

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF FEBRUARY, 1984, AT 5:00 P.M.

On the 21st day of February, 1984, 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:

Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
	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
Brian Boudreaux	Assistant City Manager

being present, and

Pitser H. Garrison	Mayor
Ron Wesch	Public Works Director

being absent when the following business was transacted.

1. Meeting opened with prayer by Robert Flournoy, City Attorney, Lufkin, in the absence of the Chaplain.
2. Mayor pro tem Wareing welcomed visitors present and stated that Mayor Garrison was ill and unable to attend the meeting.
3. Approval of Minutes

Minutes of regular meeting of February 7, 1984, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Public Hearing - Reinvestment Zone - Tax Abatement Program - J.A. Holley

Mayor pro tem Wareing stated that a request had been made by J.A. Holley to consider designation of "Reinvestment Zone" for the Tax Abatement Program covering property located at 116 South First Street being Lot 14 of Block 4, of the Original Townsite of the City of Lufkin. Mayor pro tem Wareing officially opened public hearing.

James A. Holley was present in representation of request for the Tax Abatement status and stated that the property is currently being renovated because of flooding due to frozen pipes in the DETCOG building. Mr. Holley further stated that work completed to this date includes a new roof, suspended ceiling, newly repaneled north interior wall, new lighted exterior sign, duct work, and energy saving heat and air-conditioning system. Mr. Holley stated that during the remainder of 1984, he planned to remove and install a new south wall, a new tile floor, installation of new equipment, plumbing and electrical work, rebuilding of both restrooms, repainting the interior, and repainting the exterior making use of historic or period paint scheme.

Mayor pro tem Wareing officially closed public hearing.

5. Ordinance - Approved - First Reading - "Reinvestment Zone" - No. 9 - J.A. Holley

Mayor pro tem Wareing stated that the City Commission now had for consideration approval of an ordinance designating 116 South First Street as a "Reinvestment Zone" to qualify for the Tax Abatement Program.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

City Attorney Bob Flournoy stated that Mr. Holley would need to sign an agreement between himself and the City stating planned improvements.

6. Zone Change - Approved - Second Reading - Mrs. Hurley Brown - Permanent Mobile Home Permit - RL to RS

Mayor pro tem Wareing stated that Zone Change request and Permanent Mobile Home permit covering property located at 3009 Ford Chapel Road between Renfro Drive and Valley Avenue from Residential Large to Residential Small as requested by Mrs. Hurley Brown had been approved on first reading 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 Zone Change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - Second Reading - Hulen M. Squyres - LM to C, SU, (Item 13 - Convalescent Center)

Mayor pro tem Wareing stated that Zone Change request by Hulen M. Squyres covering property located on North Medford Drive between Moffett Road and Atkinson Drive from Light Manufacturing to Commercial, Special Use (Item 13-Convalescent Center) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Zone Change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Zone Change - Approved - Second Reading - Bert Gann Realty, Inc. - RS to RS,SU (Item 10- Tower)

Mayor pro tem Wareing stated that Zone Change request by Bert Gann Realty, Inc. covering property located south of Whitehouse Drive between South First Street and South Chestnut Drive from Residential Small to Residential Small, Special Use (Item 10-Tower) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Zone Change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Amendment - Approved - Second Reading - School Zone Ordinance

Mayor pro tem Wareing stated that an amendment to the present School Zone Ordinance to consolidate time and designate distances for the speed limits had been prepared by the City Attorney. Mayor pro tem Wareing requested that City Attorney Bob Flournoy inform the City Commission of the amendments that had been made to ordinance previously submitted and approved on first reading.

City Attorney Bob Flournoy stated that at last meeting the Commission had requested that someone be designated to determine when the light should be flashing and that Section I paragraph (a) designates the Chief of Police. City Attorney Flournoy further stated that the City Commission had requested that after the time of 7:15 to 8:15 and 2:30 p.m. to 3:30 p.m. the phrase, "effective Monday through Friday when school is in session," be added. City Attorney Flournoy stated that the name listed in the previous ordinance as Lufkin Intermediate School had been changed to Dunbar Intermediate School.

Commissioner Don Boyd stated that he had requested that a school zone be considered at the Lufkin High School. City Attorney Bob Flournoy stated that he had the information for this ordinance and same would be ready for consideration at next meeting of this Commission.

Commissioner Percy Simond stated that at last meeting the Commission had considered the problem of children crossing at Dunbar Intermediate School and requested that City Manager Westerholm meet with the Principal to discuss the situation. City Manager Westerholm stated that he would meet with the principal of Dunbar Intermediate and report back to the Commission at next meeting regarding the school crossing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner

Percy Simond that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. Ordinance - Approved - First Reading - Identifying Numbers on Buildings

Mayor pro tem Wareing stated that the ordinance presented at last meeting of this Commission requiring numbers on all buildings within the City of Lufkin had been returned to the City Attorney for revision and the amended ordinance had been provided to the Commissioners for consideration. Mayor pro tem Wareing stated that the revised ordinance addressed the problem of numbers being visible from the street.

Commissioner Percy Simond stated that if mailboxes are required by the Post Office in a certain area the property owner would have the choice of putting the number on the mailbox or on their residence. City Attorney Flournoy stated that he would amend Section II Paragraph (a) to read, "Each Residential lodging unit and each Commercial unit shall have an identifying number posted and maintained on or near the principal entrance to the unit or on curbside mailbox".

Commissioner Richard Thompson stated that he felt the ordinance was well written, but because the agenda item was to consider an ordinance requiring numbers on all residences would the City Commission have a problem with including commercial buildings in the ordinance. City Attorney Bob Flournoy stated that he felt the agenda item was broad enough to cover both types of buildings.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that ordinance be approved on first reading as amended. A unanimous affirmative vote was recorded.

11. Appointment of Commissioner - Tabled - Ward 3

Mayor pro tem Wareing stated that this item was included in the regular agenda and subsequent to that time an amendment had been provided to the agenda requesting an Executive Session relating to the appointment of a Commissioner to fill the vacancy in Ward 3 until the regular election of April 7, 1984. Mayor pro tem Wareing stated that with the acquiescence of the Commissioners, he would hold this item until the regular agenda had been completed for consideration in the Executive Session.

12. Resolution - Approved - Lufkin Industrial Development Authority Bond Issue - U.S. Home Corporation - Industrial Development Revenue Bonds

Mayor pro tem Wareing stated that a meeting of the Lufkin Industrial Development Authority had been held at 4:45 p.m. to fulfill the legal requirements for issuance of \$1,500,000.00 of Revenue Bonds for U.S. Home Corporation to purchase an existing Mobile Home Plant which would employ 200 people in the Lufkin area once the plant was completed. Mayor pro tem Wareing further stated that the bond issue would be authorized by the Lufkin Industrial Development Authority and by the City Commission, but the credit of the City of Lufkin would not be effected by the bond issue.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that resolution approving issuance by the Lufkin Industrial Development Authority of the bond issue in the amount of \$1,500,000.00 for U.S. Home Corporation Project be approved as presented. A unanimous affirmative vote was recorded.

13. Lufkin Industrial Development Authority - Industrial Revenue Bonds - Issuance - Approved - U.S. Home Corporation Project

Mayor pro tem Wareing stated that the City Commission should now consider approval of the issuance of Lufkin Industrial Development Authority Industrial Revenue Bonds in the amount of \$1,500,000.00 for financing U.S. Home Corporation project.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the issuance of the bonds be approved as presented. A unanimous affirmative vote was recorded.

14. Purchase of Angelina Hotel - Tabled - Possible New City Hall

Mayor pro tem Wareing stated that Commissioner Percy Simond had requested that this item be placed on the agenda for consideration of the renovation of the Angelina Hotel as a new City Hall. Mayor pro tem Wareing requested that Commissioner Simond provide his recommendations to the City Commission.

Commissioner Percy Simond stated that he recognizes the fact that the City of Lufkin had many projects to be completed but none were more important than having a new City Hall. Commissioner Simond stated that the City has to complete projects within their budget, but this would be a golden opportunity to obtain a building that would serve the City for years to come and would be very inexpensive in comparison to construction of a new facility. Commissioner Simond stated that if the building were obtained it would bring all City offices under one roof which would reduce the expenses for utilities and travel. Commissioner Simond stated that he had requested the Assistant City Manager provide figures on the cost of utilities for the past several months and the reduced utility bills would more than off-set the cost of the building over a period of time. Commissioner Simond stated that the present City Hall and its Annex would be an ideal place for legal offices with the addition of the new Federal Court Building in the City. Commissioner Simond further stated that he had talked to an architect and received a figure between \$150,000.00 to \$200,000.00 to renovate the building. Commissioner Simond stated that he felt the City could move into the Angelina Hotel for \$500,000.00. Commissioner Simond stated that if the Commission felt the renovation of the Angelina Hotel for a new City Hall should be discussed, he would like to have City Manager Westerholm check into the possibility and provide information at the next meeting.

Mayor pro tem Wareing inquired if Commissioner Simond would be willing to commit a reasonable amount of City funds to obtain an estimate of the cost of converting the hotel into office space. Commissioner Percy Simond stated that he would agree, but he did not want to expend a large amount of funds to receive information in this regard.

Mayor pro tem Wareing stated that more information was needed in regard to how many square feet would be available in the building the amount of square footage that the City is now using, how many parking spaces would be available, and what would be required to bring the building up to City code.

Commissioner Percy Simond stated that he thought the City might have someone on staff who could give an estimate of what the renovation would cost and employees that could be used to remove unnecessary interior walls and fixtures.

City Manager Harvey Westerholm stated that some architectural work had been done for individuals interested in purchasing the building which would provide a range of costs for the City to consider.

Commissioner Richard Thompson stated that if the jail and Police Department were to move to the new location the jail equipment would cost more than \$100,000.00. Commissioner Thompson further stated that his company had been involved in a hotel renovation in Marshall, Texas, which proved very expensive to renovate even though the college used the building as a dormitory facility. Commissioner Thompson further stated that the maintenance, upkeep, and renovation on the hotel in Marshall was very costly and the college was very glad to sell the building.

Commissioner Don Boyd stated that it would be in the best interest of the City for the Police Department to remain in the present building which would provide expansion room for the Police Department and possibly offices for members of the Fire Department.

Rev. Steve Bancroft, Pastor of St. Cyprian's Episcopal Church, stated that the building contained 43,000 square feet and that the smallest estimate his church had received for renovation with the room configuration remaining the same and updating of electrical, mechanical and fire codes, was 2 million dollars. Rev. Bancroft stated that his church was considering purchase of the hotel for use as a retirement home for low income, elderly people. Rev. Bancroft stated that he

had been made aware that money was available through Housing and Urban Development, and chances were very good that the retirement home could be funded by the Federal Government through the HUD Program. Rev. Bancroft stated that his church had been considering purchase of the hotel for several months, and he attended the meeting tonight to provide input to the City Commission regarding St. Cyprian's interest. Rev. Bancroft further stated that HUD will have a meeting in Diboll, February 29th, to explain how to apply for Federal funds, and the City of Lufkin could become involved with St. Cyprian's project by authorizing a housing authority and the project would be an outstanding addition to the downtown area.

Mayor pro tem Wareing stated he understood that Commissioner Simond was requesting that the Manager provide additional information regarding possible cost, space available, what the needs of the City would be for five (5) years and (10) years in regard to space needed, and a projection of future needs of the City.

Commissioner Percy Simond stated that the City could consider renovating as much of the hotel as needed at the present time with future renovation being conducted when the need was present.

Mayor pro tem Wareing stated that once the figures were obtained, the City Commission could make a better determination of the City's interest in the property.

Commissioner Richard Thompson stated that the City Commission should follow up on Rev. Bancroft's request for someone to attend the Diboll meeting regarding his proposal to HUD.

Mayor pro tem Wareing stated that anything that would revitalize the downtown area would be profitable and that the City Commission should look at the proposal from all angles. Mayor pro tem Wareing further stated that according to Rev. Bancroft, Duncan Construction and Summers could be contacted for cost information regarding building renovation and City Manager Westerholm could provide a status report at next meeting of this Commission.

15. Bid - Approved - Tennis Court Repainting - Kiwanis Park - Parks & Recreation Department - Tennis Y'All

Mayor pro tem Wareing stated that several bids had been received for the repainting of the four (4) original tennis courts in Kiwanis Park and asked that City Manager Westerholm provide Staff recommendations.

City Manager Westerholm stated that six (6) bids had been received for the repainting of the tennis courts and the City Staff would like to recommend the low bid of Tennis Y'All from Shreveport, Louisiana in the amount of \$4,550.00 as the lowest and best bid.

Parks Director Don Hannabas stated that the work on the tennis courts would include some minor leveling. Mr. Hannabas further stated that the specifications required that the work be completed in 30 calendar days.

Mayor pro tem Wareing stated that \$8,000.00 had been budgeted and the low bid was well within the budgeted amount.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the low bid of Tennis Y'All in the amount of \$4,550.00 be approved as presented. A unanimous affirmative vote was recorded.

16. Main Street Advisory Committee - Members Appointed

Mayor pro tem Wareing stated that the Lufkin Association Downtown had requested that a Main Street Advisory Committee be officially appointed by the City Commission and requested that David Chrisman, Main Street Coordinator, provide the City Commission with his thoughts on the appointments.

Mr. Chrisman stated that in other cities the Main Street Advisory Committee was appointed to assist the Main Street Coordinator in approving plans for the downtown area. Mr. Chrisman stated that it was advantageous to have a committee of people other than members of the Lufkin Association Downtown because of the conflict of interest.

Mr. Chrisman stated that the board would provide input as to possible programs and review designs for renovations for downtown buildings. In response to questions by Mayor pro tem Wareing, Mr. Chrisman stated that the appointment of the board by the City Commission is a formality.

Commissioner Pat Foley stated that he would like to know the guidelines under which the committee would operate.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that appointment of the Main Street Advisory Committee be approved with the following members: Mrs. Joe (Marge) Beckham, Mr. Don Duran, Mr. Wayne Haglund, Mr. John Miller Jr., Mrs. Jerry (Carol) Moore, Mr. Rudolph Pharis, Mr. Bill Prince, Mr. Ab Roquemore, Mr. Frank Stevenson, Mr. Will Zbranek. The following vote was recorded: Aye: Mayor pro tem Wareing, Commissioners Simond, Boyd, Thompson. Nay: Commissioner Foley. Mayor pro tem Wareing declared motion approved by a vote of four (4) to one (1).

Commissioner Percy Simond stated that he usually did not second a motion if a Commissioner saw a problem with the action, and he thought Commissioner Foley was satisfied with the answer received from David Chrisman in regard to the Committee, but was apparently mistaken.

17. Audit Report - Approved - Fiscal Year 1983-84 - Axley & Rode

Mayor pro tem Wareing stated that audit reports of the City Budget and Revenue Sharing Fund had been distributed to City Commissioners with a letter from the Auditors pointing out various areas for improvement to the accounting system. Mayor pro tem Wareing stated that a memo had been received from Finance Director, Rita Jenkins, stating what steps had been taken to comply with the auditors' recommendations.

Commissioner Pat Foley stated that some of the items listed for improvement had been suggested by last year's audit report. City Manager Westerholm stated that the cash bonds were on last year's report.

Commissioner Pat Foley stated that he would like to have a follow-up report in 60 days or at April 17th meeting indicating whether recommendations had been accomplished.

Commissioner Don Boyd stated that the Finance Director had stated that the purchase order and the receiving orders were reviewed with the Department Heads, but the Department Heads should be notified that the guidelines would be followed.

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that the dumpster collection fees had been resolved before the auditors completed the report.

In response to question by Commissioner Percy Simond, City Manager Westerholm stated that the City of Lufkin had considered employment of a Purchasing Agent but last year's budget prevented consideration of a new position. Commissioner Pat Foley stated he was not in favor of employing a Purchasing Agent.

Mayor pro tem Wareing stated that it was consensus of opinion that City Manager Westerholm would provide a report to the City Commission at April 17, 1984, meeting in regard to implementation of procedures suggested by Axley & Rode.

18. Executive Session - Appointment of Commissioner to Ward 3, Discussed - Real Estate Transaction, Discussed

Mayor pro tem Wareing stated that it was necessary for the City Commission to adjourn into an Executive Session to discuss Appointment of a Commissioner to serve the unexpired term of Ward 3 and to discuss possible purchase of real estate. Mayor pro tem Wareing recessed formal open meeting of City Commission at 6:07 p.m. At 6:37 p.m., Mayor pro tem Wareing reconvened regular meeting of the City Commission and made announcement to those present regarding results of the Executive Session.

Mayor pro tem Wareing stated that the City Commission had met in Executive Session and discussed two (2) items. Mayor pro tem Wareing

stated that the first item discussed was the purchase of real estate and without announcing what property was under consideration, the City Commission decided that at this time the terms relating to that purchase were not in the best interest of the City and same would not be pursued any further. Mayor pro tem Wareing stated that secondly City Commission discussed the appointment of a Ward 3 Commissioner and after much discussion of the appointment of a Ward 3 Commissioner and after much discussion of the legal aspect, the City Attorney decided that the City Commission was not obligated to fill the vacancy because the election process has begun. Mayor pro tem Wareing further stated the Charter provides that you should appoint someone to serve until the next regular City Election at which time a Commissioner would be elected, and the City Attorney declared the appointment was optional due to only three (3) meetings before election which would make it impossible for anyone to become knowledgeable of City Government. Mayor pro tem Wareing further stated that the City Commission did not want to give anyone an unfair advantage or influence the upcoming election by appointing a Commissioner that might run for the position.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that appointment of Ward 3 Commissioner be denied until April 7, 1984, Election, which is in process at the present time. A unanimous affirmative vote was recorded.

19. Burning Leaves, Discussed - Richard Thompson, Re-Election - Report Requested - Unused Revenue Sharing Funds

Commissioner Don Boyd stated that a letter had been received from a citizen regarding the burning of leaves in the City Limits and requested information regarding an ordinance. City Attorney Bob Flournoy stated that a State statute regulates the burning of leaves and the Air Quality Board with few investigators is responsible for the enforcement, but they only investigate specific complaints. Mayor pro tem Wareing stated that he understood from a recent article in the newspaper that the majority of citizens favor burning leaves and since the Air Quality Board is responsible for the enforcement, the City has no jurisdiction.

Commissioner Pat Foley stated the City Commission should take note that Commissioner Richard Thompson has decided not to seek another term as Commissioner of Ward 5 and the he was sorry to hear that Commissioner Thompson would be leaving the City Commission.

Commissioner Foley stated that he would like to have a report from the City Manager indicating for what project the unexpended Revenue Sharing Funds were designated.

20. There being no further business for consideration, meeting adjourned at 6:52 p.m.



ATTEST:

Ann Griffin

 Ann Griffin, City Secretary

E.C. Wareing

 Mayor pro tem, E.C. Wareing