

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF MAY, 1975, AT 5:00 P. M.

On the 20th day of May, 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
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
Robert L. Flourney	City Attorney
Roger G. Johnson	City Secretary

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. John Wilkins, Educational Director, First United Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of May 6, 1975, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Water Rates Increased-Ordinance Approved-New Service Charge Established to Reopen Delinquent Accounts

Mayor Garrison explained that the Commission had approved first reading of water rate ordinance at last regular meeting in an effort to create additional revenues anticipated in the amount of \$73,671 for the 1975-76 fiscal year to accommodate the City's bond requirements.

There were no persons present appearing in opposition to ordinance as proposed. Comm. Pat Foley asked members of Commission if this revenue as previously stated would be adequate to cover the City's bond requirements. City Manager Westerholm stated that the projected amount should be enough for this fiscal year.

Comm. Pat Foley requested members of Commission understand his particular opinion regarding previous vote not to approve this ordinance as proposed inasmuch as he was not opposed to the rate increase, but desired a better adjustment on rates for the larger users. Comm. W. O. Ricks, Jr., was in agreement with the opinion as stated by Comm. Foley and desired that minutes reflect same.

Comm. E. C. Wareing then made motion that proposed water rate ordinance adopting Plan A be amended establishing new water rates as previously discussed be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Joe E. Rich, E. C. Wareing and E. G. Pittman

Voting Nay: Comms. Pat Foley and W. O. Ricks, Jr.

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

5. Zone Change Application-Vines, Smith & Hurst from R-2 District and LB District to C District

Mayor Garrison stated that zone change application by Vines, Smith and Hurst from R-2 and LB Districts to C District covering property located East of South First Street and West of South Timberland Drive at intersection of South First Street and South Timberland Drive was recommended for approval by the City Planning and Zoning Commission without opposition.

Mayor Garrison recognized Mr. R. L. Cunningham who was present. Mr. Cunningham stated that he did not have an opportunity to attend the City Planning and Zoning Commission meeting when this application was recommended for approval and was not in opposition to this zone change, but desired to obtain the opinion of the City Commission as to whether or not they would allow future business zoning within this area extending from the northern most property line and North on South Raguet Street.

Mayor Garrison stated that this particular Commission could not make a decision of this nature inasmuch as same would bind future Commissions and any application for zone change must be considered on its own merits.

Comm. Pat Foley made motion that zone change application by Vines, Smith & Hurst from R-2 and LB Districts to C District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Zone Change Application-Mr. & Mrs. Jim Watts from R-2 District to R-2 District & Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Mr. & Mrs. Jim Watts from R-2 District to R-2 District & Special Use, Item 6 (Day Nursery), covering property located at 712 Moore Avenue, being Lot 4, Block 2 of the West End Addition between Kelly and Thompson Streets had been recommended for approval by the City Planning and Zoning Commission. Mr. & Mrs. Watts were present representing application.

There were no persons present appearing in opposition to proposed zone change application. Comm. Pat Foley made motion that zone change application by Mr. & Mrs. Jim Watts from R-2 District to R-2 District & Special Use, Item 6 (Day Nursery) be approved on first reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Zone Change Application-Dennis Millman from R-1 District to R-1 District & Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Dennis Millman from R-1 District to R-1 District & Special Use, Item 6 (Day Nursery) covering property located at 1914 Pineburr Street being Lot 4, Block 6 of the Tall Timbers Addition, had been recommended for approval by the City Planning and Zoning Commission with the provision that only six children be kept at this location as a special request by property owners.

A brief discussion developed regarding whether or not the Commission had authority to make this particular exception and City Attorney Flournoy stated that due to the fact that application was a Special Use consideration, this provision was within the jurisdiction of the Commission.

Mayor Garrison requested City Attorney Flournoy amend the caption of this particular zoning ordinance to reflect that only six children could be kept at this location.

There were no persons present appearing in opposition to zone change application as proposed. Comm. W. O. Ricks, Jr., made motion that zone change application by Dennis Millman from R-1 District to R-1 District & Special Use, Item 6 (Day Nursery) be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Annexation of Property-Mrs. Jerry Hodge-Hearing Date Set

Mayor Garrison stated that City Planning and Zoning Commission had recommended annexation of property as requested by Mrs. Jerry Hodge and property owners on Cypress Street located 300 feet on either side of FM 58 South. Mayor Garrison briefly explained the history of this particular annexation request and stated that the City Planning and Zoning Commission had recommended members of City Commission consider establishment of a hearing date.

Comm. W. O. Ricks, Jr., made motion that annexation request by Mrs. Jerry Hodge and property owners on Cypress Street be considered for public hearing during regular meeting of City Commission on June 3, 1975, at 7:30 P. M. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Disaster Plan Approved for City of Lufkin

City Manager Westerholm stated that members of City Commission had previously received copies of the City's proposed disaster plan which was essentially the same as the previous plan with modifications. City Manager Westerholm recommended members of Commission approve this plan inasmuch as same had been updated to fit the City's needs.

There were no further comments from members of Commission and Comm. E. C. Wareing made motion that the City Disaster Plan be approved in accordance with recommendation by City Manager Westerholm. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Bid Denied - Salvageable Material from Old Sewer Plant

City Manager Westerholm stated that the City staff opened bids for salvageable material from the old sewer treatment plant facility on May 12, 1975, and only one bid was received being from Arthur Winthrop in the amount of \$2,500.

City Manager Westerholm recommended that this particular bid be denied since it was not adequate to justify the amount of materials inasmuch as the City had estimated the cost of same to exceed \$20,000.

Comm. W. O. Ricks, Jr., made motion that bid from Arthur Winthrop in the amount of \$2,500 be denied in accordance with recommendation by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

11. Board of Equalization - Members Appointed

City Manager Westerholm stated that the present Board of Equalization members, to include Arthur Bresie, Travis Carrington, Dick Gardeman, Earl Handley and Leeland Petty, had agreed to serve new terms if the Commission desired.

There being no opposition from members of Commission, Comm. E. G. Pittman made motion that above listed members be reappointed as members of the Board of Equalization. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Plumbing Appeals & Advisory Board - Members Appointed

City Manager Westerholm informed members of Commission that J. A. Bryan and Floyd Marsellos had recently completed four-year terms

as members of the Plumbing Appeals & Advisory Board which expired on May 18, 1975, and both individuals had agreed to serve new four-year terms if City Commission desired.

There being no opposition from members of Commission, Comm. W. O. Ricks, Jr., made motion that J. A. Bryan and Floyd Marsellos be reappointed to serve new four-year terms effective May 18, 1975, as members of the Plumbing Appeals & Advisory Board. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Sanitary Sewer Improvements - Change Order #3 Approved

City Manager Westerholm stated that a letter from Mr. Jim Anderson of HDR requested consideration of realignment of lines for the sewer treatment facility to be included in Change Order #3 to satisfy EPA requirements. City Manager Westerholm further stated that Items A through H of Change Order #3 concerned the realignment of these lines and Item I was not agreed upon by the City staff as recommended in Mr. Anderson's letter which related to the trimming and dynamically balancing of impellers in Lift Stations 1 and 2. City Manager Westerholm further stated that he did not agree with Item I of Mr. Anderson's letter inasmuch as the hydraulic load only determines the length of time the pumps must be operated. City Manager Westerholm further stated that he would recommend change order be approved provided HDR engineers assume the cost for pump adjustments. It was further stated that the total cost of Item I was \$3,840 and providing EPA paid 55 percent, HDR would have a remaining balance of \$1,728.

Comm. W. O. Ricks, Jr., made motion to approve Change Order #3 with the stipulation that Item I be paid by HDR engineers. Motion was seconded by Comm. Joe E. Rich.

Considerable discussion developed regarding this particular item and Comm. E. C. Wareing suggested that members of Commission consider Items A through H in separate motions in order to separately consider Item I of Change Order #3.

Comm. W. O. Ricks, Jr., then withdrew his previous motion and Comm. E. C. Wareing made motion to approve Change Order #3 Items A through H as submitted by HDR for sanitary sewer improvements. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made an additional motion to approve Item I of Change Order #3 with the stipulation that HDR reimburse the City of Lufkin for any cost of balancing impellers in Lift Stations 1 and 2. Motion was seconded by Comm. Joe E. Rich.

Prior to vote on motion, a brief discussion developed regarding the amount of money remaining in the contingency fund for the sewer improvement project and City Finance Director estimated approximately one-third of the original contingency figure remained.

A unanimous affirmative vote was then recorded to approve Item I of Change Order #3.

14. Pershing Avenue & South Second Street - Status of Construction

Comm. E. G. Pittman asked City Manager Westerholm to comment on status of Pershing Avenue widening. City Manager Westerholm reported that almost all funds had been received and project may go to contract by the end of this year.

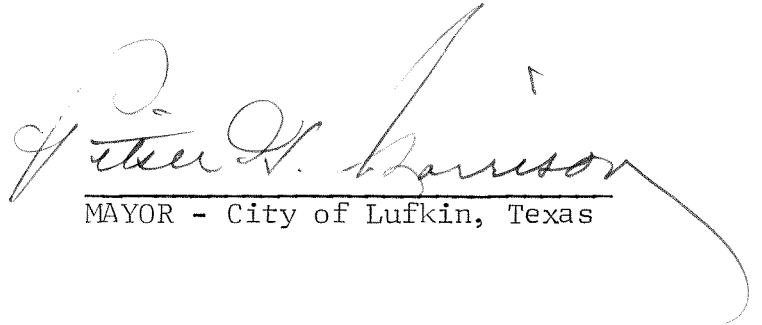
Comm. Joe E. Rich also inquired about the construction of South Second Street. City Manager Westerholm reported that only two additional pieces of property remained to be obtained by the City through agreements and area may possibly be ready to being clearing operations within approximately two weeks. City Manager Westerholm further reported, however, that funds were not available to complete development of this street in this fiscal year.

15. Restroom Facilities - Teener Park

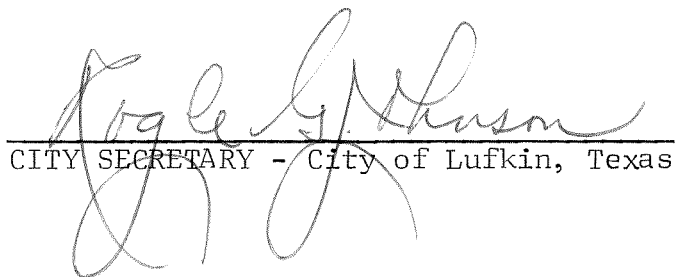
Comm. Joe E. Rich inquired as to the status of restroom facilities at Teener Park. City Manager Westerholm stated that plans were being reviewed by representatives of the Lufkin Youth Baseball Association and the Recreation & Parks Department and as soon as modifications could be made, construction would begin.

16. Adjournment

There being no further business for consideration, meeting adjourned at 5:50 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas