was recorded.

10. City Commission Meeting Recessed - Industrial Development Corporation Meeting Convened

Mayor Garrison stated that the Lufkin Industrial Development Corporation had before it a request from Bob Cain for a meeting, and he would formally recess this meeting of City Commission. Mayor Garrison formally recessed meeting of the City Commission at 5:45 p.m. At 5:50 p.m. Mayor Garrison reconvened the meeting of the City Commission to provide opportunity for comments from members of the Commission.

Commission Don Boyd requested information regarding the recent Civil Service Test for the Police Department. Ann Griffin, Civil Service Director, stated that there were 29 applicants taking the test with a total of 17 being placed on the eligibility list with passing scores.

Commissioner Percy Simond stated that the possibility of providing protection to local property owners from contractors who did not finish the jobs had been discussed at a previous meeting. Commissioner Percy Simond further stated that establishment of an escrow account for the property owners had been discussed which would allow placement of money in subject account until the job had been completed at which time the contractor would be paid.

City Attorney Bob Flournoy stated that the City would be drawn into every conflict between property owners and contractors if this method of operation was followed. City Attorney Flournoy stated that he would suggest that property owners be advised when a building permit is issued to contact their attorney and that no money should be advanced until the work has been completed.

Mayor Garrison suggested there might be a way that the instructions could be given to the property owners when a building permit is issued to alert them to possible problems.

Commissioner E.C. Wareing suggested that a rough draft of suggestions that could be given to the property owners might be available for consideration at next meeting of City Commission. Commissioner Wareing further stated the only problem with a printed pamphlet would be that often by the time building permits are issued, money has already changed hands.

Mayor Garrison stated that property owners should be notified and that a printed pamphlet would be a good educational tool for the public.

Commissioner Don Boyd suggested that the newspaper could print articles alerting citizens to the problem. Commissioner Don Boyd further stated that the City might develop an agreement that builders could sign guaranteeing that construction would be completed before receiving payment.

Commissioner Percy Simond stated that he wanted to thank City Manager Harvey Westerholm for providing him a copy of the 1979 Affirmative Action Plan and requested information on the individual that would promote the Affirmative Action Program.

City Manager Westerholm stated that Personnel Director Rosie Jones would be in charge, and that the committee was activated last week with Brian Boudreaux, Assistant City Manager, conducting the meeting. City Manager Westerholm stated that a committee was previously appointed but had been inactive, and a new committee had been appointed.

Commissioner Percy Simond stated that the Affirmative Action Plan could be given to every new Commissioner along with the Charter. Commissioner Gil Fears stated that he would like to have a list of the members of the Affirmative Action Committee.

Commissioner Percy Simond stated that he was concerned about the amount of money that was owed to the City of Lufkin by the Ramada Inn.

City Manager Westerholm stated that the Ramada Inn had filed for Chapter XI Bankruptcy, and under this provision all creditors have to receive the amount of money that is provided. City Manager Westerholm further stated that the hotel/motel tax is owed for the last three (3) quarters of 1982.

City Attorney Bob Flournoy stated that a claim had been filed in Bankruptcy Court to recover the hotel/motel tax that was not paid by Ramada Inn, and that Rita Jenkins, Finance Director, was going to Houston to audit Ramada Inn's books.

Commissioner Gil Fears stated that he was concerned about school children walking along Lufkin Avenue, and that some effort should be made to safeguard their welfare to and from school. City Manager Westerholm stated that it is not necessary for the children to walk in the street because there is a large grassy area for this purpose.

Commissioner Gil Fears stated that substandard housing has been discussed by this Commission previously, and requested information regarding vacancy of this type of housing for a certain period of time. Commissioner Fears stated the City should be able to prevent the property owner from renting the housing before it is brought up to present City standards after such a vacancy.

City Manager Westerholm stated that the City of Lufkin is one of the sponsors of the Southern Hushpuppy Olympics and the Staff would invite City Commissioners to attend a reception for the Judges and Contestants at the Moore Farm on Farm Rd 2021 and the Saturday morning festivities at Ellen Trout Park.

City Attorney Bob Flournoy stated that everything had been completed regarding the Southridge Subdivision, the Sewer Easement, and transfer of selected properties.

11. There being no further business for consideration, meeting adjourned at 6:10 p.m.

May 17, 1983

Pitser H. Garrison
Pitser H. Garrison, Mayor



Ann Griffin
Ann Griffin, City Secretary