

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF MARCH, 1975, AT 7:30 P. M.

On the 4th day of March, 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
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Roger G. Johnson	City Secretary

being present, and

E. C. Wareing	Commissioner, Ward No. 4
Robert L. Flournoy	City Attorney

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

1. Meeting opened with prayer by Rev. Dwane Spikes, Assistant to Pastor, First Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors who were present regarding items on the agenda
3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of February 18, 1975, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Kiwanis Club - Request for Renaming of Civic Club Park

Mayor Garrison recognized Honorable Judge David Walker and Mr. Fred Jacobs in behalf of Kiwanis Club request to rename Civic Club Park to Kiwanis Club Park. Mr. Jacobs stated that a letter had previously been forwarded to members of Commission regarding this request by Kiwanis Club indicating the desire of Kiwanis Club to continue improvement of Civic Club Park. Mr. Jacobs also stated that the Kiwanis Club had pledged to erect a 1895 type gazebo bandstand in this park for Lufkin's Bicentennial celebration and additional improvements allocated by the Club in the amount of \$10,900. Mr. Jacobs also stated that the Lufkin Jaycees, Noon Lions and Rotary Clubs had also endorsed these improvements.

A brief discussion developed and a question was presented by Comm. W. O. Ricks, Jr., as to whether or not consideration should be made to include the City of Lufkin in the official name of this park.

Comm. E. G. Pittman suggested the park be named Kiwanis City Park.

Further consideration of this item was then tabled until next regular meeting to provide recommendation from the City staff regarding official title.

5. Zone Change Application-Rev. N. C. Simmons from R-3 District to R-3 District & Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Rev. N. C. Simmons from R-3 District to R-3 District & Special Use, Item 6 (Day Nursery) covering property located immediately South of Sunrise Street at intersection with Warren Street had been approved on first reading of ordinance by the City Commission during last regular meeting.

There were no persons present appearing in opposition to zone change application. Comm. W. O. Ricks, Jr., made motion that zone change application by Rev. N. C. Simmons from R-3 District to R-3 District & Special Use, Item 6 (Day Nursery) be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Amendment to Special Use Provision-Zone Change Application by Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c)

Mayor Garrison briefly explained history of zone change application by Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c) originally approved by this Commission in 1973. Mayor Garrison explained that it was his understanding primary objections by property owners were based on the fact that a portable building was no longer being used for business location as originally explained. Mayor Garrison explained that the City Planning and Zoning Commission had recently considered petition of opposition to previously approved application by Mr. Campbell and a recommendation had been submitted to the City Commission to approve two restrictions under the Special Use Provision of the Zoning Regulation as follows:

- a. Restrict any future construction for business use at this location; and
- b. Residence must be used for dwelling in conjunction with business activity.

Mayor Garrison then recognized Mr. Maynard C. Campbell, Jr., in defense of petition of opposition presented by neighbors. Mr. Campbell stated as a result of this petition, a point of law should be resolved as to whether or not an individual who did not own property could consider a zone change. Mr. Campbell then explained that property owners in his neighborhood were essentially rezoning his property through this petition of opposition as recommended in part by the City Planning and Zoning Commission. Mr. Campbell then read from a prepared statement regarding the history of his zone change application which is attached to these minutes for permanent record. Mr. Campbell stated he was of the opinion that consideration of this petition by property owners in his neighborhood contained questions that should have been initially resolved.

Considerable discussion developed and it was concluded that the present business at Mr. Campbell's radio repair shop was within the law and no existing violations were prevalent.

Mayor Garrison called on Mr. Raymond Moore, a member of the City Planning and Zoning Commission who was present in behalf of various recommendations from this Commission. Mr. Moore stated he did not thoroughly understand why recent petition by property owners in this area was initially considered by the City Planning and Zoning Commission.

Comm. W. O. Ricks, Jr., expressed his personal opinion that zoning of this property applied to the land and not the dwelling and no consideration should be given to petition.

There were a number of individuals present appearing in representation of opposition petition to include Gerald Johnson of 1909 Pin Oak Lane, Silo Mayes of 701 John Redditt Drive, Robert Hall of 1903 Red Bud Lane and Lee Harvell of 1905 Red Bud Lane who voiced the following objections:

- a. Mr. Campbell had misrepresented initial zone change consideration by relocating his business from a portable building to his residence; and
- b. Restrictions from future business growth and request that residence be used in conjunction with business was necessary to protect residential property values.

Comm. R. A. Brookshire expressed his concern that the principle of zoning was to protect property owners and individuals present were concerned with their property values.

Mayor Garrison explained that City Attorney Flournoy and Comm. E. C. Wareing were not present and the City Commission should have an opportunity to consider their judgements prior to drawing conclusions regarding this petition.

Comm. R. A. Brookshire made motion that further consideration of this petition be placed on the City Commission agenda for next regular meeting to provide opportunity for City Attorney opinion and complete representation of City Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. Pat Foley requested that City Attorney Flournoy prepare a written recommendation to the City Commission regarding this petition.

7. Zone Change Application-Joseph C. Hornsey, III, from R-1 District to C District

Mayor Garrison stated that zone change application by Joseph C. Hornsey, III, from R-1 District to C District covering property located between Shady Pine Drive and East of Loop 287 had been recommended for approval by the City Planning and Zoning Commission. Mayor Garrison recognized Mr. Joseph C. Hornsey, III, appearing in behalf of his zone change application. There were no persons present appearing in opposition to zone change application.

Comm. Pat Foley inquired as to what type of business would be located in this area. Mr. Hornsey explained that providing zone change application was approved, he planned to locate a tire center in this area. A display of architectural drawing was presented for review by members of City Commission.

Comm. W. O. Ricks, Jr., inquired as to necessary setbacks for driveway access on to this property. Mr. Hornsey explained that driveway access would be determined in accordance with existing City regulations regarding same.

Comm. W. O. Ricks, Jr., made motion that zone change application by Joseph C. Hornsey, III, from R-1 District to C District be approved on first reading of ordinance with provision for standard setbacks to provide adequate access and same be reserved for R-1 District & Special Use (Parking). Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Application-Mrs. Gresham (Molly Jo) Temple from R-3 District to LB District

Mayor Garrison stated that zone change application by Mrs. Gresham (Molly Jo) Temple from R-3 District to LB District covering property located North of Ralph Street at intersection of Ralph & Chestnut, between Ross & Mickey Streets being Lots 6, 7 and 8, Block 3 of the Oakwood Addition had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change application. Comm. Pat Foley made motion that zone change application by Mrs. Gresham (Molly Jo) Temple from R-3 District to LB District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Zone Change Application-Ernest C. Wood from D District to D & NR District, Special Use (Beauty Shop to be Confined to Apartment Building on Premises)

Mayor Garrison stated that zone change application by Ernest C. Wood from D District to D & NR District, Special Use (Beauty Shop to be Confined to Apartment Building on Premises) covering property located North of Jodie Avenue between Homer Boulevard being Lot 9A, Block 8 of the Denman Addition had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change application. Comm. W. O. Ricks, Jr., made motion that zone change application by Ernest C. Wood from D District to D & NR District, Special Use (Beauty Shop to be Confined to Apartment Building on Premises) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Executive Board of Women's Federation-Approval of Two-Year Lease Agreement

City Manager Westerholm explained that previous consideration for lease agreement between the Women's Federation and the First Baptist Church had been discussed with representatives from both organizations and the baptist church was in agreement with the Women's Federation use of the Parlor Room of the Old St. Cyprian's Church, which would only be used during the day creating no conflicts with church activities. City Manager Westerholm further stated that the Women's Federation would make no improvements to the Parlor Room until the church's lease expires, which would provide the Women's Federation an opportunity to decide on a permanent lease.

Comm. W. O. Ricks, Jr., then made motion that the City Manager and City Attorney be authorized to prepare a two-year lease agreement as explained and Mayor Garrison be authorized to execute same. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Cablecom General, Inc. - Report by Merle Saxon

Mayor Garrison stated that Mr. Merle Saxon had recently reported on the activities of service offered by Cablecom General, Inc., and was present to answer any questions members of Commission may have in this regard inasmuch as report had been previously forwarded to each Commissioner.

Mayor Garrison stated that Mr. Saxon indicated Cablecom General was much improved and his report was very complimentary.

Comm. R. A. Brookshire inquired as to what effects, if any, a number of connections to an amplifier would create on signal reception by a resident. Mr. Tom Lacey, who was present, stated that an increased amount of connections with one amplifier would tend to reduce the strength of the signal being received by the resident. Mr. Saxon informed Mr. Brookshire that his recent survey indicated that signal strength was consistent throughout the system. Mr. Saxon also informed Commissioners that since his first report, all deficiencies as originally reported had been corrected by Cablecom General which provided an improved system.

Mr. Lacey also submitted Cablecom General's 1974 Financial Data Statement which indicated a rate of return of 1.2 percent. Comm. Pat Foley inquired as to how many customers were presently being served by Cablecom General. Mr. Lacey reported that approximately 6,500 individuals were on the system which was being distributed throughout the City to all individuals with only a few exceptions.

Mayor Garrison thanked Mr. Saxon and representatives from Cablecom General on behalf of their contributions as discussed.

12. Resolution Approved-Rental Rates Established for Certain City-Owned Equipment

City Manager Westerholm reported that due to recommendation of the City Commission, a proposed resolution establishing rental rates for certain City-owned equipment had been delayed from last regular meeting to consider the following new rate considerations:

<u>Name of Equipment</u>	<u>Rate</u>
½-Ton Pickup Truck	\$2.00/Hour + 20¢/Mile
Trenching Machine	\$5.00/Hour
Ford Tractor - Model 3000	\$5.00/Hour
2-Ton Dump Truck	\$6.00/Hour
Backhoe	\$10.00/Hour
Boring Machine	\$6.00/Hour
Caterpillar	\$17.50/Hour

Comm. W. O. Ricks, Jr., expressed his personal approval of these revisions and made motion that resolution be approved adopting above rates as indicated. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Lufkin Telephone Exchange-Request for Telephone Rate Increase

Mayor Garrison recognized Mr. Larry Ross appearing in representation of rate increase request by LTX. Mayor Garrison stated that the rate increase proposal had been presented to members of Commission for consideration, which represented a very comprehensive document.

Mr. Ross reviewed an outline of rate increase request by LTX indicating that this request was being considered due to the one to 1.1 percent increase per month experienced by the Company due to inflation. Mr. Ross stated that much of the increased cost had been offset by his Company with good growth to provide better service to customers with less maintenance. Mr. Ross explained that a portion of this cost representing 7.7 percent increase which could not be offset by the company, would involve a 20 to 40 percent residential rate increase and \$1.50 increase for commercial users. Mr. Ross stated that he was prepared to answer any questions members of the Commission may have regarding this request and asked that members of Commission consider approval of this proposal on first reading at this meeting if possible.

A number of questions were asked Mr. Ross by members of Commission and it was determined that LTX had proposed this request to maintain financial integrity at a 7 percent rate of growth.

Comm. E. G. Pittman inquired as to number of new phones being installed and Mr. Ross indicated that most of these new phones were being installed in the City Limits.

Comm. Pat Foley expressed his concern that Commission review rates of other cities similar in size to Lufkin. Mr. Ross stated that these proposed rates would be comparable to the City of Conroe.

Considerable discussion developed regarding alteration of Lufkin rates and as to what effect increase may have on other cities. It was determined that Lufkin was a central zone and new rates would set a precedent.

Comm. E. G. Pittman complimented efforts being made by LTX in installation of pay phone stations throughout the City. Mr. Ross stated that six new pay stations had been installed at a high rate of success and plans were being made to install six additional new "walk-up" type phones each year until the City was saturated.

City Manager Westerholm stated that City Attorney had not had an opportunity to thoroughly review the LTX proposal for rate increase. Comm. R. A. Brookshire then made motion that LTX rate increase request be approved on first reading as submitted and public hearing be provided at next regular meeting for consideration of second and final reading of ordinance at first meeting in April. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison complimented Mr. Ross for a fine report covering all areas involved.

14. Ellen Trout Zoo - Addition of Two Tigers Approved

City Manager Westerholm explained that Mr. Tim Jones, Zoo Director, was present to answer any questions members of Commission may have regarding his request for the addition of two tigers at Ellen Trout Zoo. City Manager Westerholm further explained that a previous policy of the Commission established that no animals be added to the zoo without Council approval. City Manager Westerholm further stated that there would be room for the tigers by disposing of a mountain lion who had no mate and the cost for feeding the tigers would be approximately \$1,500 annually. City Manager Westerholm stated that an additional \$700 annually would be involved which was not budgeted.

Mayor Garrison recognized Zoo Director Tim Jones who stated that these two tigers were rare and expensive, but no money could be exchanged due to the fact that they were listed in the endangered species category. Comm. E. G. Pittman made motion that request to add two tigers to the Ellen Trout Zoo be approved and mountain lion be removed as explained. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Harrell Street - Conveyance Discussed

City Manager Westerholm reported that Harrell Street was an undedicated street across Lufkin Industries properties and public use over the years had created partial ownership by the public. City Manager Westerholm further stated that the City had requested financial assistance from Lufkin Industries to repair the wooden bridge on Harrell Street and Lufkin Industries had agreed to pay for the material costs in the amount of \$8,000 on the provision that this street would be closed to the public when Angelina Street was opened between Denman Avenue and Pershing Avenue.

City Manager Westerholm further reported that the City could not legally convey this public easement back to Lufkin Industries without receiving compensation for its value. City Manager Westerholm stated that the City staff would recommend \$8,000 be received for this consideration which closely paralleled the appraised value in the amount of \$8,371.40.

City Manager Westerholm recommended that further consideration for conveyance of this street be held in abeyance until a recommended solution could be presented to the Commission inasmuch as a legal question had arisen as to what specific rights existed for the public to continue use of this street. City Manager Westerholm further stated that a question regarding legal title should be resolved.

A brief discussion developed regarding amount of funds expended by the City of Lufkin on this street and Public Works Director Hayne Stokes, who was present, informed Council that approximately \$10-to \$20,000 had been expended in the last two years.

Further consideration of Harrell Street conveyance was then tabled until next regular meeting at the unanimous agreement of the Commission in order to provide City Attorney Flournoy an opportunity to submit a legal recommendation regarding same.

16. Annexation Request-Mrs. Jerry Hodge - Disc. of Boundaries for Annexation

Mayor Garrison explained that Mrs. Jerry Hodge, a property owner outside City Limits of Lufkin living near Slack School area had recently requested connection to City sewer facilities and the Commission had denied her request, but recommended consideration for annexation as an alternative.

City Manager Westerholm explained that the City Planning and Zoning Commission, in order to recommend annexation of Mrs. Hodge's property, was confronted with the choice of recommending a large area for annexation or annexation to simply meet the required annexation law and satisfy the needs of Mrs. Hodge. City Manager Westerholm explained that the City Planning and Zoning Commission had requested an expression from the City Commission regarding these alternatives. City Manager Westerholm then reviewed an area being considered for annexation covering property located South of Lufkin between Highway 59 South and Parker Road. City Manager Westerholm stated that since the introduction of Mrs. Hodge's request, a considerable amount of inquiries had been made by property owners in this area for possible inclusion into this annexation and no objections had been presented to the City staff at present.

Mayor Garrison expressed his concern regarding the City's complete cost and the attitudes of all property owners involved. City Manager Westerholm explained that cost analysis had not been conducted by the City at present.

Mayor Garrison recognized Mr. Tommy Ard who lived off FM 58 on Cypress Street near Mrs. Hodge and Mr. J. W. Pope living near Fuller Springs Drive. Mr. Ard stated that as a resident of this area, he was very much in favor of being annexed by the City and requested that consideration be extended to property owners throughout this area. Mr. Ard stated that he would circulate any necessary petition among property owners within this area regarding overall opinion to proposed annexation.

It was the unanimous agreement of the Commission that providing City staff cost estimates for this proposed annexation was within reason and a majority of property owners were in agreement, favorable consideration for annexation would be anticipated.

Further consideration of this request was then dismissed to provide opportunities for cost studies and feedback from property owners.

17. Elevated Storage Tank - Disc. of Possible Contract for Tank Maintenance

City Manager Westerholm reported that the elevated storage tank on Kiln Avenue needed to be repaired and members of Commission may desire to consider a contract for elevated storage tank maintenance which would provide the maintenance of elevated storage tank on five-year intervals at a cost of \$1,250 per year.

Mayor Garrison inquired as to whether or not elevated storage tank needing immediate repair would be considered immediately under this contract or within the next five years providing contract was approved. City Manager Westerholm stated that the proposed contract with National Tank Maintenance Corporation did not clearly specify as to when maintenance would be complete and requested that further consideration of contract be held in abeyance until next regular meeting when more information would be available.

Comm. Pat Foley requested that City Manager Westerholm instruct City staff to remove ladders from present elevated storage tank to prevent vandalism. City Manager Westerholm stated that City staff would correct this situation as soon as possible.

18. John Redditt Drive - Disc. of Separate Speed Limits

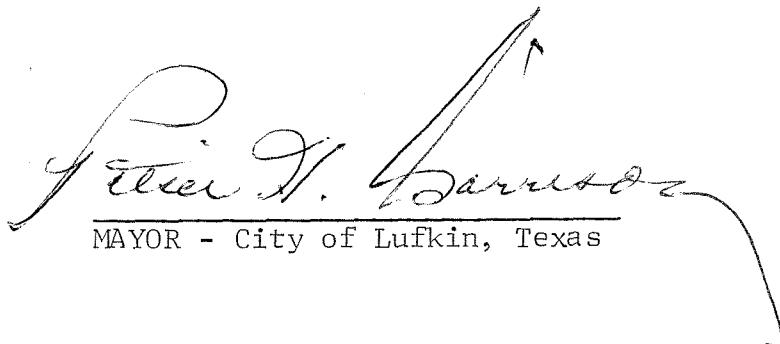
Comm. R. A. Brookshire stated that it had recently been brought to his attention a possible need for two speed zones on John Redditt Drive between Highway 94 and Highway 59 South. Comm. R. A. Brookshire explained that log trucks and similar type heavy trailer vehicles were increasing their speeds to provide for the necessary climb of an overpass between these highways and, in the process, may be endangering the lives of pedestrians and small children in this area. Comm. R. A. Brookshire suggested that City staff review this possibility for report and consideration by next regular meeting, if possible, and consider installation of separate speed zones for trucks, if necessary. City Manager Westerholm stated he would report to the Commission at next regular meeting regarding this request.

19. Disaster Plan Discussed

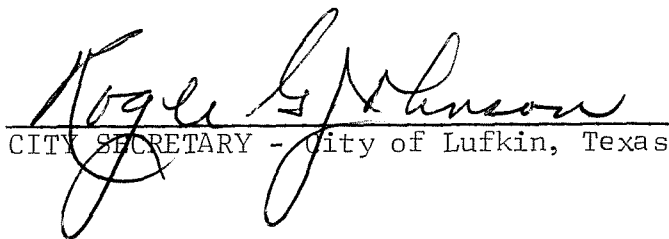
Comm. E. G. Pittman stated as a result of the recent flood in Nacogdoches, the City Manager should present the City's disaster plan at a future meeting in an effort to educate the public regarding same. City Manager Westerholm stated that he would prepare a program for representation to Commission in this regard as soon as possible.

20. 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