

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF JUNE, 1973, AT 7:30 P. M.

On the 5th day of June, 1973, 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:

R. A. Brookshire	Commissioner, Ward No. 1
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, and

Pitser H. Garrison	Mayor
J. T. Hopson	Commissioner, Ward No. 2

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

1. Meeting opened with prayer by Rev. L. D. Bell, Pastor of New Zion Baptist Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed visitors who were present regarding items on the agenda or as observers.
3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of May 15, 1973, and special meeting of May 18, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Proposed Permanent Zoning - Brookhollow #7 Addition & Property Lying East of Brookhollow #7 Addition

Mayor Pro Tem Wareing stated that open hearing had been held at last regular meeting on proposed permanent zoning of Brookhollow #7 Addition and property lying East of Brookhollow #7 Addition to existing City Limits South of Old Union Road including a strip of land North of and parallel to Old Union Road from existing City Limits to Brookhollow #7 Addition as annexed by Ordinance #1552. Mayor Pro Tem Wareing explained that Mr. John Waak, a member of the City Planning and Zoning Commission, was present to assist members of the City Commission concerning recommendations made by the City Planning and Zoning Commission. There were no persons present appearing in favor of or against permanent zoning of this property. City Attorney Flournoy read caption of ordinance for first reading covering permanent zoning of Brookhollow #7 Addition. Considerable review was made of areas being considered for proposed permanent zoning and Comm. W. O. Ricks, Jr., made motion that recommended permanent zoning by the City Planning and Zoning Commission of Brookhollow #7 Addition and property lying East of Brookhollow #7 Addition as previously described, be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. R. H. Duncan - Request for Additional Lift Station - Thousand Oaks Addition

City Manager Westerholm explained that a map had been prepared for review by members of the City Commission as requested from last regular meeting resulting from request by Mr. R. H. Duncan for an additional lift station in the Thousand Oaks Addition. City Manager Westerholm explained that prepared map indicated locations of areas and individual homes within the City not currently being served by City sewer. Comm. E. G. Pittman asked

City Manager Westerholm if the City was currently working in areas not being served by City sewer. City Manager Westerholm stated that a portion of this work was being completed. City Manager Westerholm also furnished members of the City Commission a report of services provided by the City which included figures for services inside and outside the City Limits and services outside the City Limits but within the extraterritorial limits. City Manager Westerholm stated that a thorough study of services provided by the City was currently being reviewed and when completed, study would include the classification of customers into several categories.

Mayor Pro Tem Wareing had several questions regarding the report of services provided by the City as explained by City Manager Westerholm. Mayor Pro Tem Wareing asked City Manager Westerholm how many customers would be served after new sewer outfall lines were completed. City Manager Westerholm stated that 100% services could be provided upon completion of major trunk lines. Mayor Pro Tem Wareing asked City Manager Westerholm if information provided in report of services by the City would include studies from other two cycles to acquire a more complete study. City Manager Westerholm stated that remaining two cycles would soon be completed and a complete review of figures could be made available from all three billing cycles. Mayor Pro Tem Wareing stated that Mr. R. H. Duncan did not indicate any emergency or immediate need for an additional lift station. Comm. W. O. Ricks, Jr., then expressed his concern that the City should not render a final decision under the circumstances and made motion that request for any outside services be denied until new plant could be made operational which would provide the City an opportunity to favorably approve request for outside services without placing an additional burden on present sewer facility. Prior to second of motion Mayor Pro Tem Wareing asked Comm. W. O. Ricks, Jr., if he desired to designate the date of July, 1974, within his motion for completion of the new Water Pollution Control Plant. Comm. W. O. Ricks, Jr., agreed with suggestion by Mayor Pro Tem Wareing and amended his motion accordingly to include completion date of July, 1974, and previous motion by Comm. W. O. Ricks, Jr., was seconded by Comm. Joe E. Rich. Prior to vote on this motion, Comm. R. A. Brookshire expressed his concern that the City should not show partiality to any individual and further clarified his statement by explaining problems Mr. Duncan had reviewed at last regular City Commission meeting. Comm. R. A. Brookshire expressed his further concern that an additional 80 families would not be able to purchase a home if this request was denied and the City Commission had not previously denied similar requests. Comm. R. A. Brookshire also stated that current treatment facility was not thoroughly efficient in the treatment of its effluent and the addition of 80 customers between the present date and July of 1974 would not appear to make any difference. Mayor Pro Tem Wareing agreed with Comm. R. A. Brookshire's point of view, but also explained that the City was under notice by the Texas Water Quality Board because of the present sewer plant effluent and further suggested the Texas Water Quality Board be consulted for an expression of their feeling concerning the City's denial of additional outside services. Comm. E. G. Pittman expressed his thoughts that the City, prior to rendering final decision on this request, and due to importance, should delay decision until all Commissioners could be present. Comm. W. O. Ricks, Jr., was in agreement with this suggestion by Comm. E. G. Pittman and withdrew his previous motion which had received a second. Comm. W. O. Ricks, Jr., further stated that City officials shall have completed two additional cycles on report of services provided by the City at next regular meeting. Mayor Pro Tem Wareing asked City Manager Westerholm to write the Texas Water Quality Board for their opinion regarding request for outside City services under these circumstances. Mayor Pro Tem Wareing then suggested that Item 6 be tabled until next regular meeting. Members of the Commission were in unanimous agreement with this suggestion as presented by Mayor Pro Tem Wareing.

6. Speed Zones Established - Loop 287 at Intersection with Major Highways

Mayor Pro Tem Wareing stated that amendment to Penal Ordinance #193 establishing speed zone on Loop 287 (Medford Drive), U. S. Highway 69 East and U. S. Highway 69 North had been approved on first reading at last regular meeting having been recommended by the Texas Highway Department. City Attorney Flournoy read caption of ordinance amending Penal Ordinance #193 and establishing speed zones in accordance with recommendation of the Texas Highway Department as previously described. Comm. E. G. Pittman then made motion that Penal Ordinance #193 be amended and ordinance be passed on second and final reading establishing speed zones in areas as previously discussed and recommended by the Texas Highway Department. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Speed Zones Established (Temporary) - Loop 287 & FM 325

City Manager Westerholm informed members of the City Commission that he had received a letter from Mr. A. W. Cockrell, Jr., Engineer for the Texas Highway Department, who had recommended temporary speed zones at the intersection of Loop 287 and FM 325 overpass project. City Manager Westerholm stated that Mr. Cockrell had recommended speed zones of 45 MPH within this area beginning at a point 1000 feet South of FM 841 and extending Northerly to a point 2000 feet North of FM 325 which would include a distance of 1.1 miles. City Manager Westerholm further stated that this particular speed limit had been recommended because of construction operations and anticipated traffic congestion at Loop 287 and FM 325 overpass project. Members of the Commission were in agreement with recommendation by the Texas Highway Department and City Attorney Flournoy read caption of ordinance for first reading amending Penal Ordinance #193 and establishing speed zones in accordance with Texas Highway Department request. Comm. W. O. Ricks, Jr., then made motion that Penal Ordinance #193 be amended and ordinance be passed on first reading establishing temporary speed zones in areas as previously described and recommended by the Texas Highway Department. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Zone Change Application - Mrs. Jesse M. Starr from R-1 District to LB District

Mayor Pro Tem Wareing stated that Mrs. Jesse M. Starr was present in behalf of her zone change application from R-1 District to LB District covering property located West of Old Diboll Highway and South of Loop 287 between existing City Limits and Gobbler Knob Road. Mayor Pro Tem Wareing called on Mrs. Starr to speak in behalf of her application. Mrs. Starr briefly reviewed the location of this property and explained her intentions to members of the Commission that she desired to zone this portion of property inside the City Limits to Local Business in order to accomodate office buildings. Mrs. Starr further stated that providing zone change request was finally approved, she had previously requested annexation and permanent zoning of property immediately South of this location to be used for apartments. Mrs. Starr explained that she desired to withdraw her annexation request, which was to be considered later in this meeting, if members of the Commission did not approve zone change request to LB District. Considerable discussion developed regarding traffic congestion within this area, and members of the Commission were in agreement that a 110-foot strip of property extending along the Loop parallel to this property should be zoned R-1 District & Special Use, Item 18, for parking purposes in accordance with Art. 15, Zoning Ordinance #1146. City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to LB District and R-1 District & Special Use, Item 18. There were no persons present appearing in opposition to this zone change request. Comm. W. O. Ricks, Jr., then made motion that ordinance be approved on first reading 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.

9. Annexation & Permanent Zoning - Request by Mrs. Jesse M. Starr-Hearing Date Set

Mayor Pro Tem Wareing stated that members of the Commission were familiar with Mrs. Starr's request for annexation and permanent zoning of a 15.755 acre tract located West of Old Diboll Highway between Loop 287 and Gobbler Knob Road which had been previously recommended by the City Planning and Zoning Commission after proper hearing on May 24, 1973. Following a brief discussion, Comm. R. A. Brookshire made motion that hearing date for proposed annexation and permanent zoning of this property be set for next regular meeting on June 19 and advertisements be made in the Lufkin News accordingly. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Zone Change Application - Ira S. Davis, Jr. (Davis Insurance Agency) from D District to LB District

Mayor Pro Tem Wareing stated that Mr. Ira S. Davis, Jr., was present to speak in behalf of his zone change application from D District to LB District covering property located immediately South of Paul Avenue between Second Street and Third Street, Lots No. 1, 2, 3 and 4 of Block 32 of the Original Townsite of Lufkin, Texas. Mayor Pro Tem Wareing stated that members of the Commission were familiar with application by Mr. Davis which had been recommended by the City Planning and Zoning Commission for approval during regular meeting of May 10, 1973. There were no persons present appearing in objection to zone change application. Following a brief review of circumstances involved, City Attorney Flournoy read caption of ordinance for first reading changing zone from D District to LB District covering property located immediately South of Paul Avenue between Second Street and Third Street, Lots No. 1, 2, 3 and 4 of Block 32 of the Original Townsite of Lufkin, Texas. Comm. R. A. Brookshire made motion that zone change application by Ira S. Davis, Jr., (Davis Insurance Agency) be approved on first reading 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.

11. Mobile Home Park Ordinance #257 - Amendment

Mayor Pro Tem Wareing called on Mr. John Waak, a member representative from the City Planning and Zoning Commission, to explain circumstances regarding recommended amendment to Mobile Home Park Ordinance #257. Mr. Waak explained that another member of the City Planning and Zoning Commission, Raymond Moore, had brought attention to the fact that consideration should be given for amendment to the Mobile Home Park Ordinance regarding curbing. Mr. Waak further explained that the City Planning and Zoning Commission had recommended the City Commission amend Mobile Home Park Ordinance #257, Page 7, Item C-3, 4, to allow mobile home parks to construct an extruded curb in lieu of concrete curb and gutter since mobile home parks were more temporary and not owned by the City, including essentially private roads. Members of the Commission then reviewed diagrams indicating differences between extruded curb and curbing as required by present City ordinance. Members of the Commission were in agreement with recommendation as presented by the City Planning and Zoning Commission and City Attorney Flournoy read caption of ordinance for first reading amending Penal Ordinance #257, Page 7, Item C-3, 4, to allow mobile home parks to construct an extruded curb in lieu of concrete curb and gutter. Comm. W. O. Ricks, Jr., then made motion that Penal Ordinance #257, Page 7, Item C-3, 4, be amended accordingly as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing called on Mr. Richard Youngblood who was present regarding recommendation by the City Planning and Zoning Commission to amend this particular ordinance. Mr. Youngblood explained that he would appreciate final approval of this ordinance on first reading by means of emergency, if possible, since his mobile home park was currently under construction. City Attorney Flournoy explained to Mr. Youngblood that emergency approval of ordinances must be for a public cause. Mr. Youngblood expressed his understanding and explained that he would wait until second reading of ordinance had been approved accordingly.

12. Electrical Ordinance #239 - Amendment

Mayor Pro Tem Wareing stated that members of the City Commission had been distributed copies of a proposed amendment to the City Electrical Ordinance #239 which had been recommended by the Examining and Supervising Board of Electricians of the City of Lufkin. Members of the Commission made considerable review of this proposed amendment to Ordinance #239 and several sections of this proposed amendment were discussed as suggested by Mayor Pro Tem Wareing. Members of the City Commission instructed City Attorney Flournoy to make several corrections in Section 200 and Section 700 of proposed amendment. Comm. R. A. Brookshire inquired about amendment to Ordinance #239 and to the necessity of its approval. City Manager Westerholm explained that the Industrial Section of Penal Ordinance #239 had not been completed when Penal Ordinance #239 was approved and the Electrical Board had recently recommended the addition of the Industrial Section of Penal Ordinance #239 since this particular section was actually a part of Ordinance #239 and essential to industry and the City. Mayor Pro Tem Wareing further clarified information as presented by City Manager Westerholm by informing Comm. Brookshire that the Industrial Section of this ordinance had required more investigation and had previously been withheld to allow ample time for investigations.

Mayor Pro Tem Wareing called on Mr. Edward Bennett, a visitor, who had several questions regarding approval of amendment to Penal Ordinance #239 as previously discussed. Mr. Bennett asked members of the Commission questions concerning amendment to ordinance and Mayor Pro Tem Wareing reviewed a brief history of this amendment and current industrial concepts. Comm. E. G. Pittman then made motion that approval of this amendment to Ordinance #239 be withheld until a later meeting since several members of the Commission had not had an opportunity to thoroughly review its contents. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing suggested that City Attorney Flournoy make corrections to proposed amendment of Ordinance #239 prior to reconsideration at a later date.

13. Water Pollution Control Plant - Discussion

Mayor Pro Tem Wareing asked City Attorney Flournoy to review the City's current status regarding suit by B. F. Gibson against City of Lufkin concerning the Water Pollution Control Plant. City Attorney Flournoy briefly explained the City's current legal status and the fact that construction of the Water Pollution Control Plant had resumed following decision by Presiding Federal Judge, William M. Steger, of the Federal District Court for the Eastern District at Tyler, Texas, who ruled in favor of the City on appeal. City Attorney Flournoy further explained that appeal from B. F. Gibson was expected, but no official appeal had been made at the present time.

14. Furniture & Equipment - Approval of Purchase for Building Expansion

City Manager Westerholm distributed a list among members of the City Commission of furniture and other equipment that would be needed by departments due to expansion of City facilities into City Hall Annex building. Departments included in this list were Police Department, City Engineering Department, Public

Works Department, Legal Department, Fire Department, City Secretary and Accounting Department. City Manager Westerholm explained that additional furniture would cost the City approximately \$3,864.98. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that the Revenue Sharing Budget be amended to include \$3,864.98 from the Contingency Fund for the purchase of additional furniture and equipment as recommended by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich. Prior to vote on this motion, Comm. R. A. Brookshire stated that several items under various departments indicated no bid had been received, but maximum amounts had been indicated on proposal for total cost and requested clarification regarding same. City Manager Westerholm stated that the City only needed authority to receive bids on equipment as discussed, but desired members of the Commission consider approval of purchase in accordance with low bids as submitted since total amount was in excess of \$2,000. Finance Director, Royal Dunlap, who was present, explained that items indicating no bids would not be quoted in excess of maximum amount listed and in most situations, less than maximum. Comm. W. O. Ricks, Jr., then amended his previous motion to approve all bids previously submitted and accept low bids on remaining items not to exceed maximum amount as previously stated. Motion was then unanimously approved, having previously received a second.

15. Approval of Invoices - HDR

City Manager Westerholm informed members of the Commission that Invoices #D-5574 and D-5575 had been received from HDR, Inc., and should be paid accordingly in the following amounts:

#D-5574	\$722.71
#D-5575	\$628.08

City Manager Westerholm further stated that above listed invoices were for work completed on Water Pollution Control Plant and sewer system improvements. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Invoice #D-5574 and #D-5575 be approved in amounts as listed above as approved by City Manager. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

16. Garbage Bag Coupons - Discussion

City Manager Westerholm distributed samples of proposed water bills among Commissioners which had been printed by the Water Collection Department with attached garbage bag coupons. City Manager Westerholm explained that the garbage bag coupon could be detached from water bill and customers could receive plastic bags in accordance with amounts printed on coupon. City Manager Westerholm further explained that he would recommend the use of this coupon to assist the City in distribution. Comm. W. O. Ricks, Jr., expressed his concern that this system would lead to a compulsory use of plastic bags for the City and indicated his opinion that the City should make compulsory use of plastic bags within the future. Comm. W. O. Ricks, Jr., suggested that the City create more distribution points for plastic bags and fire stations be used for pickup points. Comm. R. A. Brookshire recognized the presence of Fire Chief, Billy A. Stephens, and asked Chief Stephens if distribution at fire stations would be possible. Chief Stephens stated that he was of the opinion this could be implemented. Comm. R. A. Brookshire further stated that current parking facilities at City Hall building were not adequate for one-point distribution and Comm. W. O. Ricks, Jr., suggested that a bag dispenser be located near the City's drive-in payment window, if possible. Mayor Pro Tem Wareing called on Royal Dunlap, Finance Director, who informed members of the Commission that fire stations may have problems with complaints since records would not be available for reference and further informed members of the City Commission that the installation of a dispenser at the drive-in payment window would be quite expensive. It was concluded that fire stations would only distribute bags upon receipt of coupon indicating amount of bags and complaints would be deferred to City

Hall building accordingly. Mayor Pro Tem Wareing suggested that City Manager Westerholm acquire price estimates for the installation of a bag dispenser in the drive-in payment window to be reviewed by members of the City Commission at next regular meeting. Comm. R. A. Brookshire suggested that implementation of the garbage bag coupon program be made since the City had already printed a year's supply of cards. Following a brief discussion, Comm. E. G. Pittman made motion to adopt the use of the garbage bag coupons as previously discussed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

17. Lufkin Fire Department - Commendation

City Manager Westerholm brought attention to the fact that the Lufkin Fire Department had received a 1973 Chevrolet Carry-All on March 20, 1973, which was later converted to an ambulance and placed into operation on May 24, 1973. City Manager Westerholm further stated that the Lufkin Fire Department, by completing conversion of this Carry-All, had saved approximately 10% of the total cost of a custom ambulance already converted. Mayor Pro Tem Wareing and members of the City Commission commended Fire Chief Stephens and members of the Lufkin Fire Department for their efforts and requested Chief Stephens inform employees of the Fire Department regarding same.

18. Vumore Report - Discussion

Comm. E. G. Pittman asked City Manager Westerholm if a monthly report was due from Cable-Com. City Manager Westerholm stated that a report was due at the present time, but had not been received by the City. City Manager Westerholm further stated that he would notify Cable-Com and have report by next regular meeting.

19. Civic Center - Discussion of Status

Comm. E. G. Pittman asked City Manager Westerholm to give a brief account of the City's current status regarding the construction of a Civic Center for the City. City Manager Westerholm informed members that Jerry Hill, architect with Weiner, Hill, Morgan & O'Neal, selected by the Commission, would soon have drawings completed for review by members of the Commission. Comm. W. O. Ricks, Jr., suggested that Mr. Jerry E. Hill, of Weiner, Hill, Morgan & O'Neal, be present at next regular meeting and be placed on the agenda for same.

20. Pershing Street - Discussion of Construction

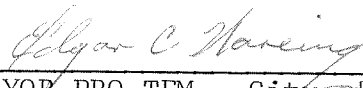
Comm. E. G. Pittman had several questions regarding construction on Pershing Street and right-of-way easements being obtained by the City. City Manager Westerholm informed members that the City was completing right-of-way easements and the Pershing Street bridge had been successfully widened at a cost to the City of \$2,600. City Manager Westerholm further stated that accurate drawings of individual properties were being prepared on a list providing property owners to sign easements accordingly.

21. Neighborhood Parks - Discussion

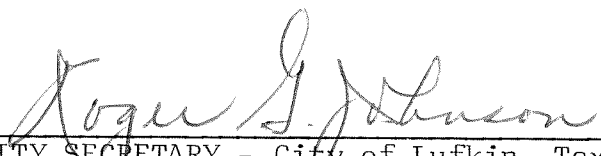
Mayor Pro Tem Wareing stated that, since the City Commission's approval to purchase new park property after the 18th of May, he was of the opinion the City should consider development plans for neighborhood parks in order to become familiar with construction and in order to pattern other neighborhood parks throughout the City accordingly. City Manager Westerholm stated that information regarding development and construction of neighborhood parks and other type parks should be made available at next regular meeting for complete review by members of the City Commission.

22. Adjournment

There being no further business for consideration, meeting was adjourned at 9:20 P. M.

  
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MAYOR PRO TEM - City of Lufkin, Texas

ATTEST:

  
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CITY SECRETARY - City of Lufkin, Texas