

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF APRIL, 1985, AT 7:30 P.M.

On the 2nd day of April, 1985, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond	Commissioner, Ward No. 1
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Nicholas Finan	City Planner

being present, and

Don Boyd Commissioner, Ward 2

being absent when the following business was transacted.

1. Meeting was opened with prayer by Reverend Frank Starr, Minister of the First Lutheran Church of Lufkin.
2. Mayor Garrison welcomed visitors present and presented a picture to City Secretary Ann Griffin in recognition of her graduation from the Texas Municipal Clerks and Secretaries Certification Program through North Texas State University, graduation from Angelina College, becoming a Certified Municipal Clerk through the International Institute of Municipal Clerks and graduation from the Southern Career Institute as a paralegal.

3. APPROVAL OF MINUTES

Minutes of regular meeting of March 19, 1985, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. ORDINANCE - APPROVED - SECOND READING - REINVESTMENT ZONE - TAX ABATEMENT PROGRAM - WILLIAM G. ABNEY D/B/A ABNEY & MEDFORD HARDWARE

Mayor Garrison stated that Ordinance designating a Reinvestment Zone for the Tax Abatement Program as requested by William G. Abney covering property located on Lots 1 and 2, Block 4, Walker Addition, (604 S. Chestnut) had been approved on First Reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading for a 10 year Tax Abatement period. A unanimous affirmative vote was recorded.

5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE - SABINE INVESTMENT - RS TO PUD

Mayor Garrison stated that Zone Change Request by Sabine Investments covering property located at Section 9, Lots 3 thru 17, in Crown Colony from Residential Small to Planned Unit Development had been

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

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

6. PROGRESS REPORT - TABLED - LUFKIN POLICE DEPARTMENT

Mayor Garrison stated that Commissioner Don Boyd had requested an update on the Police Department Management Study and that Commissioner Boyd was unable to be present at this meeting. Mayor Garrison stated that Assistant City Manager Brianoudreaux had completed an analysis and a report had been presented to the City Commissioners for consideration.

Commissioner Lynn Malone stated that Commissioner Don Boyd had requested that he relay the message to the City Commission that Commissioner Boyd would prefer that this item be tabled until next meeting of the Commission because Commissioner Boyd had some problems with the report.

Motion was made by Commissioner Lynn Malone and seconded by Commissioner Louis Bronaugh that item be tabled until next meeting of the City Commission. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - J. LAMAR CLARK - TED LANKFORD - A TO C, SU (RENTAL STORAGE BUILDINGS)

Mayor Garrison stated that Zone Change Request by J. Lamar Clark and Ted Lankford covering property located at Shady Bend and Renfro Sts. from Apartment to Commercial, Special Use (Rental Storage Buildings), had been recommended to City Commission by the Planning and Zoning Commission. There was no opposition present.

Jimmy Cissels, local attorney, was present in representation of the applicants and stated that there had been a problem with one of the property owners but Rodney Moore, who will build the rental storage buildings, had worked that problem out with the property owner.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Zone Change Request be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. CURB AND GUTTER PETITION - APPROVED - MEADOW LANE

Mayor Garrison stated that a Curb and Gutter Petition for Meadow Lane to have curb and gutter provided from Fuller Springs north to the dead end and on Camp Avenue from Meadow Lane west 120' had been recommended for approval by the Planning & Zoning Commission. Mayor Garrison stated that only one (1) property owner did not sign the petition. Mayor Garrison stated that when curb and gutter is installed the entire street is rebuilt with curb and gutter adlet.

In response to question by Commissioner Louis Bronaugh, Fortesch, Public Works Director, stated that there were two (2) streets on the waiting list at the present time and each street would be completed as money was available.

In response to question by Commissioner Lynn Malone, Mayor Garrison stated that the City is allowed by law to make improvements to City streets and if a property owner does not participate in the cost a lien is placed against the property which would be recorded at the County Clerk's Office and prevent the property owner from receiving clear title to his property until the City receives their payment.

Mayor Garrison further stated that lending institutions would not advance money until lien has been cleared from the title.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that curb and gutter petition for Meadow Lane be approved as presented and placed on the waiting list for completion. A unanimous affirmative vote was recorded.

9. BID - APPROVED - PETROLEUM PRODUCTS - POLK OIL COMPANY

Mayor Garrison stated that bids had been received for the purchase of the City's petroleum products for a 12-month period. City Manager Harvey Westerholm stated that three (3) bids had been received with the low bid being Polk Oil Company in the amount of \$172,200.

Motion was made by Commissioner Jack Gorden and seconded by Commissioner Pat Foley that low bid of Polk Oil Company be approved as presented. A unanimous affirmative vote was recorded.

10. BID - AUTHORIZED - STRANCO POLYBLEND POLYMER PUMP - WATER POLLUTION CONTROL PLANT - LEASE EXTENDED

Mayor Garrison stated that the belt filter press installed at the Water Pollution Control Plant requires the use of polymers to levitate the aerobic sludge. Mayor Garrison further stated that Maury Stiver of Stiver Engineering had recommended that a polyblend polymer pump unit with emulsion type polymers be used at the Water Pollution Control Plant. Mayor Garrison stated that the pump was leased until it could be determined that this was the type of pump that the City of Lufkin would eventually want to purchase at a cost of \$4,800.

City Manager Westerholm stated that after using the pump for 90 days it was determined that this type of pump would be the most dependable and the equipment is in place and operational at the present time. City Manager Westerholm further stated that the pump was leased on a three month basis and could be extended for an additional three months while advertisement is made for bids. Commissioner Louis Bronaugh stated that the installation of the pump has been paid by the City and should be considered when bids are received.

Motion was made by Commissioner Percy Simons and seconded by Commissioner Louis Bronaugh that lease be extended for three (3) months if the company is agreeable. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that City Manager be authorized to invite bids for the possible purchase of the Stranco polyblend polymer pump. A unanimous affirmative vote was recorded.

11. GRANT APPLICATION - AUTHORIZED - LAND ACQUISITION AND PARK CONSTRUCTION - WARD 3

Mayor Garrison stated that Commissioner Lynn Malone had discussed with the City Manager development of a park in Ward 3 and an effort has been made to find a suitable site. Mayor Garrison stated that a suggestion has been made that an application be submitted to the Texas Parks & Wildlife Dept. for a 50% funding grant for land acquisition and park construction.

City Manager Harvey Westerholm stated that the estimated cost of the land and construction of the park is \$103,775. City Manager Harvey Westerholm further stated that at present the land belongs to Steel-Martin who owns five (5) acres in this area and they have agreed to sell the property needed for the park at a cost of \$23,175. City

Attorney Bob Flournoy stated that an option or an earnest money contract could be placed on the property subject to receipt of the grant.

Commissioner Pat Foley stated that the park would not be centrally located in Ward 3. City Manager Harvey Westerholm stated that property inside the Loop on Paul Avenue had been considered for the park location but the area is too remote from the residential areas of Ward 3. Commissioner Lynn Malone stated that during the summer months the children of the neighborhood play in an open field two (2) blocks from the suggested site and it was felt this site would be an ideal location because the children are accustomed to playing in this area.

In response to question by Commissioner Pat Foley, Sam Griffin, Chairman of the Planning & Zoning Commission, stated that the Master Plan would include development of neighborhood parks and such was recommended when the last Comprehensive Plan was completed.

In response to question by Mayor Carrison, Don Hannabas, Parks & Recreation Director, stated that he had designated areas that should have some neighborhood parks based on population and the number of children in the area. Mayor Carrison suggested that a study of the entire City to designate future park locations would be beneficial. Commissioner Pat Foley stated that present neighborhood parks were not too costly. Mayor Carrison stated that the present neighborhood parks cost less than \$5,000 each.

In response to question by Mayor Carrison, City Manager Westerholm stated that the owners could be contacted in regard to leasing of the property, but the City would not attach permanent structures if the land was leased. Commissioner Jack Cordeiro stated that Mrs. Stroud had contacted him and indicated that she would be willing to donate some land to the City for a park. City Manager Westerholm stated that he had talked to Mrs. Stroud recently and she indicated that her mother was not sure she wanted to donate the land.

In response to question by Commissioner Lynn Malone, Don Hannabas, Parks & Recreation Director, stated that if the grant indicates, the City might be required to spend the entire amount of money within two (2) years after grant approval. Don Hannabas further stated that he understood the Texas Parks & Wildlife Department had approximately \$4,000,000 to spend with grant applications being received in the amount of \$12,000,000 and that the grant applications are ranked according to points. Mr. Hannabas further stated that if the application from Lufkin received more points than the other applications, it could receive funding before previously received applications.

In response to question by Commissioner Lynn Malone, Mr. Hannabas stated that the low income and minority aspect of grant applications for parks are not an important part of the point system.

In response to question by Commissioner Percy Simons, Mr. Hannabas stated that the development cost of \$85,600 is based on labor being provided by the City of Lufkin employees. Mr. Hannabas further stated that the applications for the grant were due by July 31st, and if the Commission desired, two applications could be submitted at once, one for land acquisition and one for development of the park.

In response to question by Commissioner Louis Roughton, Mr. Hannabas stated that on some grants, if money was received and the City did not fulfill their contract obligations, the City would be required to turn in the entire amount of money received through the grant.

Action was made by Commissioner Lynn Malone and seconded by Commis-

sioner Percy Simond that grant application be made for purchase of the property.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Lynn Malone that previous motion be amended to include development of the property as a park. A unanimous affirmative vote was recorded on the amendment to the motion. The motion was amended to approve submission of the application for a grant to purchase the property and develop site as a park. A unanimous affirmative vote was recorded.

Commissioner Jack Jordan stated that he was in favor of a park on this site and approved of the park system in the City of Lufkin, but he was concerned about the cost and how the money would be derived. City Manager Westermalm stated that funds for development of the park would be considered in next year's budget. Commissioner Pat Foley requested that more information be provided at next meeting to indicate other areas of the City in need of neighborhood parks and possible submission of grants in those areas. Mayor Garrison stated that the City staff should develop an overall plan in regard to where parks are needed and enough study has not been made to warrant selection of the proposed site. Commissioner Percy Simond stated that the site plan could be reworked once the grant is received and the cost of park construction should be less with City employees performing the labor.

12. LUFKIN MEMBERSHIP IN NATIONAL LEAGUE OF CITIES - APPROVED

Mayor Garrison stated that Commissioner Percy Simond had requested information regarding membership of the City of Lufkin in the National League of Cities and requested that Commissioner Simond provide his recommendations.

Commissioner Percy Simond stated that all cities regardless of size are now eligible to join the National League of Cities, and he had been impressed with the people attracted to this organization such as Senators and even President Reagan. Commissioner Simond further stated that his opinion was that the Texas Municipal League was a waste of time while the National League of Cities have many resources and would serve a good purpose for the City of Lufkin.

Mayor Garrison stated that the National League of Cities when first established did not acknowledge small cities and sad to see that large grant programs were awarded to large cities with only small grants being given to the small cities. Mayor Garrison stated that he participated in the creation of the American Association of Small Cities which the National League of Cities attempted to disband because they felt threatened, and then allowed small cities to become associate members. Mayor Garrison stated that the National League of Cities does have political clout on a national level, but the Texas Municipal League prevents the legislature from putting burdens on cities by lobbying.

Commissioner Percy Simond stated that he was upset with the Texas Municipal League because of Lufkin's treatment, and many towns that do not have as much to offer as Lufkin have representatives on the boards with Roy Sinclair being the only one from Lufkin. Mayor Garrison stated that to be a member of the boards of the Texas Municipal League, a person has to be very active in the region. Commissioner Pat Foley stated he worked with Arch Coffield when he first became active in the Texas Municipal League, and Mr. Coffield is now going to be the President but this type of recognition is the consuming. Commissioner Percy Simond stated that the City of Lufkin should have input in National government. Mayor Garrison stated that if the City became a member of the National League of Cities, attendance at the seminars and conventions would be twice as costly.

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Commissioner Louis Bronaugh stated that he had lobbied in Austin in his profession of opticians and through this experience discovered that the Texas Municipal League has the strongest lobby in the State of Texas. Commissioner Bronaugh stated that he had just participated in the planning of the program for the Mayors and Commissioners sponsored by the Texas Municipal League and some very good seminars had been planned for the meeting. Commissioner Bronaugh stated that the initial fee to join would be only a portion of the cost if the Commissioners planned to attend any of the conventions.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Lynn Malone that the City of Lufkin join the National League of Cities. A unanimous affirmative vote was recorded.

13. COMPREHENSIVE MASTER PLAN - SELECTION OF CONSULTANT, DISCUSSED

Mayor Garrison stated that the Planning & Zoning Commission had received four (4) proposals from nine (9) professional engineering firms and same had been evaluated in detail at a special workshop meeting of the Planning & Zoning Commission.

City Manager Westerholm stated that the four (4) firms were evaluated and rated according to proposals submitted; Bucher, Willis and Ratliff receiving 9 points on a scale of 10, Campbell Design Group/Goodwin Lassiter receiving 5 points, Carter & Burgess/Everett Griffith & Associates receiving 4 points and Kindle Stone & Associates receiving 2 points.

Mayor Garrison recognized Chairman Griffin of the Planning & Zoning Commission. Chairman Griffin stated that the Planning & Zoning Commissioners were in complete agreement at the workshop that the firm receiving the highest rating, Bucher, Willis & Ratliff, would be the best firm to complete the Comprehensive Plan based on the proposals submitted. Chairman Griffin further stated that the Planning & Zoning Commission did not believe the firm should be hired based solely on the proposal but representatives from each of the four (4) firms should be invited to visit with the City Commission for a personal interview. Chairman Griffin further stated that the Planning & Zoning Commission would be happy to work with any firm selected by the City Commission and was willing to do anything to get the Comprehensive Plan underway.

In response to question by Commissioner Pat Foley, Vick Finan, City Planner, stated that two of the firms teamed up with local firms and because the City of Lufkin was asking for a great deal of information in the proposals some firms decided it was too costly to print the proposal with only a 1 in 9 chance of being chosen for the job.

In response to question by Commissioner Louis Bronaugh, Chairman Sam Griffin stated that the Planning & Zoning Commission has not visited with the four (4) firms selected because they understood this would be the prerogative of the City Commission. Chairman Griffin further stated that a system should be created to have the actual persons developing the Comprehensive Plan available to visit with the City Commission. Commissioner Percy Simond stated that if there is a local firm that is paying City taxes available to do the work, he would be reluctant to hire an outside firm. Chairman Griffin stated that the Planning & Zoning Commission was not influenced by the location of the firms because they wanted to be objective in regard to experience and proposals made to do the City of Lufkin's Master Plan.

In response to question by Mayor Garrison, Chairman Griffin stated that the firms were chosen based on their experience and knowledge of similar problems in other Cities. Mayor Garrison stated that the

of similar problems in other cities. Mayor Garrison stated that the City Commission might consider having a professional choose the best qualified of the four firms.

In response to question by Commissioner Percy Simon, Chairman Griffin stated that the total cost given by the firms would include any type of expenses involved in completing the Master Plan, such as telephone expense and transportation.

Commissioner Pat Foley stated that he would like to have a workshop with representatives of the four (4) firms present for an interview before a decision is made. Commissioner Lynn Malone stated that if the Planning & Zoning Commission and City Planner Jack Finn had agreed on Lucher, Willis & Ratliff, and awarded them 9 out of 10 points, he would accept their judgment. Chairman Griffin stated that selection of the firm should not be based solely on the proposal submitted. Mayor Garrison stated that it might be well to start the next City Commission meeting on April 15th at 3:30 P.M., and interview the applicants until 5:00 P.M. with an item on the regular agenda to select the firm.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Lynn Malone that a workshop to interview four (4) engineering firms beginning at 3:30 P.M., April 15th, for 1 1/2 hours with regular meeting beginning at 5:00 P.M. be established. Unanimous affirmative vote was recorded.

Mayor Garrison stated that the Planning & Zoning Commission was invited to be present at the workshop where each representative would be interviewed individually.

14. RESOLUTION - APPROVED - SUBMISSION OF APPLICATION FOR GRANT - BURGLARY INVESTIGATION UNIT - NARCOTICS TASK FORCE - POLICE DEPT. - DETCOG

Mayor Garrison stated that the City Commission now had for consideration a resolution allowing the Lufkin Police Dept. to submit an application for a grant from the Beech East Texas Council of Governments for operation of a Burglary Investigation Unit and a Narcotics Task Force.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Ironaugh that Resolution be approved as presented. A unanimous affirmative vote was recorded.

15. LAND PURCHASE - APPROVED - CITY HALL PARKING

Mayor Garrison stated that the City Manager had been authorized in Executive Session at last meeting of the City Commission to contact property owners of a tract of land contiguous to the present City Hall parking lot and the City Manager was ready to make a report.

City Manager Westerholm stated that the purchase price is \$40,000, with \$5,000 earnest money payable and the balance payable in 70 days, and a 30 day move-out period from the date of closing. City Manager Westerholm further stated that once the property is purchased the City would take bids to have the garage apartment and house on the property either moved or torn down.

In answer to question by Mayor Garrison, City Manager Westerholm stated that the City could manage the money for the purchase of the property until the certificates of obligation were available.

Commissioner Percy Simon stated that in regard to the new City Hall he understood that City jails would be considered under the Jail Standards Act in the future and requested information on how the pres-

ent jail would have to be renovated. Chief Leonard Mathis stated that the City would probably contract with the County to handle City risks, but space would be left in the new City Hall for any renovations that would be necessary.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Lynn Malone that purchase of the property as represented be approved. A unanimous affirmative vote was recorded.

16. FOLLOWING OF EMERGENCY VEHICLES, DISCUSSED - TML REGION 16 MEETING, DISCUSSED - INSTITUTE FOR MAYORS & COMMISSIONERS, DISCUSSED - BUFFALO SANDBLASTING AND COATING CO., POSSIBLE LITIGATION, DISCUSSED

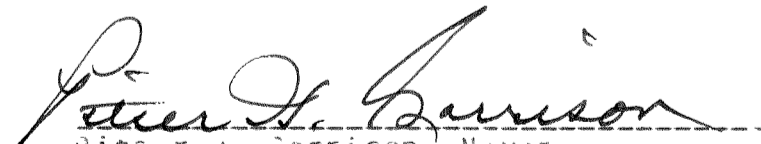
Commissioner Louis Ironsbaugh stated that he understood there was a false alarm given last Saturday night and all the teenagers properly followed the emergency vehicle which proved a definite traffic hazard and would have prevented other emergency vehicles arriving at the scene if it had been necessary. Commissioner Ironsbaugh stated that the Police Dept. might need to provide backup for emergencies to handle this type of problem in the future.

Commissioner Louis Ironsbaugh stated that the TML Region 16 Meeting would be held at Crown Colony, Tuesday, April 17, and would like to have the entire City Commission available. Mayor Garrison stated that he would be attending a wedding in Florida and that Mayor Pro Tem Foley would welcome the group.

Commissioner Louis Ironsbaugh stated that the Institute for Mayors and Commissioners would be held on June 20 - 23 in Galveston and reservations have been made at the Galvez Hotel.

City Attorney Bob Flournoy stated that the City Commission had approved a contract with Buffalo Sandblasting & Coating Company in January of this year for a bid of \$79,747 to sandblast and paint an underground storage tank and an elevated water tank. City Attorney Flournoy further stated that the Company could not proceed until a Certificate of Insurance was provided to the City of Lufkin and Public Works Director Tom Wesch had requested same on many occasions. City Attorney Flournoy stated that efforts had been made to contact the Company by telephone which has been disconnected and letters have been sent by registered mail which were returned. City Attorney Flournoy stated that he had contacted the insurance company and advised that the City of Lufkin would be making a claim for the difference between the low bid and the next lowest bid which is approximately \$2,000. City Attorney Flournoy stated that before next meeting of the Commission consideration must be given to awarding the bid to the second lowest bidder because the work needs to begin. City Attorney Flournoy stated that he only mentions this for the information of the City Commission and if the next lowest bidder is awarded the contract the insurance company would be obligated to pay the difference.

17. There being no further business for consideration, meeting adjourned at 4:20 P.M.


Peter H. Garrison, Mayor

ATTEST:



DATE: 4/12/91

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Ann Griffin

Ann Griffin, City Secretary