

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 28TH DAY OF APRIL, 1987, AT 3:00 P.M.

On the 28th day of April, 1987, 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, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Danny Roper	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Nick Finan	City Planner
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Atha Stokes	City Secretary

being present, and

Jack Gorden, Jr.	Commissioner, Ward No. 5
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being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Roger Lewis, Minister, Glad Tidings Assembly of God Church, Lufkin.
2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that minutes of April 7, 1987 meeting be approved as presented. A unanimous affirmative vote was recorded.

4. COMPREHENSIVE MASTER PLAN - ACCEPTED - BUCHER, WILLIS & RATLIFF

Mayor Garrison stated that the City Commission meeting would start early today to consider the Comprehensive Master Plan.

City Planner Nick Finan introduced Doug Johnson representing Bucher, Willis and Ratliff, and stated that Mr. Johnson would give a short presentation on the Comprehensive Plan and would answer questions.

Mr. Johnson stated that he would not attempt to go over the Plan in detail, but would give an overview and purpose of the Plan. Mr. Johnson stated that he would like to explain what "comprehensive" means in a Comprehensive Plan. Mr. Johnson stated that basically it means that you look at a large number of topics that range across a whole spectrum of issues that affect the City. Those topics are tied together in an interrelationship as a basis for making recommendations about the future. Mr. Johnson stated that a lot of existing data sources are used, and where existing data is not available, his firm researches the information and fills in the gaps. Mr. Johnson stated that the existing information that is available is screened and the facts that are most relevant are chosen for the Comprehensive Plan. Mr. Johnson stated that the data is then explained because there are a lot of people, unlike the Commissioners, who are not as familiar with the day-to-day workings of the City. Mr. Johnson stated that the data is then analyzed.

Mr. Johnson stated that two primary purposes of the Plan are (1) to help the City make better decisions (and as a result the plan contains

a lot of advisory recommendations), and (2) the plan is an informational and educational tool.

Mr. Johnson stated that the Plan needs to be re-evaluated from time to time to see if it needs to be amended. Mr. Johnson stated that in terms of re-evaluation three things should be considered: (1) change in the attitude of citizens towards development, (2) change in development practices or patterns and (3) any changes in State or Federal law that affect what the City can or cannot do through its planning efforts.

Mr. Johnson stated that his firm had worked with the Planning and Zoning Commission for over a year developing this document with input from citizens committees, the Chamber of Commerce and the Main Street Coordinator. Mr. Johnson stated that the Planning and Zoning Commission had put in an extraordinary amount of work on the Plan and they should be commended.

Mr. Johnson stated that the Plan is a compromise, and that the result represents a lot of differing opinions.

Mr. Johnson stated that his contract calls for printing 100 copies of the final report with all the maps. Mr. Johnson stated that Bucher, Willis and Ratliff will need approval from the City Commission before they can proceed with the final printing which should take from six to eight weeks.

Mr. Johnson stated that Texas statutes are unclear as to how the Plan is to be adopted, but he would recommend a Resolution by the City Commission.

Commissioner Percy Simond stated that the report contained information that was already known by the Commission and administrative staff and probably by most of the people in town.

Commissioner Simond stated that he was very disappointed in the report.

In response to question by Commissioner Bronaugh, Mr. Johnson stated that the final report would be in a three-ring binder on 8 1/2 x 11 paper with Lufkin's logo on the cover.

Mayor Garrison stated that, in his opinion, the report contained a lot of platitudes. Mayor Garrison stated that the report contained a statement that the City's sewer plant is not in compliance with federal EPA emission standards. City Manager Westerholm stated that the City had established compliance with the EPA two years ago. Mayor Garrison stated that he would like to see this correction made before the final draft goes to the printer.

Mr. Johnson stated that any mistakes or changes made since the Plan was started would be corrected if brought to his attention prior to final printing.

Mayor Garrison stated that if the City adopts the Plan, they would be adopting every single recommendation by Bucher, Willis and Ratliff, and he would not want anyone to point out five years from now that the City has not done everything required by the Comprehensive Plan.

Mr. Johnson stated that the Plan is simply a proposal to the City for the City to use and the Plan is flexible.

Commissioner Pat Foley stated that he is in favor of planning in order to utilize every tax dollar, and he is also in favor of citizen in-put into the Plan. Commissioner Foley stated that overall he was pleased with the Comprehensive Plan.

Commissioner Don Boyd stated that he hopes the Plan will be put to use, especially the Capital Improvements Program and street projects.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that Comprehensive Master Plan be accepted as presented by Bucher, Willis and Ratliff, with changes made as suggested. A unanimous affirmative vote was recorded.

5. ORDINANCE - MINORITY BUSINESS POLICY - TABLED

Mayor Garrison stated that at last meeting the Commission had requested the City Attorney write a minority business ordinance to promote women and minority owned companies participation in contract work.

Mayor Garrison stated that the sample ordinance appeared to be a copy of the Ordinance from the City of Houston, and was quite lengthy.

Commissioner Percy Simond stated that the sample ordinance as presently written couldn't possibly apply to the City of Lufkin, and he hoped that the City Attorney would rewrite the Ordinance.

In reply to question by Commissioner Simond, City Manager Westerholm stated that the Affirmative Action Committee is part of the City staff. Commissioner Simond stated that he would like to see the City appoint a "blue ribbon committee" of non-city employees to oversee compliance with any minority business enterprise law. Mr. Simond stated that he would also like to see the City set a goal for women's and minority business participation in City contract work.

Mayor Garrison stated that the City Charter and State law requires the Commission to accept the lowest bid on competitive contracts.

Commissioner Foley stated that he would oppose any changes that might upset the competitive low bid procedure the City now uses.

Commissioner Boyd stated that he wanted to make sure that people had the opportunity to bid.

Motion was made by Commissioner Percy Simond, Jr. and seconded by Commissioner Louis Bronaugh requesting the City Attorney to rewrite the Minority Business Policy Ordinance for presentation at the May 19th meeting of the Commission. A unanimous affirmative vote was recorded.

6. ORDINANCE - TELEPHONE SOLICITATION - TABLED

Mayor Garrison stated that at last meeting the Commission had discussed telephone solicitation, and had requested that the City Attorney prepare a sample ordinance for consideration at tonight's meeting.

Mayor Garrison stated that the City Attorney had written a letter to the Commission that talked more about solicitors and vendors than telephone solicitation. Mayor Garrison stated that there was considerable doubt as to how effective a telephone ordinance would be.

City Attorney Flournoy stated that activities sponsored by charitable organizations and service groups are considered non-profit organizations and are exempted from the City's present Ordinance. City Attorney Flournoy stated that he would need some direction as to what a solicitation ordinance would and would not regulate. City Attorney Flournoy stated that interstate commerce laws prevent the City from regulating out-of-state telephone solicitors.

City Attorney Flournoy stated that a lot of churches have professional fund raisers who solicit for them.

In response to question by Commissioner Simond, City Attorney Flournoy stated that the maximum fine for violation of the solicitors ordinance is \$200 per day and continuous violators could face other criminal penalties.

Mayor Garrison stated that it might be a good idea for the City Attorney to go over the Solicitors/Itenerant Vendors Ordinance in detail and the Commission might consider making some amendments to the Ordinance.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Solicitors/Itenerant Vendors Ordinance be considered at May 19th meeting of the Commission. A unanimous affirmative vote was recorded.

7. RISK MANAGEMENT STUDY - APPROVED - JOSEPH IVY COMPANY

Mayor Garrison stated that at a previous meeting the Commission had authorized the City Manager to enter into negotiations with another firm for the Risk Management Study, and the cost of the study not to exceed \$5,000. Mayor Garrison stated that the firm had not been able to meet with the City Manager and so another firm was being presented for Commission approval.

City Manager Westerholm stated that he had contacted the Joseph Ivy Company and had arranged a meeting with them. City Manager Westerholm stated that the Joseph Ivy Company had the lowest per hour cost of all the firms contacted.

Mayor Garrison stated that he was a strong believer in the City going self-insured.

In response to question by Commissioner Foley, City Manager Westerholm stated that payment of the study had not been budgeted but would be taken from unencumbered funds.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh authorizing City Manager to contract with the Joseph Ivy Company in the amount of \$4,600 for consulting services for Risk Management Study. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that payment of \$4,600 for Risk Management Study be taken out of unencumbered funds. A unanimous affirmative vote was recorded.

8. INVOICE - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - CEDAR CREEK INTERCEPTOR

Mayor Garrison stated that the Commission now had for consideration an invoice from Everett Griffith and Associates for work done on the Cedar Creek Interceptor.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Danny Roper that invoice from Everett Griffith and Associates in the amount of \$9,069.45 be approved as presented. A unanimous affirmative vote was recorded.

9. CHANGE ORDER NO. 2 - APPROVED - EVERETT GRIFFITH AND ASSOCIATES - WASTEWATER TREATMENT PLANT

Mayor Garrison stated that the Commission now had for consideration Change Order No. 2 to the Contract with Everett Griffith and Associates for the Wastewater Treatment Plant.

Jimmy Griffith stated that he is expecting two more change orders for the total project.

In response to question by Commissioner Foley, Jimmy Griffith stated that the proposed Change Order for the interceptor would be a decrease of \$23,090. Mr. Griffith stated that he did not have the figures for the additional change order at the Wastewater Treatment Plant, but it would be a moderate increase.

Mr. Griffith stated that he expected the overall project to be \$20,000 under the original contract price.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Change Order No. 2 to the contract with Everett Griffith and Associates in the amount of \$13,897 be approved as presented. A unanimous affirmative vote was recorded.

10. RESOLUTION - APPROVED - CERTIFICATE OF OBLIGATION - TRIBBLE AND STEPHENS

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificates of Obligation for payment of invoice from Tribble & Stephens for City Hall construction.

Commissioner Percy Simond stated that he was concerned that nothing had been done about the first row of seats in the Council Chambers. City Manager Westerholm stated that the problem had not been corrected by the Hoover Brothers Company, and that the City had not paid their invoice.

Commissioner Simond stated that he would like for Jerry Hill to take care of the minor items that needed attention in the new City Hall. Commissioner Simond stated that the problems may be minor, but to tax payers they are considered big problems.

In response to question by Commissioner Foley, City Manager Westerholm stated that the architect is currently working on punch list items and the completion date was not known at this time.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Resolution for payment of invoice to Tribble and Stephens in the amount of \$10,016.40 be approved as presented. A unanimous affirmative vote was recorded.

11. RESOLUTION - APPROVED - CERTIFICATE OF OBLIGATION - LUFKIN TELEPHONE EXCHANGE

Mayor Garrison stated that the Commission now had for consideration a Resolution authorizing Certificate of Obligation for payment of an invoice from Lufkin Telephone Exchange.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Resolution for payment of invoice from Lufkin Telephone Exchange in the amount of \$5,253.13 be approved as presented. A unanimous affirmative vote was recorded.

12. TDCA GRANT APPLICATION - APPROVED

Mayor Garrison stated that the next item for consideration was authorization for the City Manager to select a consultant to prepare the City's 1987 TDCA Grant application.

City Manager Westerholm stated that Kindle Stone and Associates had prepared a grant application last year for water improvements in north Lufkin through the TDCA. City Manager Westerholm stated that the City was unsuccessful in this application but may now submit another application for this year. City Manager Westerholm stated that the City has \$35,000 in the budget for a matching grant.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that City Manager Westerholm be authorized to negotiate an agreement with Kindle Stone and Associates for preparing grant application. A unanimous affirmative vote was recorded.

13. BIDS - APPROVED - ACTUATED SIGNAL - FRANK AND WEBER

Mayor Garrison stated that the Commission would now consider bids for material to install fully actuated signal on Frank and Weber.

Mayor Garrison stated that the bid included nine categories, and bids had been received from five different suppliers. Mayor Garrison stated that Public Works Director Ron Wesch had recommended the low bids for a total of \$13,334.60 which was under the original estimated cost of \$25,000. City Manager Westerholm stated that the industries along Weber Street would bear the cost of the material and that labor for installing the light had been included in last years budget.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that low bids for a total of \$13,334.60, as recommended by Public Works Director Ron Wesch be approved as the lowest and best bids. A unanimous affirmative vote was recorded.

14. PAPER RECYCLING PROPOSAL - APPROVED

Mayor Garrison stated that the Commission would now consider a proposal from Roger Smith for paper recycling.

City Manager Westerholm stated that a proposal from Roger Smith for a recycling project had been distributed for consideration a few weeks ago. City Manager Westerholm stated the staff had conducted several cost studies concerning the cost to the City for establishing a route to service Mr. Smith's dumpsters and deliver them to his plant. City Manager Westerholm stated that he was recommending a charge of \$1.40 per cubic yard as opposed to the present \$1.75 the City now charges. City Manager Westerholm stated that the difference of .35 (cents) per cubic yard represents the lower costs for the City in not having to deliver to the landfill and paying a tipping fee.

Motion was made by Commissioner Danny Roper and seconded by Commissioner Louis Bronaugh authorizing the City Attorney to draw up a Contract with Roger Smith for a period of one year. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that the formal Contract would be presented for consideration at the May 5th Commission meeting.

15. STREETScape - FEASIBILITY STUDY - DISCUSSED

Mayor Garrison stated that the next item for consideration was a feasibility study for streetscape in downtown Lufkin.

Mayor Garrison recognized Carol Moore, Main Street Director, who stated that the feasibility study had been prepared by Everett Griffith and Associates, East Texas Engineering, Marsellos and Scott, Architects, Toigo Engineering and DETCOG, and had been donated at an estimated cost of \$20-25,000.

Ms. Moore stated that estimated cost of the work on First Street that would be eligible for Texas Highway Department right-of-way beautification grants is \$450,000. Ms. Moore stated that if the City makes application for the grant they will have to do so as soon as possible because Business Highway 59 will move to Timberland Drive as soon as the overpass is completed on the Loop. Ms. Moore stated that First Street will revert back to City authority at that time and will be ineligible for the grants. Ms. Moore stated that she was bringing this project to the Commissioner's attention at this time so that grant-matching funds could be made available in the 1988 budget.

Jimmy Griffith stated that the engineers had set out to try and establish a preliminary plan and specific items that would be addressed were: Streets & Parking, Utilities, Storm Drainage, Lighting, Signage, Sidewalks and Landscaping.

Mr. Griffith stated that major renovation proposals include:

- Addition of 80 downtown parking spaces by widening Shepherd and Lufkin Avenue and converting parking spaces from parallel to angle parking.

- Installation of underground utilities to replace existing visible wiring.

- Repair and resurfacing of streets to alleviate cracks, drainage problems and sloping.

- Improvements to drainage facilities to limit the distance water must travel above ground and to prevent street flooding.

- Replacing existing street lights with uniform concealed-line, automatic lighting.

- Uniform street signage.

- Uniform sidewalk construction materials and widths.

Mayor Garrison stated that this was an excellent presentation, and would be beneficial to the community.

Mr. Griffith stated that a lot of the improvements could be done with City work forces at a lower price.

In response to question by Commissioner Foley as to how the \$4,608,500 project would be funded, Mr. Griffith stated that the feasibility study did not directly address sources of revenue. Mr. Griffith stated that improvements might be funded from State and Federal grants, private donations, a special downtown tax district or property assessments, or general city revenues.

Mayor Garrison stated that the administration might offer the project as part of a bond package.

Commissioner Foley stated that he would like to compliment the firms who participated in the feasibility study. Commissioner Foley stated that if all phases of the study are implemented, it will change the appearance of downtown greatly.

Commissioner Simond stated that he would support a bond issue, and that he would like to see the downtown project, and a lot of other things that would enhance the City that the bond issue could make possible. Commissioner Simond stated that Lufkin has a lot of fine people working to make it a better City, and Jerry Huffman was one of those people. Mayor Garrison stated that perhaps a Resolution would be in order in appreciation of Mr. Huffman.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Resolution in appreciation of Jerry Huffman be prepared by the City Attorney. A unanimous affirmative vote was recorded.

16. TRANSPORTATION SYSTEM - NAME SELECTED - LUFKIN TRANSIT SYSTEM

Mayor Garrison stated that the next item for consideration was proposed name for Lufkin's Transportation System.

Carol Moore stated that in talking with a representative of the Brazos Transit System, it had been suggested that the name "Angelina" be chosen because it is attractive for tourism marketing and because the system will be in operation in areas outside the city limits.

Mayor Garrison stated that since the City was underwriting the cost of the project, the City should get whatever benefit it could from being City sponsored.

Ms. Moore stated that one alternative would be to have a City wide contest and let the citizens name the bus system.

It was the general consensus of opinion that if the transportation system was named Angelina, it would imply that it is county-funded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley recommending that transportation system be named Lufkin Transit System. A unanimous affirmative vote was recorded.

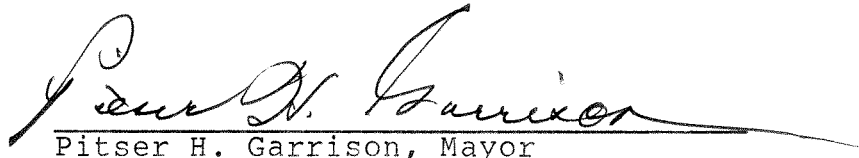
17. RAILROAD CROSSING - POLICE ELIGIBILITY LIST - REDUCED SPEED ON HIGHWAY 59

In response to question by Commissioner Simond, City Manager Westerholm stated that he had spoken to a representative of the railroad in Houston regarding the problem at the railroad crossing.

Commissioner Boyd stated that he had received notification of a police entrance exam to be given in June. Commissioner Boyd stated that he knew that three blacks had passed the test that was given in 1986 and that two of them were already certified. Commissioner Boyd stated that he would like for City Manager Westerholm to give him a report on the number of vacancies in the Police Department and the status of the eligibility list.

Commissioner Bronaugh stated that he would like to compliment the City in monitoring the speed on Highway 59 at the College and entrance to Crown Colony.

18. There being no further business for consideration, meeting adjourned at 5:55 P.M.


Pitser H. Garrison, Mayor

ATTEST:


Atha Stokes, City Secretary