

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 23RD DAY OF SEPTEMBER, 1975, AT 5 PM

On the 23rd day of September, 1975, 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
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
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being absent, constituting a quorum when the following business was transacted:

1. Meeting opened with prayer by Harvey Westerholm, City Manager.
2. Mayor Pro Tem Wareing, in the temporary absence of Mayor Garrison, welcomed a large group of visitors who were present in connection with items on the agenda or as observers and recognized members of the Lufkin Service League. Mayor Pro Tem Wareing then acknowledged the presence of Mayor Garrison who assumed his position as Mayor.

3. Approval of Minutes

Comm. Pat Foley made motion that minutes of budget workshop meeting of September 3, and regular meeting of September 9, 1975, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Open Hearing - City Budget 1975-76 Fiscal Year

Mayor Garrison declared public hearing officially opened to discuss City Budget for 1975-76 Fiscal Year. There were no persons present appearing in opposition to proposed budget and Mayor Garrison declared public hearing officially closed. Mayor Garrison suggested that further discussion of specific items of the budget be deferred until later in the meeting to provide consideration of various second reading ordinances and applications pending before Commission.

5. Annexation Request Approved 2nd Reading - Leslie Lane

Mayor Garrison stated that annexation request by property owners on either side of Leslie Lane located North of U. S. Highway 69 South had been approved on first reading at last regular meeting by majority vote.

Comm. Pat Foley asked City Manager Westerholm to clarify question regarding street construction within this area. City Manager Westerholm stated that as discussed at last regular meeting, only presently improved streets would be developed by the City and remaining streets would be considered under the sub-division ordinance. Comm. Pat Foley stated that the Commission should consider approving this annexation request but should consider limitations on future requests as discussed in previous meetings.

Comm. W. O. Ricks, Jr., stated that he was of the opinion that this annexation request should be denied at present inasmuch as funds were not available to develop same immediately. Mayor Garrison stated that any improvements made within this area must be completed on a priority basis and if improvements were not adequate within a three-year period, newly annexed property owners would be provided an opportunity for de-annexation.

Comm. Joe E. Rich requested that members of Commission consider new annexation policy at next regular meeting.

Comm. Pat Foley made motion that annexation request by property owners on either side of Leslie Lane, North of U. S. Highway 69 South be approved on second and final reading and area be annexed accordingly. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, and Joe E. Rich

Voting Nay: Comms. E. C. Wareing and W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of four to two.

6. Zone Change Approved 2nd Reading-Thomas Moore from LM District to LM & CB District

Mayor Garrison stated that zone change application by Thomas Moore from LM District to LM & CB District covering property located on Webber Street at intersection with State Highway 94 had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Thomas Moore from LM District to LM & CB District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Larry G. Byrd from R-1 District to C District

Mayor Garrison stated that zone change application by Larry G. Byrd from R-1 District to C District covering property located on and East of Wallace Street near its intersection with Loop 287 had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change request by Larry G. Byrd from R-1 District to C District be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot)

Mayor Garrison stated that zone change application by Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot) covering property located West of Franklin Street, South of Ellis Avenue at intersection of Franklin and Ellis had been approved on first reading of ordinance at last regular meeting to include provision that adequate drainage for parking lot be provided to protect property owners.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change request by Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot) be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Hazardous Material Ordinance Approved 2nd Reading

Mayor Garrison stated that members of Commission had approved first reading of proposed hazardous material ordinance at last regular meeting which established various routes around the City for transportation of same.

Comm. Pat Foley made motion that hazardous material ordinance regulating the transportation of hazardous materials and establishing a defined route be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. Pat Foley asked City Manager Westerholm if directional signs would be located by the City. City Manager Westerholm stated that same would be provided.

10. City Budget Discussed - Fiscal Year 1975-76

Mayor Garrison stated that proposed City Budget for 1975-76 Fiscal Year had been tentatively approved by Commission which included various items as previously discussed. Mayor Garrison invited further comments from members of Commission regarding same.

Comm. W. O. Ricks, Jr., requested new City Budget reflect that personnel performing work outside their departments be identified and budgets charged for labor when applicable. Comm. W. O. Ricks, Jr., stated that through this process, specific departments could better utilize their personnel. City Manager Westerholm stated that suggestion by Comm. Ricks had been implemented by the City and same was proposed for future budgets.

Comm. E. C. Wareing stated that since the City was considering a budget in excess of \$4 million and no citizens were present to ask questions regarding same, members of Commission may consider this lack of participation by citizens a compliment to the work being done by the City. Comm. Wareing requested as much citizen participation as possible in the future and his desire that more public interest regarding City affairs be recognized.

Comm. Pat Foley stated that he was of the opinion the proposed budget had been modified to a point acceptable by the Commission and made motion that the 1975-76 Fiscal budget be approved to include approval of Appropriation Ordinance adopting budget for period beginning October 1, 1975 and ending September 30, 1976. Motion was seconded by Comm. E. C. Wareing and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of five to one.

Comm. E. C. Wareing made motion that ordinance be approved levying taxes for use and support of the municipal government of the City and providing an Interest & Sinking Fund for 1976. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Resolution Approved-Teener Park Name Changed to Morris Frank Park

Comm. Joe E. Rich stated that he had previously suggested members of Commission consider changing name of Teener Park to Morris Frank Park in memory of Mr. Morris Frank. Comm. W. O. Ricks, Jr., suggested that Teener Park be considered in conjunction with Morris Frank Park as official name and a brief discussion developed regarding same.

Mayor Garrison stated that City records reflected no official name ever having been assigned to Teener Park in the past inasmuch as same was only acquired as a result of teenage boys who participated in baseball activities within this facility and alteration of present name would not be out of order from a historical aspect.

Comm. Joe E. Rich made motion that Teener Park be renamed Morris Frank Park in accordance with previous discussion. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion that resolution be approved commending Mr. Morris Frank as an outstanding citizen for which this park had been renamed. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

12. Curb & Gutter Paving Program - Guidelines Approved

Mayor Garrison stated that the City Planning and Zoning Commission had previously recommended proposed curb and gutter paving guidelines and same had been discussed by this Commission during last regular meeting. Mayor Garrison further stated that the City Manager had submitted a memorandum regarding a suggested wording for curb and gutter paving policy. Mayor Garrison stated that memorandum indicated in all curb and gutter paving projects, the City would bear the cost over and above the curb and gutter contribution of \$3.50 by property owners (\$3.50 for each linear foot frontage), not to exceed a cost to the City of \$12.00 for each linear foot of the street involved. Mayor Garrison further quoted from memorandum which indicated that all total construction costs in excess of \$19 per linear foot (\$7.00 for property owner; \$12.00 for City), will be shared with the City paying two-thirds of extra cost and property owners paying one-sixth of total excess cost on pro-rata basis.

Mayor Garrison recognized the presence of Mrs. Velma B. Reese, a member of the City Planning and Zoning Commission, representing recommendations submitted. Mrs. Reese invited comments from members of City Commission regarding recommended program.

Comm. Pat Foley inquired as to the status of pending curb and gutter paving petitions. City Manager Westerholm stated that there were a few outstanding petitions which had been approved prior to declaration of moratorium by the City Commission. Comm. W. O. Ricks, Jr., made motion that proposed curb and gutter paving program, as recommended by the City Planning and Zoning Commission, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., expressed his concern that these petitions be placed in priorities in accordance with date submitted. City Manager Westerholm stated that the City Planning and Zoning Commission would recommend each petition to the City Commission and priorities could be established accordingly by date if desired. Comm. Pat Foley requested that records be maintained to indicate exact date showing when petitions were received for later consideration.

13. James Gibbs Appointed as Member of City Planning & Zoning Comm.

Mayor Garrison stated that a vacancy had occurred in the City Planning and Zoning Commission and a new member should be appointed to fill the position of W. H. Shoop. Comm. R. A. Brookshire made motion that James Gibbs be appointed as a new member of the City Planning and Zoning Commission to replace Mr. W. H. Shoop. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Section VIII Housing Grant - Discussion

Mayor Garrison stated that a letter had been received by the City staff requesting whether or not members of Commission would, in the future, desire to make application for a Section VIII Housing Grant.

Considerable discussion developed and various members of Commission expressed their disapproval to making application for Section VIII funds. Mayor Garrison stated that providing members of Commission decided to make application for these funds, he must sign a certificate expressing the fact that the Section VIII application would satisfy the housing needs for the City. Mayor Garrison expressed his disapproval for making application under this program inasmuch as same would supplement private property with federal funds. Mayor Garrison further stated that this program had not been recommended by the Housing Director of the City of Diboll.

Comm. W. O. Ricks, Jr., made motion that application under Section VIII for additional housing funds be rejected. Motion was seconded by Comm. R. A. Brookshire. Prior to vote on motion, Comm. E. C. Wareing requested that Comm. W. O. Ricks, Jr., withdraw his motion inasmuch as a definite rejection by this Commission may prejudice future opinions.

Comm. W. O. Ricks, Jr., withdrew his previous motion and made motion that application for Section VIII Housing Funds be declined at the present time. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

15. New Sewer Rate Ordinance Approved 1st Reading-Discussion of City Policy for Sewer Extensions Outside City Limits

Mayor Garrison recognized Mr. Jim Pluss, of Pluss-Tex Poultry, regarding proposed sewer rate increase. Mr. Pluss stated that he was of the opinion the Commission should establish an equitable rate between water and sewer services if new rates were imposed. Mayor Garrison stated that the City needed an additional \$90,000 in revenues to make up the difference in the City's obligation for water and sewer bonds. Mr. Pluss inquired as to whether or not the City was operating at 50 percent production in the new facility. City Manager Westerholm stated that the new sewer treatment facility was operating at 50 percent production and its capacity should last until 1992. Mr. Pluss inquired as to the expected amount of increase in expense that would be anticipated if his production was raised 25 percent. City Finance Director Royal Dunlap explained that certain variable increased costs would be involved.

Comm. R. A. Brookshire expressed his concern for the City continuing to charge individuals outside the City twice the rate for those inside inasmuch as new Water Pollution Control Plant had now been completed. Comm. R. A. Brookshire stated that since the new plant was operating at 50 percent capacity, the City should alter its policy to prevent excessive applications for annexation for the purposes of sewer facilities. Comm. R. A. Brookshire also stated that he was of the opinion alteration of City policies to provide residential areas be allowed to connect to City sewer facilities would also prevent costly annexations and create revenues for the City.

Mayor Garrison expressed his personal concern that the Commission was only responsible for representing individuals who lived inside the corporate limits and to alter the present policy would create a burden on those who were paying taxes inside the City as citizens. Mayor Garrison further stated that alteration of the City's current policy would create new bond issues.

Comm. R. A. Brookshire stated that he was originally in favor of the current policy of the City not to extend sewer service outside City Limits, but completion of the new Water Pollution Control Plant had altered his opinion.

Mayor Garrison stated that the most current Comprehensive Master Plan stated that too much undeveloped land existed within the City Limits and alteration of the City policy to extend sewer extensions to residential areas outside City Limits would not encourage development inside the corporate limits. Mayor Garrison further stated that the present policy also demonstrated an advantage for those who lived inside the City Limits.

Comm. R. A. Brookshire stated he was of the opinion that amount which would be obtained from individuals being annexed would not be significant to the City's bonded indebtedness.

Comm. E. C. Wareing expressed his concern that proposed new sewer rate ordinance being considered for first reading should be amended in Items 2 and 3 prior to final consideration to reflect "three times in Item (2) and "four times" in Item (3). Comm. E. C. Wareing further stated that the City should consider a more definite policy at a future meeting regarding extension of sewer service outside City.

Comm. R. A. Brookshire inquired as to why the City needed two separate charges for those who lived outside the City. Comm. E. C. Wareing stated that extraterritorial limits provided the City some control, but not as much control outside extraterritorial limits. It was further discussed that only 10 to 15 customers were billed on outside service rates.

Comm. E. C. Wareing made motion that new sewer rate ordinance be approved on first reading subject to amendments to Items 2 and 3 as previously discussed and omission of Items B2, B3, C2 and C3. Motion was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, a brief discussion developed regarding possible water contracts that may exist between the City and various residential areas currently being served outside the City. City Attorney Flournoy stated that he would check these existing contracts and report to Commission regarding same, to include Thousand Oaks Sub-Division.

A unanimous affirmative vote was then recorded to previous motion and second to approve new sewer rate ordinance on first reading subject to amendments as discussed and reviewed by City Attorney Flournoy.

Comm. E. C. Wareing stated that he was of the opinion the Commission should designate future discussion of policy on extending sewer outside City Limits to include policy involving water, sewer and annexation requests. Comm. E. C. Wareing asked City Manager Westerholm if the City staff could propose a policy to the Commission for review as soon as possible regarding this program. Mayor Garrison stated that the major question was whether or not to extend sewer services outside the City and same should be resolved in future discussions.

Considerable discussion developed regarding proposal to extend sewer service outside City and Comm. R. A. Brookshire asked several questions regarding same. City Manager Westerholm stated that approximately 8,300 residential customers used existing water and sewer facilities and approximately 50 percent of these customers participated in the actual cost of sewer plant operation. Comm. R. A. Brookshire further stated that if 1,000 residents were connected to the existing system approximately \$144,000 a year would be received by the City and same would not cost the City to have to build a new plant prior to 1992. Comm. R. A. Brookshire further stated that the Water Pollution Control Plant would receive the same depreciation whether or not it operated at 50 percent or 75 percent and additional revenue created by adding residential customers would help generate a 1-3/4 percent profit for bond requirements.

Comm. Pat Foley made motion that the present policy not to extend sewer services outside City Limits be continued and City Manager Westerholm be authorized to propose a new plan to the Commission to include information regarding disposition of other cities in this regard. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of five to one.

16. City Board of Development - Disc. of Contract

Mayor Garrison stated that members of Commission had only this date received copies of proposed contract between the City Board of Development and City of Lufkin for operation of the Civic Center and suggested that same be deferred until a later date to provide adequate review. Comm. E. C. Wareing made motion that further discussion of proposed contract as previously discussed be deferred until next regular meeting. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Water & Sewer Revenue Bonds (\$325,000)-Resolution Authorizing Sale Deferred

Mayor Garrison recognized Mr. Tom Wolf, Fiscal Agent for the City of Lufkin regarding the City's proposed sale of Water & Sewer Revenue Bonds in the amount of \$325,000. Mr. Wolf asked that these bonds be considered for sale as soon as possible. Mayor Garrison stated that members of Commission may desire to consider same subject to City Attorney's approving proposed resolution.

Comm. R. A. Brookshire asked Mr. Wolf what his objections would be to the City obtaining approval for sale of these bonds on October 7, 1975. Mr. Wolf stated that a time lag would be involved, but same should not be detrimental if members of Commission desired to wait until this date.

Considerable discussion developed regarding coverage requirements and City Attorney Flournoy stated that he desired additional time to study the proposal.

City Manager Westerholm stated he had received a letter from Schull Construction Company indicating that the company would agree to extend their low bid until October 10, 1975, for construction work on water mains.

Comm. R. A. Brookshire made motion that resolution authorizing the issuance of \$325,000 in Lufkin Water & Sewer Revenue Bonds be deferred until next regular meeting of October 7, 1975. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

18. Community Development Block Grant Funds-Resolution Approved Authorizing City Secretary to Execute Certain Documents

Mayor Garrison stated that the City would soon be receiving funds on a Community Development Block Grant and it was necessary to designate the City Secretary as official authorized to execute any instruments essential to secure Community Development Block Grant funds. Comm. E. C. Wareing made motion that resolution be approved authorizing City Secretary Roger G. Johnson as official assigned to execute instruments necessary to secure Community Development Block Grant funds on behalf of City. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

19. Executive Session Determined

Comm. R. A. Brookshire requested members of Commission adjourn to a brief executive session following termination of this meeting to consider question regarding City personnel. Comm. E. C. Wareing requested members of Commission also consider, in proposed executive session, information from City Attorney Flournoy regarding purchase of various tracts of land by the City.

20. JTT Distributors - John Winston - Zoning Violation

Comm. Pat Foley inquired as to the status of previous discussion on zoning violation on property currently owned by JTT Distributors on Timberland Drive. City Attorney Flournoy stated that he had contacted Mr. John Winston by phone and requested Mr. Winston remove equipment from this property as soon as possible. Mr. Flournoy stated that Mr. Winston had agreed to remove this equipment, but same had not been removed as of September 22, 1975. Mr. Flournoy stated that he also discussed removing this equipment with present manager of JTT Distributors who stated that he would take necessary action to hire individuals to remove equipment from property by end of present week. Comm. Pat Foley asked that members of Commission be informed regarding status of this property as changes occurred.

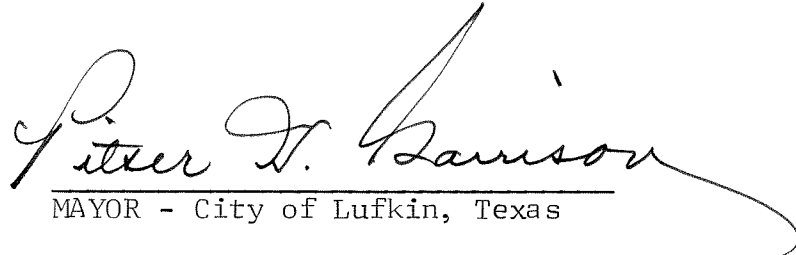
21. City Hall - Disc. of Maintenance

Comm. Joe E. Rich stated he had recently noticed that the main City Hall building should be painted in various places. City Manager Westerholm stated that he would attend to this problem immediately.

Comm. Joe E. Rich also inquired as to the status of construction on Second Street and City Manager Westerholm stated that storm sewer pipe was being installed and work was progressing.

22. Adjournment

There being no further business for consideration, meeting adjourned at 7:00 p.m. into an executive session to discuss two items mentioned in Item 19.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
City Secretary - City of Lufkin