

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,  
TEXAS, HELD ON THE 19TH DAY OF SEPTEMBER, 1972, AT 7:30 P. M.

On the 19th day of September, 1972, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Roger G. Johnson	Dep. City Secretary

being present, and

Robert L. Flournoy	City Attorney
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Ray Meador, Pastor of Midway Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers and expressed appreciation for their interest.

3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of September 5, 1972, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Zone Change Application - Charles Unsell from C District and Special Use to A District and Special Use, Item 13

Secretary read caption of ordinance for second reading changing zone from C District and Special Use to A District and Special Use, Item 13, covering property located South of intersection at corner of Henderson Street and North Raguet Street. There were no persons present appearing in objection to this zone change request. Comm. J. T. Hopson made motion that zone change application of Charles Unsell from C District and Special Use to A District and Special Use, Item 13, be approved on second and final reading as read by Secretary and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Zone Change Application - William B. Shelton, Jr., M.D., from R-2 District to LB District

Secretary read caption of ordinance for second reading changing zone from R-2 District to LB District covering Lots 11 and 12, Block 1 of the West End Addition located immediately West of Thompson Street and North of Ellis Avenue. There were no persons present appearing in objection to this zone change request. Comm. E. C. Wareing made motion that zone change application of William B. Shelton, Jr., M.D., from R-2 District to LB District be approved on second and final reading as read by Secretary and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Proposed Permanent Zoning of Newly Annexed Areas:

Highway 94 West - Annexed by Ordinances #1517 and #1518

Secretary read caption of ordinance for second reading covering proposed permanent zoning, as recommended by the City Planning and Zoning Commission, of areas annexed by Ordinance #1517 covering property located South of the North side of the T & SE Railroad R.O.W. and Ordinance

nance #1518 covering property located North of the T & SE Railroad and South of State Highway 94. There were no persons present appearing in objection to this proposed permanent zoning. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on second reading permanently zoning this property as read by Secretary and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

7. Amendment to Plumbing Code

Secretary read caption of ordinance amending Ordinance #237, Plumbing Code for the City of Lufkin. Comm. E. G. Pittman made motion that the Plumbing Code be amended as read by Secretary and recommended by the Plumbing Board and ordinance be passed on second and final reading. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

8. Zone Change Application - R. H. Duncan from R-1 District to D District

Secretary read caption of ordinance for first reading changing zone from R-1 District to D District on application of R. H. Duncan covering Lots 1 through 6 located South of Turtle Creek Drive and North of Copeland Street on the East side of Crooked Creek Drive in the Wooded Acres Second Addition. There were no persons present appearing in objection to this zone change request. Comm. E. C. Wareing was concerned about flooding conditions that may be increased in this area with the addition of these dwellings. Comm. E. C. Wareing also expressed his concern for all areas of the City that were subject to flooding and stated that he had been furnished a copy of a Dallas "overflow" ordinance to assist the City Attorney in the possible composition of a similar ordinance for Lufkin, if desired. Members of the Commission were in agreement with ideas expressed by Comm. E. C. Wareing. Comm. E. C. Wareing then made motion that zone change application of R. H. Duncan from R-1 District to D District be approved on first reading of ordinance as read by Secretary and recommended by the City Planning and Zoning Commission; and that City Attorney Flournoy be authorized to prepare an ordinance for Lufkin similar to the Dallas "overflow" land ordinance for consideration at next regular meeting. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

9. Ordinance Levying Taxes and Providing for General Fund and Interest and Sinking Fund

Comm. E. C. Wareing made motion that ordinance be passed on first and final reading setting a tax levy on property, real and personal, of \$1.45 per \$100 valuation to be apportioned for the specific purpose of:

(1) For the maintenance and support of the general government (General Fund), 1.1256 on each One Hundred Dollar (\$100.00) valuation of property, and

(2) For the Interest and Sinking Fund, (\$.3244) on each One Hundred Dollar (\$100.00) valuation of property to be apportioned as follows:

Street Improvements	1947
General Obligation	1959
General Obligation	
Refunding Bond	1963
Park Bond	1965
General Obligation Bond	1965
Civic Center Bond	1972

Total	\$ .3244
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Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

10. Appropriation Ordinance Adopting Budget - 1972-73

Mayor Garrison stated that the 1972-73 Budget had been prepared by City Manager Westerholm for review by all concerned and should be considered for approval. There were no persons present appearing in objection to this Budget and members of the Commission offered no further comments. Following considerable discussion, Comm. R. A. Brookshire made motion that appropriation ordinance be passed on first and final reading approving the Budget for the period beginning October 1, 1972, and ending September 30, 1973, as presented by City Manager Westerholm. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Sanitary Landfill Site - Champion Papers Company - Easement

City Manager Westerholm stated that a copy of a letter from Mr. Erich H. Krumm, Jr., of Champion Papers Company had been furnished members of this Commission indicating Champion Papers' willingness to grant a R.O.W. easement for access to the City of Lufkin's new sanitary landfill site under certain conditions. Following discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to execute an agreement with Champion Papers Company under conditions stated in letter furnished members of this Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

12. Time Warrants-Notice of Intent to Sell-Water & Sewer Improvements

City Manager Westerholm stated that a notice of intent to issue time warrants had been prepared for consideration as requested in last regular meeting. City Manager Westerholm informed members that a schedule of capital improvements that needed to be financed through time warrants should be approved by the City Commission through a notice of intent to finance these projects at a rate of interest not to exceed 6% maximum term. City Manager Westerholm further stated that this notice to sell time warrants must be published for two consecutive weeks prior to consideration of ordinance authorizing sale of time warrants. City Manager Westerholm stated that after the first publication, an ordinance could be prepared for first reading at next regular meeting. Following discussion, Comm. Joe E. Rich made motion that City Manager Westerholm be authorized to publish notice of intent to issue time warrants and that an ordinance be prepared for first reading at next regular meeting. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Episcopal Church Property - First Baptist Church - Lease Agreement

City Manager Westerholm stated that a lease agreement had been prepared by the City Attorney between the City of Lufkin and the First Baptist Church allowing the First Baptist Church lease privileges on a month-to-month basis effective October 10, 1972. Comm. E. C. Wareing stated that Section 8 of the agreement should indicate that all necessary "major" repairs be made by the lessor and that all routine maintenance would be made by the lessee. Comm. W. O. Ricks, Jr., then made motion that this lease agreement be approved in accordance with above stated changes. Motion seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

14. Roger G. Johnson-Appointment-City Secretary & Civil Service Director

City Manager Westerholm recommended that Roger G. Johnson, Deputy City Secretary, be appointed City Secretary and Civil Service Director effective October 1, 1972. Following discussion, Comm. Joe E. Rich made motion that Roger G. Johnson be appointed City Secretary and Civil Service Director effective October 1, 1972, as recommended by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

15. Payment of Invoices - Everett Griffith & Asso. and HDR, Inc.

City Manager Westerholm stated that invoices had been received from Everett Griffith & Associates and Henningson, Durham & Richardson, Inc., Engineering firms, in the following amounts:

Everett Griffith & Associates	\$7,000.00
Henningson, Durham & Richardson, Inc.	141.65

Comm. W. O. Ricks, Jr., made motion that invoices in the amounts stated above be paid. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

16. Art Show - Sidewalk - Angelina Hotel

City Manager Westerholm stated that a local group of Attorneys' wives had requested permission to hold an art show on the sidewalk by the Angelina Hotel in the downtown area. City Manager Westerholm further stated that if permission was granted by the Commission, this group desired to hold their exhibit on a Friday and Saturday in October. Comm. E. G. Pittman made motion that this local group be permitted to hold an art exhibit as requested. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Curb & Gutter Ordinance - Picardy Lane & Martha Street

City Manager Westerholm stated that an ordinance had been prepared by the City Attorney declaring the necessity for and ordering the construction of curb and gutters on Picardy Lane from Southwood Drive to Shadybrook Street; and Martha Street from Chestnut Street to Denman Avenue. City Manager Westerholm stated that following the passage of this Ordinance, individuals requesting curb and gutters on these streets would be placed on a priority list for future consideration. Secretary then read caption of ordinance for first reading declaring the necessity for and ordering the construction of curb and gutters on these streets. Comm. Joe E. Rich made motion that Ordinance on curb and gutters be passed on first reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. Texas Highway Department - "Regulations for Access Driveways to State Highways" - Adoption

City Manager Westerholm stated that copies of the Texas Highway Department "Regulations for Access Driveways to State Highways" had been furnished members of the Commission for consideration and adoption by ordinance as recommended by the City Planning and Zoning Commission. Comm. E. C. Wareing stated his concern that an amendment to existing City ordinance should be considered instead of a separate ordinance adopting this booklet published by the Texas Highway Department. Following considerable discussion, Comm. E. G. Pittman made motion that this item be tabled until next regular date to allow further consideration. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

19. Sanitation Department - Fee Charges

City Manager Westerholm informed members of the Commission that information regarding analysis of fees charged City customers for garbage services had been provided Commission members. City Manager Westerholm further stated that proposed rates of increase in this fee analysis were recommended as follows:

	<u>Present</u>	<u>Proposed</u>
Residential	\$2.00	\$2.30
Commercial (Minimum)	2.67	2.67
Excess of 4 Cubic Yards	.25/CY	.71/CY

Considerable discussion developed and Comm. E. G. Pittman stated that the new Budget had been prepared without proposed increases in garbage rates and that rate increases should be more closely considered prior to making a final decision. Members of the Commission were in unanimous agreement with this proposal as explained by Comm. E. G. Pittman. Comm. W. O. Ricks, Jr., then made motion that ordinance be passed on first reading as an amendment to Penal Ordinance #243 increasing Commercial garbage rates from 25¢ per cubic yard to 50¢ per cubic yard for amounts in excess of 4 cubic yards; and, that all multi-family complexes be charged as individual residents at the residential monthly rate of \$2.00. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Members of the Commission were also in agreement that if further residential garbage rate increases are justified, amendments to existing ordinance should be considered.

20. Advertisement for Bids - Sanitation Department Equipment

City Manager Westerholm informed members of the Commission that the City needed a dozer for the Sanitary Landfill and permission from the City Commission to advertise for bids. Following discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to advertise for bids on a dozer to be used at the Sanitary Landfill Site. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

21. Mobile Home Ordinance - Discussion

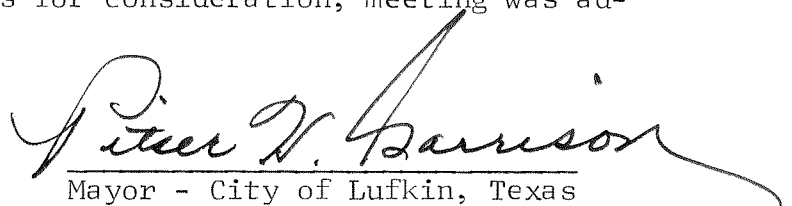
City Manager Westerholm stated that copies of a recommended Mobile Home Ordinance had been distributed among members of the Commission for consideration at next regular meeting. City Manager Westerholm further stated that this Mobile Home Ordinance had been recommended by the City Planning and Zoning Commission after considerable research and review.

22. Lower Neches Valley Authority-Amendment to Contract-Sam Rayburn Reservoir

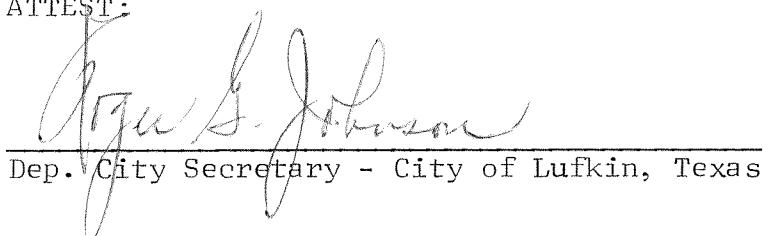
Mayor Garrison stated that as a member of the Lower Neches Valley Authority he had become interested in the use of water obtained from Sam Rayburn Reservoir. Mayor Garrison further stated that since the City could not sell water from Sam Rayburn Reservoir for industrial purposes by contract, he had proposed an amendment to this contract that would allow the City the privilege of providing industry with raw or untreated water. Mayor Garrison also stated that this revision had been agreed upon by members of the Lower Neches Valley Authority. Comm. W. O. Ricks, Jr., then made motion that Mayor Garrison be authorized to request an amendment to the current contract agreement between the City of Lufkin and the Lower Neches Valley Authority allowing the City of Lufkin to provide industry with raw or untreated water as explained by Mayor Garrison. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

23. Adjournment

There being no further business for consideration, meeting was adjourned at 9:10 P. M.

  
Mayor - City of Lufkin, Texas

ATTEST:

  
Dep. City Secretary - City of Lufkin, Texas