

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF MARCH, 1975, AT 5:00 P.M.

On the 18th 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:

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
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison	Mayor
Robert L. Flournoy	City Attorney

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 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 March 4, 1975, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Open Hearing-Lufkin Telephone Exchange-Request for Rate Increase

Mayor Pro Tem Wareing officially opened hearing on proposed telephone rate increase and explained that same was being held to determine if the rate of return was reasonable as discussed during last regular meeting. Mayor Pro Tem Wareing explained that City Attorney Flournoy had written members of Commission stating that in his opinion the report reflected a reasonable investment and suggested that courts may hold present rates inadequate.

Mayor Pro Tem Wareing recognized Mr. Larry Ross, President of Lufkin Telephone Exchange representing request, who stated that he had furnished members of Commission a copy of the Lufkin Telephone Exchange Service Guidelines for their review. Mr. Ross further requested members of Commission consider second reading of rate increase at this meeting, if possible, to provide new billing no later than April 5. There were no persons present appearing in opposition to proposed rate increase.

Mayor Pro Tem Wareing officially closed hearing and informed Mr. Ross that he had earlier discussed the possibility of approving rate increase on second reading at this meeting with Mayor Garrison and City Attorney Flournoy who were of the opinion that second reading should be considered at next regular meeting. Members of Commission were in agreement with this suggestion and further consideration of rate increase was tabled until next regular meeting to be placed on the agenda for second reading of ordinance April 1, 1975.

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

Mayor Pro Tem Wareing asked City Manager Westerholm to brief members of Commission regarding proposed amendment to Special Use Provision of zone change application by Maynard C. Campbell, Jr., as recommended by the City Planning and Zoning Commission and tabled from last regular meeting of City Commission.

City Manager Westerholm, in the absence of City Attorney Flournoy, read letter from the City Attorney regarding consideration of amendment to this application. Letter from City Attorney suggested that approval of this ordinance on first reading amending Special Use Provision not be considered inasmuch as Mr. Campbell's neighbors had not filed an adequate zone change application. City Attorney Flournoy's letter further explained that application should be sworn to and a filing fee paid and receipted by the City Secretary in accordance with procedures for all zone change applications. City Manager Westerholm further stated that City Attorney's letter recommended a new application be made if desired by property owners.

City Manager Westerholm also explained that the Zoning Ordinance did not specify as to whether or not an individual must own property being considered for zone change and, therefore, implied authorization for City Secretary to receive applications from individuals who did not actually own properties being considered.

Mayor Pro Tem Wareing recommended that property owners who had previously submitted petition to amend zone change application by Mr. Campbell consult with City Attorney to consider zone change application in the future through normal channels, if desired.

Comm. Pat Foley made motion that further consideration of amendment to zone change application as previously approved by Maynard C. Campbell, Jr., not be considered until formal application was presented as discussed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. Pat Foley further requested that City Attorney Flournoy further inform members of Commission regarding a more complete clarification of all circumstances involved in zoning regulations resulting from this request for amendment by property owners.

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

Mayor Pro Tem Wareing stated that zone change application by Joseph C. Hornsey, III, from R-1 District to C District covering property between Shady Pine Drive and 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 application.

Mayor Pro Tem Wareing recognized Mr. Joseph C. Hornsey, III, who asked members of Commission to clarify motion previously approving zone change application on first reading regarding "standard setback" as to what amount of footage was being considered. Mayor Pro Tem Wareing stated that this amount of footage was normally 110 feet as imposed on previous applicants to be reserved for Special Use Parking.

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 second and final reading of ordinance with 100 foot setback from front property line reserved for R-1 District and Special Use Parking purposes. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. Pat Foley suggested that 100 feet be considered as a standard setback for loop zoning and Mayor Pro Tem Wareing recommended that standard setback consideration be deferred to City Planning and Zoning Commission for recommendation to this Commission.

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

Mayor Pro Tem Wareing 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 had been approved on first reading of ordinance at last regular meeting. 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 second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

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

Mayor Pro Tem Wareing stated that zone change application by Ernest C. Wood from D District to D & NR District, Special Use (Beauty Shop to be Confined to Garage Apartment Building on Premises) covering property located North of Jodie Avenue between Homer Boulevard had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Comm. Pat Foley 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 Garage Apartment Building on Premises) be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

9. Kiwanis-City Park - Civic Club Park Renamed

Mayor Pro Tem Wareing stated that a request by Kiwanis Club to rename Civic Club Park had been discussed at last regular meeting and same had been tabled to provide recommendation from City staff regarding official title. Comm. W. O. Ricks, Jr., made motion that Civic Club Park be renamed to "Kiwanis-City Park". Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Annexation Request-Mrs. Jerry Hodge-Expression of Opinion Regarding Proposed Boundaries to City Planning & Zoning Commission

Mayor Pro Tem Wareing stated that further consideration of annexation request by Mrs. Jerry Hodge had been tabled from last regular Commission meeting to provide opportunity for cost studies and feedback from various property owners concerned with proposed annexation boundaries on property South of Loop 287, West of Parker Road and 300 feet West of FM 58. Mayor Pro Tem Wareing further explained that since last regular meeting, petitions were being circulated by street throughout this area to determine opinion of property owners concerned.

City Manager Westerholm suggested that petitions being circulated be submitted to the City Planning and Zoning Commission when completed.

Mayor Pro Tem Wareing recognized Mrs. Jerry Hodge who stated that petitions were being circulated in these areas, but many individuals living along FM 58 did not desire annexation by the City inasmuch as they had previously been connected to City sewer service.

Mayor Pro Tem Wareing stated that the City Commission was asked to give an expression as to proposed boundaries for consideration in this area and suggested that same be recommended accordingly.

Comm. Pat Foley expressed his concern that the entire block area as previously described be annexed and made motion that an expression from this Commission regarding same be recommended to the City Planning and Zoning Commission as a guideline for further consideration by petition as discussed. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman requested that individuals present indicate their status regarding this proposed annexation. Four individuals present desired annexation, six did not desire annexation and no persons were present who were already on City sewer in this area.

11. Elevated Storage Tank - Contract Approved - National Tank Maintenance Corporation

Mayor Pro Tem Wareing stated that discussion of possible contract with National Tank Maintenance Corporation had been reviewed during last regular meeting and consideration had been tabled until this meeting to answer inquiries presented by Mayor Garrison. City Manager Westerholm reported that members of Commission had been furnished a copy of a letter from the National Tank Maintenance Corporation regarding services under proposed contract as discussed during last regular meeting. City Manager Westerholm stated that the City would employ a private supervisor to inspect work completed by this company and the National Tank Maintenance Corporation was desirous to continue this contract with the requirement if approved.

Comm. Joe E. Rich made motion that contract between City of Lufkin and the National Tank Maintenance Corporation be approved at an annual cost of \$1,250 in accordance with recommendation submitted by City Manager Westerholm. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Zone Change Application - Texas National Bank from R-1 District to NR District

Mayor Pro Tem Wareing explained that zone change application had been presented by Texas National Bank from R-1 District to NR District covering property located East of Junior High West and North of Zeagler Avenue at intersection with South Raguet Street. Mayor Pro Tem Wareing recognized Mr. Parker McVicker, attorney for applicant who reviewed the location of this property and stated that same was contiguous with business zoning except for residential housing located on Zeagler Avenue.

Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had previously recommended approval of this zone change application subject to satisfaction of certain conditions as expressed by property owners identified as Mrs. Hugh K. Dudley and Mrs. J. E. Talton. Mayor Pro Tem Wareing further explained that he had been informed these conditions had not been met and zone change application should be postponed.

Mr. McVicker stated that he had asked Griffith & Associates Engineering Firm to review the landscape of this area to determine any possible drainage problems being created by Texas National Bank property. This letter stated that previous landscaping by Texas National Bank had not caused more water to run across properties owned by Mrs. Dudley and Mrs. Talton. Letter further stated that bank property was on a higher elevation which caused a natural drainage on these properties. Mr. Griffith recommended a small ditch approximately 10 to 15 feet from and parallel with the South boundary line be cut with a maintainer to push excavated dirt to the South side to cause an additional "berm" to prevent water from crossing the ditch into these properties. Mr. McVicker further stated that he desired to resolve any complaints by property owners in this area and he had previously met with Mrs. Dudley and Mrs. Talton prior to this meeting.

Comm. W. O. Ricks, Jr., asked Mr. McVicker if Texas National Bank would be desirous of creating an easement across their property to allow the construction of a ditch which would be maintained by the City. Mr. McVicker stated that provided the City Engineering Department could prove the problem was being caused as a result of the Texas National Bank property, same could be resolved.

Mayor Pro Tem Wareing recognized Mrs. Hugh K. Dudley, 116 Zeagler Avenue, who requested that someone assist her in obtaining accurate information as to what was actually causing drainage problem. Mayor Pro Tem Wareing explained that a cross-drainage ditch should prevent the force of water from crossing her property.

Comm. R. A. Brookshire made motion that Mr. McVicker meet with Public Works Director Hayne Stokes and property owners present, as previously stated, to resolve problems regarding drainage and fencing as previously recommended by the City Planning and Zoning Commission prior to further consideration. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., asked Mr. McVicker if he was familiar with the fact that the City of Lufkin was attempting to negotiate with Dr. B. H. McVicker for an easement across his property for a 15-foot sewer line to eliminate the lift station on McCall Drive which served Angelina College and South Highway 59 area. Comm. W. O. Ricks, Jr., also asked Mr. McVicker if Dr. McVicker would be willing to negotiate with the City of Lufkin regarding an easement across his property to provide these services. Mr. McVicker stated that this particular matter had nothing to do with question of proposed zone change application being presented and requested that the City Commission process this application on its own merits.

Mayor Pro Tem Wareing explained that he was of the opinion property owners appearing in opposition to zone change application would not be in objection if their objections were resolved. Mayor Pro Tem Wareing stated that further consideration of this zone change application could be considered by this Commission when problems were resolved with property owners.

13. Court Report Disc.-Approval of Additional Counsel for City Court

Mayor Pro Tem Wareing stated that copies of the City Court report had been distributed to members of Commission for consideration. There was no discussion regarding report as submitted and Mayor Pro Tem Wareing expressed his appreciation for the fine work being completed as previously demonstrated.

City Manager Westerholm explained that City Attorney Flournoy had recently been ill and it had been necessary to employ an additional attorney to work as a prosecutor in City Court. City Manager Westerholm further stated that he desired to obtain approval from the City Commission regarding this activity. Comm. W. O. Ricks, Jr., made motion that previous employment of additional counsel as prosecutor in City Court be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Water Pollution Control Plant Study-Proposed Future Rate Revision

Mayor Pro Tem Wareing stated that a study regarding the Water Pollution Control Plant rates had been prepared by Finance Director Royal Dunlap and submitted to members of Commission for consideration. Mayor Pro Tem Wareing further stated that this study did not at present include a specific recommendation from the City staff.

Comm. R. A. Brookshire made motion that further consideration of Water Pollution Control Plant study be tabled until April 1 regular meeting to provide ample time for review by Commission, but that the water rate demand charge be placed on the April 1, 1975, agenda. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Hotel-Motel Occupancy Tax - Disc.

Comm. R. A. Brookshire stated that he had reviewed report submitted by Finance Director regarding receipt of Hotel-Motel Occupancy Tax for the present quarter and asked Finance Director to comment as to the disposition of these funds.

Finance Director stated that the Hotel-Motel Occupancy Tax Fund was a separate Civic Center Special Fund to accomodate all needs of the Civic Center to include its operation and advertisement for the City of Lufkin.

Comm. Pat Foley inquired as to delinquent accounts in this fund and Mr. Dunlap stated that only two delinquent accounts existed and notices had been sent to each business involved.

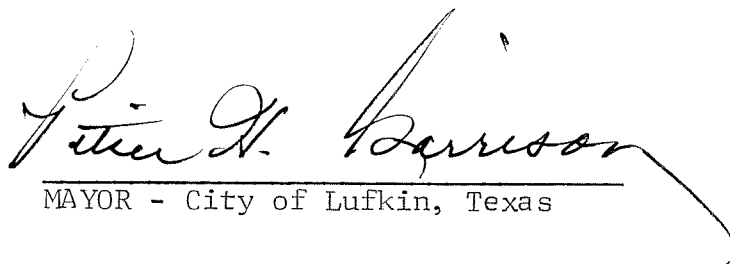
16. Water Pollution Control Plant - Disc. of Operation Status and City Budget

Comm. Pat Foley inquired as to the status of the Water Pollution Control Plant operation. City Manager Westerholm stated that the basic operation was functioning in an acceptable condition and it would be difficult to predict as to when the plant would be operating at 100 percent.

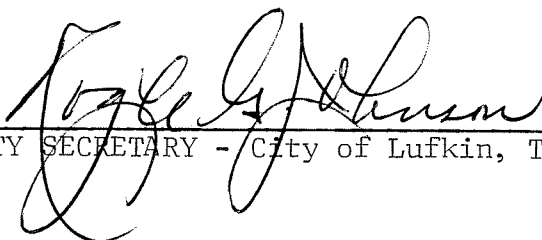
Comm. Pat Foley also inquired as to the present status of the City Budget indicating that same appeared to be over in all but three areas. City Manager Westerholm stated that the present City Budget had experienced considerable increases including the sanitary landfill operation costs and additional utility expenditures in the Water Pollution Control Plant. City Manager Westerholm further stated that increased cost for this electricity and petroleum products, to also include the new Federal Labor Standard Act which provided that all employees working overtime receive time and a half pay, had contributed a considerable amount to this present condition. City Manager Westerholm concluded, however, that expected City revenues were running above anticipated estimations and same were accomodating the 21 percent difference.

17. Adjournment

There being no further business for consideration, meeting adjourned at 6:30 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas