

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF JUNE, 1976, AT 7:30 P. M.

On the 1st day of June, 1976, 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
Jack McMullen	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. Flournoy	City Attorney
Roger G. Johnson	City Secretary

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

1. Meeting opened with prayer by Rev. A. D. Thomas, Pastor of Goodwill Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.
3. Local VFW Post-Junior Girl Unit-Presentation of U. S. Flag & Bicentennial Flag-Lufkin Civic Center

Mayor Garrison stated that the Junior Girl Unit of the local VFW Post was present to make presentation to members of City Commission a U. S. Flag and a Bicentennial Flag for use at the Lufkin Civic Center. Mayor Garrison recognized representatives from the local VFW Post to include Mrs. Jay (Karen) Cormier, Co-Sponsor, and Mrs. Hurley (Betty) Brown. Formal presentation of flags were made to Mayor Garrison who accepted same in behalf of members of City Commission and thanked representatives for their contribution.

4. Open Hearing-Briar Meadow Annexation-Recess of Hearing Approved

Mayor Garrison informed individuals present that the City Planning and Zoning Commission had recommended annexation of the Briar Meadow Addition and area West of this addition at a recent meeting. Mayor Garrison then recognized Mr. Martin Glenn, a representative of the Planning and Zoning Commission who was present to answer questions regarding recommendations.

Mr. Glenn stated that members of the Planning and Zoning Commission had considered the Briar Meadow annexation on two separate occasions and recommendation had been submitted based on the fact that these individuals needed assistance with sewer problems in this area.

Mayor Garrison then reviewed information furnished by City staff which indicated projected costs in this area of \$21,600 for sewer and \$12,500 for drainage and street repairs.

Mayor Garrison then recognized Mr. Jim Lovelady appearing in representation of application by Briar Meadow Addition. Mr. Lovelady stated that he recently talked with county health officials who had recommended property owners in this area consider annexation due to sewer problems that were apparent throughout the neighborhood. Mr. Lovelady stated that at this time he was not aware of the costs that may possibly be incurred by property owners on a participation basis with the City. Mr. Lovelady stated he was of the opinion that property owners in this area would be in general agreement to pay as much as \$200, individually, if necessary. Mr. Lovelady requested further information regarding exact cost for each property owner concerned.

Comm. E. C. Wareing read Mr. Lovelady figures from a report regarding a number of areas inside the City Limits without sewer service. Comm. Wareing stated that 337 houses currently existed in the City Limits that did not have sewer service which involved a cost of

\$433,435. Comm. Wareing further stated that this amount was approximately \$600 per customer. Comm. Wareing stated that these costs must be considered by the Commission prior to future annexations.

Mayor Garrison informed Mr. Lovelady that it may be possible not to spend the entire amount of money as previously stated before sewer could be provided to this area. Mr. Lovelady inquired as to whether or not developer in the Briar Meadow Addition could up-grade his addition to the required specifications of the City. It was determined that provided developer paid for the remaining lots not currently being used for residences, extension of sewer in this area would cost approximately \$540 per resident based on 40 individual lot-owner participation. Mr. Lovelady stated that he was more than willing to pay this estimated amount, but could not speak for the 11 other individuals who had participated in the petition for annexation.

Mayor Garrison explained to Mr. Lovelady that other areas in the City must be served on a priority basis that were already annexed. Mayor Garrison stated that the City was hopeful of developing a program to assist those individuals who were willing to share in cost of annexation.

Comm. McMullen asked City Attorney Flournoy as to what effect annexation of this property would have on the City of Fuller Springs inasmuch as individuals in this area were purchasing water from the City of Fuller Springs Water District. City Attorney Flournoy stated that he had discussed this situation with the attorney for the City of Fuller Springs who stated that something could be agreed to create an understanding between both parties.

Comm. Foley inquired of Mr. Lovelady if the residents in this area were satisfied with the City of Fuller Springs water. Mr. Lovelady stated that the water was adequate, but seemed to be expensive.

Mayor Garrison inquired of Mr. Lovelady if property owners had discussed cost participation with the developer. Mrs. John Redd, Jr., a property owner in this area who was present, stated that she had personally discussed this situation with Mr. L. F. McKinney who owned the remainder of lots in this addition. Mrs. Redd stated that Mr. McKinney had informed her that he would be desirous of paying his part on the remainder of these lots which could be recovered when lots were sold.

Mayor Garrison suggested a recess of this hearing to allow property owners an opportunity to consider the cost involved. Mayor Garrison further suggested a conference be held between the property owners involved and Mr. L. F. McKinney and the City staff for proposal to members of Commission. Members of City Commission were in unanimous agreement with suggestion by Mayor Garrison to recess further consideration of this item until next regular meeting.

Mayor Garrison recognized Mrs. H. A. Cooke, a resident of Fuller Springs Drive who expressed her desire to join in this annexation. Mayor Garrison stated that a copy of Mrs. Cooke's letter requesting inclusion in the application had been received by members of City Commission and suggested she join in this meeting.

Comm. Pat Foley inquired of City Manager Westerholm as to whether or not the county would repair roads in this area before the City considered annexation of same. City Manager Westerholm stated that he would check with county officials in this regard. Mayor Garrison declared hearing temporarily closed and recessed until June 15, 1976, at 5:00 p.m., in the City Hall Council Chambers.

5. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of May 18, 1976, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Cablecom General, Inc.-Ordinance Establishing Certain Rate Increases Approved 2nd Reading

Mayor Garrison stated that this Commission had approved on first reading of ordinance at last regular meeting connection charge increases to \$15 for any installation, relocation or reconnection of first outlet and \$7.50 charge if installation was made at the same time first outlet was connected and additional outlets in all separate trips made by the company to provide for a \$15 charge. Mayor Garrison further stated that approval of this ordinance included increase in additional outlet charge from 50¢ to \$1.00 per month.

Comm. E. C. Wareing suggested that two ordinances be considered instead of the one ordinance as prepared including all changes as approved on first reading at last regular meeting inasmuch as two separate motions had been received. City Attorney Flournoy suggested that members of Commission consider voting for motion to approve all amendments to Cablecom franchise in one ordinance, and if same did not receive favorable vote, two ordinances could be considered.

Comm. W. O. Ricks, Jr., then made motion that ordinance be approved on second and final reading incorporating previous changes as discussed and allowing increases for reconnection charges and additional outlets as stated. Motion was seconded by Comm. E. C. Wareing and the following vote was recorded:

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

Voting Nay: Comms. R. A. Brookshire and E. G. Pittman

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

7. Zone Change Approved 2nd Reading-Foy Bradshaw from RL to RL & LB District, Special Use (Farm Tractor Repair Shop)

Mayor Garrison stated that zone change application by Foy Bradshaw from RL to RL & LB District, Special Use (Farm Tractor Repair Shop), covering property located North of Wayne Street at intersection with Lawnview, being Lot 4, Block 2 of the Pinedale Drive Addition, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Foy Bradshaw from RL to RL & LB District, Special Use (Farm Tractor Repair Shop), be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Southern Standard Building Code-Mechanical Code-Postponement for Adoption of New Codes & Changes

Mayor Garrison stated that the Southern Standard Building Code and Standard Mechanical Code had been considered for amendment at last regular meeting to consider comments by local builders and contractors. Comm. E. G. Pittman stated that he had been informed earlier in the week an individual had requested deferral of this amendment consideration until more time had been provided to review changes involved.

It was further determined that comments had not been received from builders and contractors as requested and it was concluded that no immediate action was necessary.

Comm. R. A. Brookshire made motion that further consideration of these amendments be postponed until first meeting in July to allow complete feedback from builders and contractors. Motion was seconded by Comm. E. G. Pittman.

Prior to vote on motion, Comm. E. C. Wareing suggested in order to

avoid further delays in consideration of this ordinance that same be approved on first reading pending agreement by all parties concerned and allow second and final reading at first meeting in July.

The following vote was then recorded on previous motion and second:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. E. C. Wareing

Mayor Garrison declared motion approved by majority vote of six to one to defer further consideration of these amendments until first meeting in July.

9. Southridge Sub-Division-Hearing Date Established for Annexation & Permanent Zoning

Mayor Garrison stated that City Planning and Zoning Commission had recently recommended consideration of new request for annexation and permanent zoning by Southridge Sub-Division. Mayor Garrison further stated that additional properties had been included to avoid certain gap situations in recommendation to this Commission.

Comm. W. O. Ricks, Jr., made motion that annexation and permanent zoning request by Southridge Sub-Division, to include additional area as recommended by the City Planning and Zoning Commission, be set for hearing date, June 15, 1976, at 5:00 p.m. Motion was seconded by Comm. R. A. Brookshire.

Comm. Pat Foley inquired of City Manager Westerholm as to whether or not these individuals included in Planning and Zoning recommendation had requested annexations. City Manager Westerholm stated that no apparent opposition had been made by these individuals inasmuch as they were aware of considerations.

A unanimous affirmative vote was then recorded to previous motion and second to establish hearing date for June 15, 1976.

10. Zone Change Approved 1st Reading-E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop)

Mayor Garrison stated that zone change application by E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop), covering property located South of Abney Avenue, West of Cain Street at intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop), be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading-Floyd C. Maddux from LB to LB & C District, Special Use (Erection of Sign)

Mayor Garrison stated that zone change application by Floyd C. Maddux from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), covering property located North of Highway 103 East between Traylor Street and Loop 287 at intersection with Loop 287, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. E. G. Pittman inquired as to whether or not 36 square feet was the maximum size sign that could go in a Commercial zone.

A brief discussion developed and City Manager Westerholm stated that he would check this requirement and report to Mr. Pittman at a later date. Comm. W. O. Ricks, Jr., made motion that zone change application by Floyd C. Maddux from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet) be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-John Casper from RL to NR Dist.

Mayor Garrison stated that zone change application by John Casper from RL to NR District covering property located North of Highway 103 East, West of Oleta Street at intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. Pat Foley inquired as to whether or not the one individual who had not signed waiver of notice in this regard had signed application. City Secretary informed Mr. Foley that this individual had signed application and voiced no opposition to same.

Comm. Pat Foley made motion that zone change application by John Casper from RL to NR District be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

13. Redland Water District-Request for Additional Water Denied

City Manager Westerholm stated that the Redland Water Supply District desired to discuss the possibility of securing additional water from the City. It was determined that their present contract from August of 1972 provided for a maximum of 1,000,000 gallons per month which had been recently exceeded.

Comm. W. O. Ricks, Jr., expressed his opinion that supply of this water had been for emergency situations only and inquired as to cost being paid by the Redland Water District. City Manager Westerholm informed Mr. Ricks that same was being purchased in the amount of 39¢ per thousand gallons. Comm. W. O. Ricks, Jr., expressed his opinion that the City could not produce their water for this amount.

Mayor Garrison recognized Mr. Arden L. Jinkins, appearing in representation of Redland Water District's request for additional water. Mr. Jinkins stated that they had originally been recommended to obtain water from the City of Lufkin to avoid lowering of the water table in the area inasmuch as Southland Paper Mills and City of Lufkin drew a considerable amount of water on a daily basis. Mr. Jinkins stated that considerable growth had occurred in the Redland area and additional water was necessary. Mr. Jinkins stated that provided request for additional water could not be obtained from the City of Lufkin, Redland Water District was prepared to make necessary arrangements to construct a new well. Mr. Jinkins informed members of Commission that it was necessary to make a move in one direction or another to prevent future water shortages. Mr. Jinkins requested that provided members of Commission did not allow extension request for additional water, provisions be made to continue present contract until new well could be completed.

Comm. Brookshire inquired as to how long this construction would involve. It was determined that same would involve 10 to 15 months based on proposed grant application. City Manager Westerholm stated that the expiration date of the present contract was August, 1977. Mr. Jinkins stated that the Redland Water District was desirous of paying any additional costs for water increases as deemed necessary.

Comm. Brookshire informed Mr. Jinkins that the City of Lufkin had been fortunate in the past few years not to have water shortages, but several dry summers would create problems and Redland should consider construction of their own water well.

Members of Commission reviewed contract with Redland Water District and Mayor Garrison stated that it seemed, from the unanimous consent of this Commission, members preferred the Redland Water District make necessary arrangements to drill their own well facility.

Members of Commission extended their approval to City Manager Westerholm to write the Redland Water District a letter to allow continuance for receiving water until their new well was completed.

14. De-Annexation Request Postponed-Ford Chapel Road, Renfro Drive & Valley Drive

Mayor Garrison recognized Mr. Robert Armstrong, representing 34 property owners in the Ford Chapel Road, Renfro Drive and Valley Drive area, that desired de-annexation. Mr. Armstrong stated that this de-annexation request was based on the fact that sewer had not been extended in this area to include fire plug installation since annexation by the City in 1970. Mr. Armstrong stated that in a six-year period, property owners in this area had not received these services, and only promises had been made without action or establishment of any definite construction dates. Mr. Armstrong stated that he had been told by the City staff that this area was set on a low priority in comparison with other areas, due to sparse settlement.

Comm. Brookshire stated, in answer to previous inquiry by Mr. Armstrong, that an extension of sewer to Mr. John Parker's property outside the City Limits had been paid at no expense to the City.

A brief discussion developed regarding areas outside the City being served with sewer and it was determined that the Thousand Oaks Sub-Division was among the few areas being served outside the City, all of which paid outside sewer rates.

Mr. Armstrong asked City Manager Westerholm if he was prepared to give property owners in this area a ballpark figure on when sewer could be provided to this area.

Comm. Ricks inquired of Mr. Armstrong as to what property owners in this area were doing with their present sewer situation. Mr. Armstrong stated that they were tolerating the problems that had been in this area for a number of years and for this reason they were willing to de-annex and provide for their own needs without assistance from the City, which involved paying taxes.

City Manager Westerholm informed Mr. Armstrong that information had been presented by the Public Works Department which revealed the following costs expenditures in the Ford Chapel Road, Renfro Drive, Valley Drive and Whippoorwill Drive areas since annexation:

Sewer:

May, 1974-Whippoorwill, Lilac & Howard Sts. (13 homes & 17 mobile homes sewer service).....	\$20,463.46
March, 1976-Renfro Drive (12 homes, 1 business).....	\$ 5,909.04
December, 1973-April, 1976(Engineering for entire area)	\$ 7,545.80
Sewer Total to Date.....	\$33,918.30

Water:

1971 - 2" water line, 7,356 feet from Hillcrest Baptist Church along Ford Chapel Road.....	\$ 5,103.00
This was laid by request of Mr. J. C. Ray and others because of poor location of old lines	
Water Total to Date.....	\$ 5,103.00

Streets & Drainage:

1971-1976 - Grading, oiling, asphalt resurfacing, new culverts & drainage work. Ford Chapel Road is a FM road, therefore none of this was done on it, only mowing & setting a driveway culvert.	
Street Total to Date.....	\$41,231.00

Total of all Capital Expenditures.....\$80,252.30

Mr. Westerholm stated that he would estimate completion of services in this area being considered for de-annexation at approximately \$44,000. Mr. Westerholm stated that only \$19,000 was set aside in the present budget, \$12,000 of which had been spent. Mr. Westerholm stated that if the City Commission agreed to amend the existing budget, more money could be spent at a faster pace in this area.

Mr. Armstrong inquired as to whether or not right-of-way had been purchased for completion of sewer extensions in this area. Mr. Westerholm stated that only the engineering had been completed and no right-of-way had been purchased.

In regard to question concerning completion of this project, Mayor Garrison informed Mr. Armstrong that available money was the main question and when surpluses would be available. Mr. Armstrong stated that he had been informed by Mr. Hayne Stokes, Public Works Director, that pipe was available for extension in this area, but money was not available for labor costs involved. Mr. Westerholm stated that pipe was available for extension on Whippoorwill and same had been purchased by the City in 1974.

Comm. Brookshire inquired of City Manager Westerholm as to when revenue sharing funds would be available and when same would terminate. Mr. Westerholm stated that revenue sharing funds would terminate this year unless Congress appropriated new funds and the City was presently obligated on all revenue sharing money forthcoming. Comm. Brookshire inquired as to whether or not the \$100,000 for last quarter of 1976 could be available in revenue sharing money. City Manager Westerholm stated that this amount should be received by the end of the year and same was not obligated.

Comm. Brookshire expressed his concern that priorities be completed on this project if possible. Mayor Garrison explained that he was in agreement with Comm. Brookshire in this regard. City Manager Westerholm stated that he would like to review figures for cost of extending sewer in this area with Finance Director before making recommendation to City Commission. City Manager Westerholm stated the City had spent over \$80,000 in this area and only \$12,000 in taxes had been received over a six-year period from the petitioners.

Mr. Armstrong expressed his opinion that \$33,000 of this \$80,000 was not spent in the immediate area to which individuals present were concerned. Mr. Armstrong inquired of City Attorney Flournoy as to what the state law provided for de-annexation in this regard. City Attorney Flournoy stated that de-annexation was an alternative in a three-year period if certain qualifications were met.

Comm. Wareing inquired of Mr. Armstrong as to whether or not 50 percent of the people in the area that were annexed in 1970 had signed a petition for de-annexation and whether or not the whole area had been considered as required by law. Comm. Wareing further stated that the property owners must have 50 percent of property or 50 percent of the property owners must sign which were annexed at this time. Mr. Armstrong stated that he was not sure as to how many property owners this would involve, but 34 had signed petition of de-annexation. City Attorney Flournoy stated that the law required a majority of the qualified voters in this particular annexed area in 1970 to be in favor of de-annexation.

Comm. Brookshire stated that he desired members of this Commission quote property owners in this area a definite starting time for sewer project and suggested a report from City Manager and Finance Director be submitted and revenue sharing money be obligated to extend construction of same.

Comm. Brookshire asked Mr. Armstrong if he would withhold further proceedings on his de-annexation request until June 15 at which time members of this Commission would again discuss proposal based on report submitted by City Manager. Mr. Armstrong stated that he only desired to have a definite time quoted in order that he may make his decision, but was willing to give this Commission two more weeks to prepare reports as discussed.

Mayor Garrison recognized Mr. W. P. Davis who inquired of City Commission as to whether or not this area could be set aside as a priority area and no other extensions of sewer service be made until this area was completed. Mr. Davis stated that by agreeing to this proposal, property owners in this area would be satisfied to know that they would be next for sewer extension. Comm. Wareing informed Mr. Davis that other areas annexed to the City of Lufkin for longer periods of time than property owners present had even more priority in this regard.

Further discussion of this de-annexation request was tabled by Mayor Garrison on his own volition until next regular meeting.

15. Pershing Avenue Construction - Disc.

Comm. R. A. Brookshire inquired as to whether or not City Manager Westerholm could contact construction personnel in the Pershing Avenue area to provide for one lane of traffic inasmuch as new bridge had been completed and considerable hindrance had been experienced by the public in being denied use of same. City Manager Westerholm stated that he could obtain this information if desired. Comm. Brookshire made motion to allow City Manager Westerholm to pursue this action to provide for one lane of traffic on Pershing Avenue during construction under circumstances as presented. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Margie Kirkland-Resolution Approved-Recognition as Poet Laureate of Lufkin

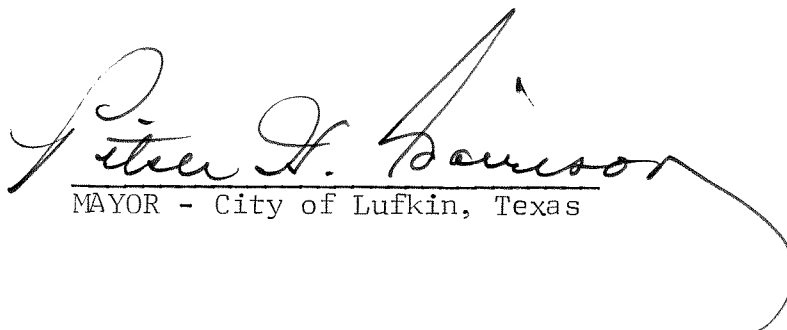
Comm. E. G. Pittman stated that Mrs. Margie Kirkland had recently published a book of poems entitled "Letters from Home" and in the spirit of the Bicentennial year, he was of the opinion this Commission should commend Mrs. Kirkland for her work in this regard and be named as Lufkin's poet laureate for the bicentennial year. Comm. E. G. Pittman then made motion that Mrs. Kirkland be named Lufkin's poet laureate for the bicentennial year, for her outstanding work in her book of poems entitled "Letters from Home". Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. Lufkin Civic Center - Disc. of Construction

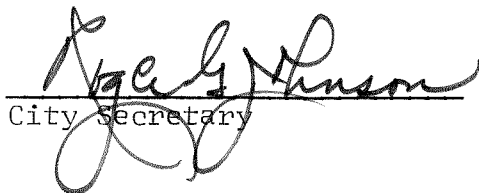
Comm. Pat Foley inquired of City Manager Westerholm as to whether or not construction had been completed at the Lufkin Civic Center. City Manager Westerholm stated that a \$15,000 retainer still existed and only a few minor items had not been completed. Members of Commission were in agreement that these small items should be completed as soon as possible in order that Civic Center may be formally accepted.

18. Adjournment

There being no further business for consideration, meeting was adjourned at 9:30 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary