

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF NOVEMBER,
1979, AT 5:00 P.M.

On the 6th 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)
W. O. Ricks, Jr.	Commissioner at Large, Place A (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, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Curtis Keith, Pastor of First Christian Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Motion was made by Comm. E. C. Wareing that minutes of regular meeting of October 16, 1979, be approved. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

4. Resolution & Plaque of Appreciation Presented - John Waak, Past Member of City Planning & Zoning Commission

Mayor Garrison recognized Mr. John Waak, past member of City Planning & Zoning Commission, and presented him with a plaque and resolution of appreciation for his years of service on the City Planning & Zoning Commission from May 2, 1972, to October 1, 1979. Mayor Garrison read prepared resolution approved at last regular meeting and thanked Mr. Waak for his participation and public interest in the planning and development of the City of Lufkin.

5. Zone Change Approved 1st 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 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 Mr. & Mrs. L. T. Davis from LM to RS District be approved on first reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

6. Zone Change Approved 1st 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 recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Joe Pickard from RL to LB District, Special Use (Office Building) be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

7. Zone Change Approved 1st 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 recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. E. C. Wareing that zone change application by Lavitta Henderson from RM to D District be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

8. Publication of Notice of Intent to Issue Water & Sewer Revenue Bonds Approved - Special Meeting of City Commission Scheduled for November 27, 1979, at 12:15 p.m.

Mayor Garrison stated that the City of Lufkin had been planning water improvements for quite some time, and a grant had been received from the Economic Development Administration in the amount of \$800,000. Mayor Garrison further stated that the total costs of the water improvements would be approximately \$2,500,000, and it would be necessary for the City to sell water and sewer revenue bonds in order for these funds to be available for use. Mayor Garrison also explained that it would be necessary to notify the public of the City's intent to issue these water and sewer revenue bonds. Mayor Garrison further explained that the City's fiscal advisors, First Southwest Corporation, to include representatives Tom Wolf and James Campbell, had recommended the City consider November 27, 1979, for a special meeting of the City Commission to authorize sale of the bonds.

Motion was made by Comm. Dayle V. Smith that special meeting of the City Commission be scheduled for Tuesday, November 27, 1979, at 12:15 p.m., and notice of intent to issue water and sewer revenue bonds be published according to law. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Mayor Garrison recognized Mr. Tom Wolf, representative of First Southwest Corporation, who inquired as to whether or not members of Commission were aware this action implied that First Southwest Corporation would prepare and publish notice of intent to sell bonds, and this notice would be mailed to approximately 1,200 buyers across a widespread area. Mayor Garrison stated that he had not realized that the meeting of November 27, 1979, would be called for the purpose of selling the bonds, and it was his opinion that a motion would be necessary on this action. Motion was made by Comm. E. C. Wareing that First Southwest Corporation be granted authority to proceed with actions to prepare for sale of water and sewer revenue bonds for the City, according to established procedure. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded.

9. Resolution Approved - Authorizing Filing of Community Development Block Grant Program Pre-Application to U. S. Department of Housing & Urban Development (H.U.D.) - Designation of City Manager as Authorized Representative

Mayor Garrison stated that prior to submission of pre-application to U. S. Department of Housing & Urban Development for Community Development Block Grant funds, it was necessary for the City to determine the location of the most needed community development problems present in the City. Mayor Garrison further stated that a Citizens Participation Planning Committee had been appointed to research this matter, and in cooperation with City staff had determined a recommendation on this subject. Mayor Garrison stated that members of this Committee were Rev. W. E. Lockett, Chairman, Rev. L. D. Bell, Jimmie Howard, Annie Dorsey, Dr. Dallas Pierre, Percy A. Simond, Jr., Royce Garrett, A. H. Charlton, and Candiest Beamon. Mayor Garrison stated that the recommendation of this Committee would be submitted as a part of the pre-application to H.U.D. Mayor Garrison also stated that the pre-application of the City of Lufkin would be in competition with other areas.

Comm. E. C. Wareing stated, for clarification purposes, that this pre-application for Community Development Block Grant funds would be submitted to H.U.D., and it would then be decided by H.U.D. as to whether or not the City would be invited to make formal application for the C.D.B.G. funds.

Motion was made by Comm. W. O. Ricks that the City staff be authorized to submit pre-application for Community Development Block Grant funds to the U. S. Department of Housing & Urban Development in accordance with recommendation of Citizens Participation Planning Committee for improvements to the Glenn and O'Quinn Streets area for drainage, streets, and sidewalk improvements. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

City Manager Westerholm stated that the City should receive confirmation on this pre-application by February, 1980.

10. Amendments Approved - Air Conditioning, Mechanical, Refrigeration & Heating Ordinance

Mayor Garrison stated that several changes to the air conditioning, mechanical, refrigeration and heating ordinance for the City of Lufkin had been proposed by the newly appointed Air Conditioning, Mechanical, Refrigeration & Heating Board. Mayor Garrison then recognized Mr. Richard Smelley, Chairman of this Board, who invited questions from members of Commission regarding these proposed amendments.

City Attorney Robert Flournoy reviewed the various changes as proposed, to include amendment to Section II.B.1., to limit the owner of property to repair air conditioning work only to his residence; striking the word "contractor" when it appeared in the ordinance with the word "journeyman"; amendment to Section VI.A.1., A.2., and A.4., and VI.G., to make the language consistent with other provisions of the ordinance; and amendment to Section VI.H., to provide that bond requirements would only be required for a master contractor.

Considerable discussion followed concerning the amendment to Section II.B.1., limiting the owner of property to repair air conditioning work only to his residence. Comm. Pat Foley stated that he did not agree with this amendment. Mr. Richard Smelley stated that if the Board did not restrict this requirement to the owner of the property, the AC, M, R & H Ordinance would not be consistent with the City's electrical and plumbing codes.

Following lengthy discussion, motion was made by Comm. Richard Thompson that amendments to the Air Conditioning, Mechanical, Refrigeration & Heating Ordinance as presented be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Thompson, Ricks, & Wareing; voting "Nay" - Comms. Smith, Foley, and Boyd. Mayor Garrison declared motion approved by a vote of four to three, but also stated that he would be willing to consider further changes to the ordinance on second reading.

11. Bids Approved - EDA Water Improvements Project

City Manager Harvey Westerholm stated that bids had been received for various phases of the City's water improvements project, and recognized Mr. Jimmy Griffith of Griffith & Associates Engineers to review these bids.

Mr. Griffith explained that bids had been received on four phases of the project, to include Water Well #12, Elevated Storage Tank #4, Well Field Collection & Supply Lines, and Water Plant #1 Improvements. Mr. Griffith further stated that bids had been tabulated and recommendation was being made that low bids be awarded as follows:

Water Well #12 - Katy Div., Layne-Western Co., Inc.	\$248,445.00
Elevated Storage Tank #4 - Universal Tank & Iron Works	\$515,000.00
Well Field Collection & Supply Lines - Dan Shull Const.	\$449,360.00

Mr. Griffith then stated that the above bids were being recommended for approval, but his firm was recommending postponement of approval on the bid for Water Plant #1 Improvements, because negotiations were being made with the low bidder, Cooper & Scott, Inc., to lower the amount of the bid by various recommendations. Mr. Griffith further stated that it may be possible to reduce this bid by as much as \$100,000, but full research would be completed before next meeting of Commission. Mr. Griffith also stated that bids would still be in effect for sixty days.

City Manager Westerholm then recommended acceptance of low bid from Katy Division of Layne-Western Company, Inc., in the amount of \$248,445.00, for Water Well #12. Motion was made by Comm. Don E. Boyd that this low bid be approved. Motion was seconded by Comm. Dayle V. Smith and a unanimous affirmative vote was recorded.

City Manager Westerholm also recommended awarding of low bid from Universal Tank & Iron Works in the amount of \$515,000.00, for Elevated Storage Tank #4. Motion was made by Comm. Richard Thompson that this low bid be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

City Manager Westerholm finally recommended acceptance of low bid from Dan Shull Construction in the amount of \$449,360.00, for Well Field Collection & Supply Lines. Motion was made by Comm. W. O. Ricks that this low bid be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Motion was then made by Comm. Don E. Boyd that bid approval for Water Plant #1 Improvements be delayed until further research could be completed by Griffith Engineers. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

12. Bid Approved - Sewer Pipe & Tapping Material - Sewer Distribution Dept.

City Manager Westerholm stated that bids had been received and tabulated for one year's supply of material for sewer pipe and tapping equipment to be used in the City's Sewer Distribution Department. City Manager Westerholm further stated that low bid had been received from Dickey Company in Texarkana, Texas, in the amount of \$22,097.50, which he recommended for approval.

Motion was made by Comm. W. O. Ricks that low bid from Dickey Company in the amount of \$22,097.50 be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Bids Approved - Five (5) Trucks - Various City Departments

City Manager Westerholm stated that bids had been received and tabulated for the purchase of five (5) trucks for various City departments, to include Utility Collections, Zoo, Street, and two trucks for the Parks Department. City Manager Westerholm further stated that low bids had been received from Angelina Chevrolet-Cadillac Company on vehicles for the Utility Collections and Zoo Departments (economy-size trucks), and low bids for vehicles in Street and Parks Departments had been received from Greater Lufkin Ford Sales.

Discussion evolved regarding difference in bids on vehicles from Angelina Chevrolet-Cadillac as compared to bids from Greater Lufkin Ford Sales, and the fact that the Chevrolet vehicles could be delivered in 45 days as compared to 90 days for the Ford vehicles. Discussion also developed regarding one company bidding on 1979 vehicles and the other bidding on 1980 models.

Following discussion, motion was made by Comm. Dayle V. Smith that bids on all five vehicles be awarded to Angelina Chevrolet-Cadillac Company due to various reasons as discussed, including differences in bid amounts as compared to year models being bid and time frame for delivery. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded. Mayor Garrison stated that he would desire in the future that City staff advertise for bids on same year models for vehicles.

14. Bid Approved - Containers - Sanitation Department

City Manager Westerholm stated that bids had been received and tabulated for purchase of front loading garbage containers for the Sanitation Department, to include 10 - 8 cu. yd. containers, 10 - 6 cu. yd. containers, and 10 - 4 cu. yd. containers. Mr. Westerholm further stated that low bid had been received from Scott & Hill in Bartlesville, Oklahoma, in the amount of \$11,520.00, which he recommended for approval.

Motion was made by Comm. Pat Foley and seconded by Comm. E. C. Wareing that low bid from Scott & Hill be approved in the amount of \$11,520.00, and a unanimous affirmative vote was recorded.

15. Bid Approval Tabled - Radio Equipment for City Fire Marshal

City Manager Westerholm stated that one bid had been received from Motorola Communications for purchase of radio equipment for the City Fire Marshal, in the amount of \$2,223.00. Mr. Westerholm explained that this new radio with portable radio unit would enable the Fire Marshal to be in constant contact with the Fire Department in case of a fire, whether in his car or at the location of the fire. Mr. Westerholm further explained that the Fire Marshal's budget had \$2,357.50 allotted for the purchase of this radio equipment.

Considerable discussion followed regarding the necessity of this radio unit for the Fire Marshal's use, and whether or not a simple walkie-talkie unit with a mobile radio would suffice for the purpose intended. Mr. Westerholm stated that the radio presently installed in the Fire Marshal's vehicle was to be transferred to the Health Department for use by the Animal Control Officer, when the new radio was purchased.

Suggestion was then made by Comm. Don E. Boyd that Fire Marshal Roscoe Gibson be requested to appear before Commission to explain requirements of this radio unit, as compared to other types of units. Assistant City Manager Roger Johnson informed members of Commission that Mr. Gibson, Fire Marshal, was ill and would be confined to his residence for approximately three weeks. It was then suggested by City staff that Fire Chief Billy Stephens or Assistant Fire Chief Roy Carrell be present at next meeting to answer further questions.

Motion was made by Comm. Don E. Boyd that approval of bid on radio equipment for City Fire Marshal be tabled until next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Building Plans Approved - Old W. H. Johnston Furniture Company, 117 West Shepherd

Mayor Garrison stated that request had been received from Mr. W. M. Thompson of the old W. H. Johnston Furniture Company (to be changed to Ethan Allen Furniture in the near future) to receive permission to install a self-supporting canopy over the storefront at 117 West Shepherd; and to install ornamental columns under the face of the canopy which would be four feet out in front of the existing storefront.

City Manager Westerholm explained that permission was required from the City Commission on building permits of this type due to the fact that the columns would be located on public property.

Motion was made by Comm. Richard Thompson that building plans for old W. H. Johnston Furniture Company at 117 West Shepherd Avenue be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

17. Executive Session - Mayor Garrison Appointed as City Representative to Central Tax Appraisal Agency

Mayor Garrison adjourned regular meeting to executive session at 6:30 p.m., for the purpose of considering appointment of a representative to serve on the county-wide Central Tax Appraisal Agency.

Mayor Garrison reconvened regular meeting at 6:35 p.m., and stated that an appointee had been selected by the City Commission, and invited comments from City Commission.