MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF NOVEMBER, 1979, AT 5:00 P.M.

On the 20th day of November, 1979, 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
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

being present, and

W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)

being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Lynn Stephens, Pastor of First Baptist Church, Keltys.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

Motion was made by Comm. Don E. Boyd that minutes of regular meeting of November 6, 1979, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading - Mr. & Mrs. L. T. Davis from LM to RS District

Mayor Garrison stated that zone change application by Mr. & Mrs. L. T. Davis from LM to RS District covering property located at 2207 Spence Street, being Tract 11, Map 8A of the A. Varilla Survey, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by Mr. & Mrs. L. T. Davis be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading - Joe Pickard from RL to LB District, Special Use (Office Building)

Mayor Garrison stated that zone change application by Joe Pickard from RL to LB District, Special Use (Office Building) covering property located at Southwest corner of intersection of Chestnut Street and Card Drive had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by Joe Pickard from RL to LB District, Special Use (Office Building) be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading - Lavitta Henderson from RM to D District

Mayor Garrison stated that zone change application by Lavitta Henderson from RM to D District covering property being Lot 19 and East one-half of Lot 20 of the L. Mantooth Addition, between Ellis Avenue and Kiln Street had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by Lavitta Henderson from RM to D District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Amendments Approved 2nd Reading - Air Conditioning, Mechanical, Refrigeration & Heating Ordinance

Mayor Garrison stated that proposed amendments to the City of Lufkin's Air Conditioning, Mechanical, Refrigeration & Heating Ordinance had been approved on first reading of ordinance at last regular meeting by a majority vote of four to three. Various members of Commission voiced their opinions regarding passage of these proposed amendments, with particular concern expressed for amendment to Section II.B.1., regarding an owner of property being allowed to perform air conditioning, etc., work on his property.

Following considerable discussion, motion was made by Comm. E. C. Wareing that amendments to Air Conditioning, Mechanical, Refrigeration & Heating Ordinance, as proposed, be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Wareing, Thompson, & Smith; voting "Nay" - Comms. Boyd & Foley. Mayor Garrison declared motion approved by a majority vote of four to two.

Comm. E. C. Wareing stated that he continued to desire for the City Attorney to do more research on this ordinance. Comm. Wareing stated that as the ordinance had been written previously, it was too broad in restriction; and the last amendment perhaps caused the ordinance to be too restrictive.

8. Water Plant #1 Improvements - Bid of Cooper & Scott, Inc., Rejected - Griffith Engineers Appointed as General Contractors

Mayor Garrison recognized Mr. Jimmy Griffith of Griffith & Associates Engineers who explained developments in bid on Water Plant #1 Improvements as postponed at last regular meeting. Mr. Griffith stated that the low bidder, Cooper & Scott, Inc., had not been cooperative in lowering their bid, and if Griffith & Associates were appointed as general contractors on this water plant project, they could possibly save the City approximately $100,000.

City Manager Westerholm explained that Griffith Engineers would take over the water plant improvement project, re-advertise for bids, and the engineers would be construction managers; but the City would still be required to proceed with the bidding process on separate items for the water plant improvements.

Discussion followed regarding the capabilities and qualifications of Griffith Engineers acting as contractors in a construction project. Mr. Jimmy Griffith provided members of Commission with an explanation of the engineers' qualifications for this project.

Following discussion regarding feasibility of appointing Griffith Engineers as general contractors for project as opposed to accepting low bid of Cooper & Scott, Inc., City Manager Westerholm stated that he would recommend Griffith & Associates be appointed as general contractors for the City's water plant improvements project, and that they be authorized to begin the project as soon as possible.

Comm. Richard Thompson then stated that before the City could re-advertise for bids on this project they would have to reject the bid of the low bidder.

Motion was then made by Comm. Pat Foley that bid of Cooper & Scott, Inc., be rejected for improvements to Water Plant #1. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Motion was then made by Comm. Pat Foley that Griffith & Associates Engineers be appointed as general contractors for Water Plant #1 Improvements as outlined by Mr. Griffith at this meeting, and notice for bids be published as soon as possible for consideration by City Commission. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

9. Housing Ordinance for City of Lufkin Approved 1st Reading

Mayor Garrison stated that through miscommunication, consideration for adoption of a housing ordinance for Lufkin had been omitted from last meeting's agenda. Mayor Garrison further stated that this item was now before Commission for consideration, and same would involve local enactment of federal statutes regarding discrimination in housing. Mayor Garrison further explained that the ordinance would place the enforcement on a local level rather than federal level, and would help to reconcile local differences.

Discussion evolved regarding various discrepancies in ordinance as presented, and following discussion motion was made by Comm. Richard Thompson that the fair housing ordinance for the City of Lufkin be adopted on first reading with changes from appointment of administrator by Mayor to City Commission, and removal of emergency passage section. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. City Commission Meeting Dates Changed

Mayor Garrison requested that members of Commission consider changing time of meeting of December 4, 1979, from 7:30 p.m., to 5:00 p.m., and cited personal involvement as reasons for request. Motion was made by Comm. E. C. Wareing and seconded by Comm. Richard Thompson that meeting time for meeting of December 4, 1979, be changed to 5:00 p.m. A unanimous affirmative vote was recorded.

Motion was then made by Comm. Don E. Boyd that regular meetings of January, 1980, be changed to January 8, 1980, and January 22, 1980, due to conflicts with holiday. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading - William Michael Fulton from RL to RS District

Mayor Garrison stated that zone change application by William Michael Fulton from RL to RS District covering property fronting on Gayle Street, between Henderson and McMullen Streets had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by William Michael Fulton be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading - Roach Enterprises, Inc., from RL to C District

Mayor Garrison stated that zone change application by Roach Enterprises, Inc., from RL to C District covering property fronting on Loop 287 West (John Redditt Drive), immediately North of and adjacent to Stop-&-Wash Car Wash, across from Angelina Nursing Home, had been recommended for approval by the City Planning & Zoning Commission. Mayor Garrison further stated that according to City Planning & Zoning Commission minutes as provided to members of City Commission, this zone change application had been requested with waiver of 100' setback requirements as utilized in other locations on Loop 287 West; and members of Planning & Zoning Commission had chosen to recommend this zone change application to City Commission with no action taken on setback waiver.

There were no persons present appearing in opposition. Mayor Garrison recognized Mr. David Porter, Attorney, appearing in representation of zone change application, who expressed his client's reasons for requesting waiver of setback requirements for this property; to include channel easement on the property. Mr. Porter further stated that setback requirements of the type being discussed at this meeting had been implemented in some locations on the loop and had not been implemented in others.

Considerable discussion evolved regarding this setback requirement, and following discussion, motion was made by Comm. Pat Foley that zone change application by Roach Enterprises, Inc., from RL to C District be approved on first reading of ordinance with waiver of setback requirements. Motion was seconded by Comm. Don E. Boyd and the following vote was recorded: voting "Aye" - Comms. Foley & Boyd; voting "Nay" - Mayor Garrison, Comms. Smith, Thompson, & Wareing. Mayor Garrison declared motion failed by a majority vote of four to two.

Motion was then made by Comm. Pat Foley that zone change application by Roach Enterprises, Inc., from RL to C District be approved on first reading of ordinance with first 200' of frontage adjoining the car wash to be changed to C District with restriction that any improvements follow the building line of the present car wash with 100' setback requirement. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Hearing Date Established - Annexation & Permanent Zoning Request by JTT Distributors, Inc.

Mayor Garrison stated that annexation and permanent zoning request by JTT Distributors, Inc., to Light Manufacturing District covering property fronting on Spence Street, North of Loop 287, had been recommended for approval by the City Planning & Zoning Commission.

Motion was then made by Comm. Don E. Boyd that hearing date on annexation and permanent zoning request by JTT Distributors, Inc., be set for next regular meeting of Commission on December 4, 1979, at 5:00 p.m. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Central Volunteer Fire Department - Lease Agreement Approved - Bids for Sale of Fire Truck Authorized

Mayor Garrison stated that the City of Lufkin had been requested by the Central Volunteer Fire Department to lease a 1953 Seagrave Fire Pumper Truck for use in their department. Mayor Garrison further stated that the Central Volunteer Fire Department desired to utilize the truck temporarily while one of their units was out of service. Mayor Garrison also stated that the City was prepared to sell this truck at the present time, but it would not be possible without obtaining public bids.

Mayor Garrison then suggested that the Central Volunteer Fire Department be allowed to use the truck until same could be offered for sale.

Motion was then made by Comm. Dayle V. Smith that 1953 Seagrave Fire Pumper Truck owned by the City of Lufkin be loaned/leased to the Central Volunteer Fire Department until this vehicle could be offered for public sale. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Motion was then made by Comm. Dayle V. Smith that 1953 Seagrave Fire Pumper Truck be offered by bid for public sale. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Bids Approved - Angelina Street Extension - Phase I

City Manager Harvey Westerholm stated that the City staff had received and tabulated bids for extension of Angelina Street from Denman Avenue to Pershing, and low bid had been received from Kenneth Koon Construction for asphalt extension of this street. Mr. Westerholm further stated that he would recommend this bid be accepted.

City Public Works Coordinator Dwayne Humphrey stated that construction could begin on this phase of the Angelina Street extension within the next two weeks. Members of Commission then reviewed the following bids:

* Kenneth Koon Construction	$251,813.94 (asphalt)
" " "	$350,574.00 (alternate-concrete)
Moore Brothers Construction	$301,596.40 (asphalt)
" " "	$337,548.80 (alternate-concrete)
Simon Traylor & Sons, Inc.	$322,440.50 (asphalt)
" " "	No bid on alternate

* Low Bidder

Motion was made by Comm. Pat Foley that bid by Kenneth Koon Construction for extension of Angelina Street, Phase I, be approved as recommended and listed above. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

16. Adjournment

There being no further business for consideration, meeting adjourned at 7:05 p.m.

MAYOR - City of Lufkin, Texas

ATTEST:

CITY OF LUFKIN TEXAS

Gayle Dickey
Assistant City Secretary