

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 3RD DAY OF OCTOBER, 1972, AT 7:30 P. M.

On the 3rd day of October, 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
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

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

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of the First 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. Open Hearing on Proposed Annexations

Mayor Garrison opened public hearing on each of the following proposed tracts for annexation as advertised in the Lufkin News on September 17, 1972:

Tract #1 - Lufkin Independent School District (Slack School)

There were no persons present to speak in behalf of or against annexation of Tract #1. Mayor Garrison declared hearing closed on Tract #1. City Attorney Flournoy then read caption of ordinance for first reading covering the annexation of Tract #1. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on first reading covering annexation of Tract #1, Lufkin Independent School District (Slack School), as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Tract #2 - Brookhollow #6 Addition

There were no persons present to speak in behalf of or against annexation of Tract #2. Mayor Garrison declared hearing closed on Tract #2. City Attorney Flournoy then read caption of ordinance for first reading covering the annexation of Tract #2. Comm. R. A. Brookshire made motion that ordinance be passed on first reading covering annexation of Tract #2, Brookhollow #6 Addition, as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Tract #3 - Brookhollow #7 Addition

There were several persons present appearing in opposition to the annexation of Tract #3. Mr. Ben Newsom, a property owner in this area, requested that area being proposed for annexation 300 feet North of FM 1271 be reduced. Mr. Newsom stated that he could not place a value on his property and did not desire annexation because of the increased amount of taxes that would be incurred. Mr. Harold Weeks and Mrs. Lloyd Smith, who also own property being considered for annexation South of FM 1271, objected to this proposed annexation primarily due to increase of taxes. Mrs. Lloyd Smith further stated that her school tax had been raised without her knowledge. Mr. Dick Gardemal was also present representing R. H. Duncan to request that Mr. Duncan's farm

land located South of FM 1271, not be included in this proposed annexation. Comm. E. C. Wareing stated that the City had not raised taxes in several years and that property owners should benefit from annexation through reduction in fire insurance and other conveniences. Comm. E. G. Pittman inquired as to whether or not the City had agreed to furnish water to the Lufkin Independent School District. City Manager Westerholm stated that this was a part of the agreement. Mayor Garrison stated that it had been the previous policy of the City to always consider both sides of a street when annexing an area and that zoning was for the benefit of the citizens. Mayor Garrison further stated that as a matter of policy, the City did not carve out certain sections of areas that would create irregular boundaries. Comm. E. C. Wareing stated that he had favored setback lines and in this particular case, FM 1271 could be considered a secondary road. Comm. E. C. Wareing further stated that he would thus recommend a 110-foot minimum depth for R-1 classification covering area North of FM 1271. Comm. E. C. Wareing also recommended that since Mr. Duncan's farm was near the elementary school, the City should have some zoning control over the area.

Mayor Garrison declared hearing closed on Tract #3. City Attorney Flournoy read caption of ordinance amending field notes to read 120 feet North of and parallel to the North R.O.W. of FM 1271. Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that ordinance be passed on first reading annexing Brookhollow #7 area to include 120 feet from North boundary line of FM 1271. Comm. R. A. Brookshire seconded the motion and a unanimous affirmative vote was recorded. Comm. E. G. Pittman stated that since the City services would be needed quite soon at the elementary school, citizens should be served more quickly. Mr. Ben Newsom then expressed his appreciation to the City Commission members for their fair judgement.

4. Approval of Minutes

Comm. W. O. Ricks, Jr., stated that Item 19 from minutes of regular meeting of September 19, 1972, concerning Sanitation Department - Fee Charges, should be amended to read that each unit in a multi-family complex be charged at the residential monthly rate. Comm. E. C. Wareing stated that Item 19 concerning this same subject as reads "residential garbage rate increases could be justified" should be amended to read "residential garbage rate increases are justified". Comm. E. C. Wareing then made motion that minutes of regular meeting of September 19, 1972, be approved to include these amendments. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

5. "Low-Land" Ordinance - Discussion

Mayor Garrison stated that a considerable amount of study and research would be involved prior to passage of a "low-land" ordinance for the City and suggested that members of the Commission study an ordinance prepared by City Attorney Flournoy for consideration at next regular meeting. Mayor Garrison then passed this item on his own volition for consideration at next regular meeting.

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

City Attorney Flournoy read caption of ordinance for second 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. Mayor Garrison called on Mr. Dick Gardemal to speak in the absence of R. H. Duncan regarding zone change application by Mr. Duncan. Mr. Gardemal explained to members of the Commission that he believed decision on this zone change application should not be postponed. Mr. Gardemal also explained that drainage problems in this area have changed throughout the years and that Mr. Duncan had spent a considerable amount of money attempting to aid the existing flooding conditions. Comm. E. C. Wareing then made motion that this zone change application by Mr. Duncan from R-1 District to D District be postponed until the City approved a "low-land" ordinance to protect low areas throughout the City. Motion was seconded by Comm. J. T. Hopson. Comm. R. A. Brookshire stated that

in accordance with the Dallas ordinance, a similar ordinance adopted by the City would be retroactive to aid existing and future low-land problems. Comm. E. C. Wareing informed Mr. Gardemal that other areas in the City, for example, Broadmoor Addition, was subject to flooding before the addition was developed. Comm. E. G. Pittman was of the opinion that if Mr. Duncan's application was postponed, every effort should be made to hasten a final decision on this application. Mayor Garrison stated that a motion and second had been made and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. J. T. Hopson, Joe E. Rich, Edgar C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared the motion carried by a majority vote of 6 to 1.

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

City Attorney Flournoy read caption of ordinance for second reading 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. Comm. E. G. Pittman made motion that ordinance on curb and gutters covering areas described by City Attorney Flournoy be passed on second reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Texas Highway Dept. - "Regulations for Access Driveways to State Highways" - Adoption

City Attorney Flournoy read caption of ordinance for first reading amending Ordinance #241 adopting the Texas Highway Department "Regulations for Access Driveways to State Highways". Comm. E. C. Wareing then made motion that ordinance be passed on first reading amending Ordinance #241 adopting the Texas Highway Department "Regulations for Access Driveways to State Highways" as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Garbage Rates - Amendment to Ordinance

City Attorney Flournoy read caption of ordinance for second reading amending Penal Ordinance #243 changing certain garbage rates. Mayor Garrison called on Mr. Gilbert Spring, appearing in objection to this amendment increasing certain garbage rates. Mr. Spring expressed his concern that apartment dwellers should continue to pay under the present Commercial rates. Mr. Spring further explained that apartment dwellers should not be expected to place garbage in containers at a central location and be charged as an individual resident at the monthly residential rates. Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that ordinance be passed on second and final reading amending Penal Ordinance #243 as read by City Attorney Flournoy. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Mobile Home Park Ordinance - Discussion

Mayor Garrison stated that copies of the proposed Mobile Home Park Ordinance for the City had been circulated among members of the Commission for consideration on the recommendation of the City Planning and Zoning Commission. Comm. E. C. Wareing stated that Page 10, Section I, Items 1 and 3 of the proposed ordinance contained contradicting statements and suggested that City Attorney Flournoy make necessary corrections. Mayor Garrison asked members of the Commission if a Mobile Home Association existed in the City. It was determined that Lufkin had a Mobile Home Association, but members had not been furnished copies of this proposed Mobile Home Park Ordinance. City Attorney Flournoy read caption of Mobile Home Park Ordinance for first reading establishing various standards for Mobile Home Parks. Following considerable dis-

cussion, Comm. E. C. Wareing made motion that Mobile Home Park Ordinance be passed on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission, subject to suggested amendments. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Time Warrants - Ordinance - Water & Sewer Departments

Mayor Garrison stated that an ordinance had been prepared by City Attorney Flournoy authorizing the sale of time warrants to finance capital improvements in the water and sewer departments. Comm. J. T. Hopson asked City Manager Westerholm if improvements in the Herty area near Highway 103 East would be included. City Manager Westerholm stated that additional monies should be appropriated for these improvements. Comm. W. O. Ricks, Jr., was of the opinion that the time warrants total amount of \$180,000 should be increased to \$200,000 to cover improvements in the Herty area near Highway 103 East. Members of the Commission were in agreement with this suggestion by Comm. W. O. Ricks, Jr., and Mayor Garrison instructed City Attorney Flournoy to read caption of ordinance for first reading to include amendments suggested by members of the Commission. Following discussion, Comm. W. O. Ricks, Jr., made motion that ordinance be passed on first reading authorizing the City's sale of time warrants for capital improvements in the Water and Sewer Departments not to exceed the amount of \$200,000 to bear interest at the rate of not more than 6% per annum, payable on or before ten years. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

12. Zone Change Application - Robert M. McDonald and William A. Bergfeld from R-1 District to LB District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to LB District covering property located North of Teer Street at intersection of State Highway Loop 287 as recommended by the City Planning and Zoning Commission. There were no persons present appearing in objection to this zone change application. Comm. E. C. Wareing stated that this zone change application should not be passed on first reading because it constituted a spot zone situation. City Attorney Flournoy stated that he had discussed a possible spot zone situation with members of the City Planning and Zoning Commission regarding this zone change application; and, it was his opinion that this zone change would not constitute a spot zone. Mayor Garrison called on Mr. Bill Fenley, who appeared in representation of zone change application by Robert M. McDonald and William A. Bergfeld. Mr. Fenley stated that this proposed zone change request was most suitable for LB District. Mr. Fenley also stated that property owners did not object to this change and the area was far enough removed that it did not infringe on the rights of surrounding property owners. Comm. E. C. Wareing explained that property owners were given an opportunity to express their opinions regarding zoning prior to permanent zoning of an area. Comm. E. C. Wareing further stated that property owners across Teer Street could be included in the zone change request to enlarge the area and remove a spot zone situation. Following considerable discussion, Comm. E. C. Wareing made motion that this zone change application by Robert M. McDonald and William A. Bergfeld from R-1 District to LB District be returned to the City Planning and Zoning Commission to consider enlarging the proposed area to eliminate a spot zone situation. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. R. H. Duncan Construction, Inc. - Easements - Brookhollow #4 Addition

City Attorney Flournoy stated that the City needed to release a 5-foot utility and drainage easement in the Brookhollow #4 Addition held by R. H. Duncan Construction, Inc. City Attorney Flournoy further explained that it was necessary to obtain a new Sanitary Sewer easement from R. H. Duncan Construction, Inc., that would include a 10-foot wide strip of land in a new location of the Brookhollow #4 Addition, as in agreement with R. H. Duncan. Following discussion, Comm. E. G. Pittman made motion that the 5-foot easement be relinquished and a new 10-foot easement be obtained from R. H. Duncan Construction, Inc. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Water Pollution Control Plant - Advertisement Authority

City Manager Westerholm stated that he had received authority from the Environmental Protection Agency to advertise for bids on the Water Pollution Control Plant. City Manager Westerholm recommended that 2:00 P.M., CST, November 9, 1972, be set as the date to open bids. Engineers from Henningson, Durham & Richardson were present and agreed with the recommended time and date set by the Commission. Following discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to advertise for bids on the new Water Pollution Control Plant in accordance with above time and date schedule. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

15. Traffic Signal - Fourth Street & Frank Avenue

City Manager Westerholm stated that information had been provided members of the Commission regarding a number of accidents that had occurred at the intersection of Fourth Street and Frank Avenue. City Manager Westerholm stated that on the basis of these accidents and on the concurrence of the Texas Highway Department, he would recommend that a STOP & GO signal light be provided, synchronized progressively with the traffic signals at the Post Office and other intersections on State Highway 94 for an approximate cost of \$2,000. Comm. E. G. Pittman inquired if the downtown traffic survey recently conducted revealed any recommendations regarding the placement of a traffic light at this location. City Manager Westerholm stated that a recommendation had not been included in this survey. Following considerable discussion, Comm. J. T. Hopson made motion that a traffic light be installed at the intersection of Fourth Street and Frank Avenue in accordance with above stated recommendations. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. Automotive Equipment - Advertisement for Bids

City Manager Westerholm stated that the following departments needed equipment and authority to advertise for bids:

Police Dept. - Eight vehicles

Street Dept. - Three pickups, three dump trucks, one tractor, and one mower

Fire Dept. - One ambulance

Parks Dept. - One tractor and one mower

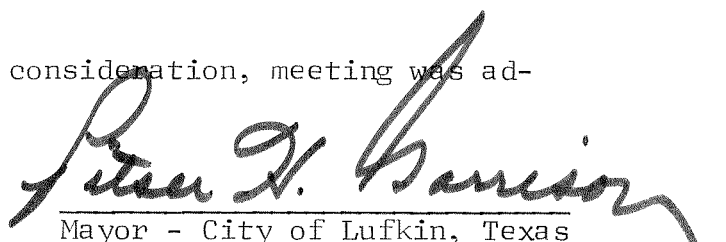
City Manager Westerholm stated that it was necessary to advertise on above listed items as soon as possible to allow bid openings within a month. Following discussion, Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to advertise for bids on the items listed above. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Parking Meters - Vumore Progress Report

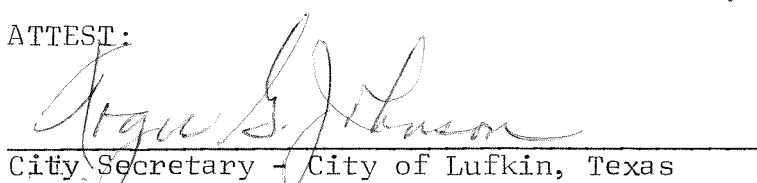
City Manager Westerholm stated that a list of the parking meter revenues on Third Street between Frank Avenue and Lufkin Avenue had been furnished members of this Commission as previously requested for study and review. City Manager Westerholm also informed members of the Commission that a copy of the Vumore Company monthly progress report had been furnished members for review.

18. Adjournment

There being no further business for consideration, meeting was adjourned at 10:00 P. M.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas