

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF JULY, 1977, AT 5:00 P. M.

On the 19th day of July, 1977, 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
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	Asst. City Manager

being present, and

Jack McMullen	Commissioner, Ward No. 3
E. G. Pittman	Commissioner at Large, Place B

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

1. Meeting opened with prayer by Harvey Westerholm.
2. Comm. Pat Foley made motion that minutes of regular meeting of July 5, 1977, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.
3. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
4. Lufkin Youth Baseball Assn.-City Commission Commendation

Mayor Garrison recognized Mr. Raymond Moore, President of Lufkin Youth Baseball Association, and other members of the association who were present. Mr. Moore commended members of City Commission for their work and support of improvements to Morris Frank Park. Mr. Moore stated that members of the Lufkin Youth Baseball Association, and especially the youth that participated in baseball in Lufkin, were extremely pleased with the improvements that were to be made at Morris Frank Park and the anticipated construction of the baseball complex area.

Members of Commission expressed their appreciation to members of the Lufkin Youth Baseball Association who were present for their fine work with Lufkin's youth.

5. Zone Change Approved 2nd Reading-Joe Kelley from LB to C District

Mayor Garrison stated that zone change application by Joe Kelley from LB to C District covering property located at Northwest corner of North First Street & Abney Avenue, North of Laurel Avenue intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Joe Kelley from LB to C District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-G. P. Bourrous from C to LM District

Mayor Garrison stated that zone change application by G. P. Bourrous from C to LM District covering property located East of & fronting on Loop 287 North of Hwy. 103 East, across from Teer Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by G. P. Bourrous from C to LM District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Plumbing Code Amended 1st Reading-Sand & Grease Trap Provisions

Mayor Garrison recognized City Attorney Flournoy with respect to proposed ordinance amending Plumbing Code. City Attorney Flournoy stated that sand and grease traps served a vital purpose for which guidelines were necessary to control installation and inspection for operations throughout the city. City Attorney Flournoy stated that it was necessary that these sand and grease traps were properly cleaned, and inasmuch as the Plumbing Code of the City had not been codified, several sections of the regulation had been considered in this proposed ordinance for amendment establishing a permit, providing for the business operator to obtain this permit and setting necessary fees for final inspection, to include proper bond requirements.

City Manager Westerholm explained that a number of the sand and grease traps throughout the city were not functioning correctly and when in this condition, the purpose for which they were installed would not be accomplished.

Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first reading amending the Plumbing Code to provide necessary sand and grease trap provisions as explained by the City Attorney. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Electrical Code Amendment Postponed-Ordinance for Reinspection Fees

Mayor Garrison recognized City Attorney Flournoy with respect to proposed ordinance concerning amendment to Electrical Code. City Attorney Flournoy explained that City Building Inspectors were experiencing considerable problems with respect to reinspection of electrical work on various jobs throughout the city and in order to deter numerous trips that were being made, a reinspection fee had been proposed in the amount of \$10.00.

Mayor Garrison inquired as to whether or not approval of this ordinance would be adequate to stop this problem. Mayor Garrison suggested that electricians who abuse this privilege should be reported to the Electrical Board. Comm. R. A. Brookshire expressed his opinion that the consumer would finally be charged with this additional fee, which would not necessarily prevent the problem from reoccurring.

Comm. E. C. Wareing inquired of City Manager Westerholm as to the practice of other Cities with respect to reinspection fees. City Manager Westerholm explained that the City of Nacogdoches used a reinspection fee to prevent this activity. Comm. Wareing stated that many Cities cancelled the complete building permit of an individual and/or contractor when violations were prevalent and the individual had to apply for a new permit. City Manager Westerholm stated that he could conduct a survey concerning practices of other Cities and report findings at next meeting if members of Commission desired.

Mayor Garrison stated that it would be to the benefit of this Commission if information was available with respect to individuals who were in violation of this practice and how frequently these violations were reported.

Comm. Brookshire stated that members of Commission should consider another solution to this problem. Comm. W. O. Ricks, Jr., made motion that proposed amendment to the Electrical Code be approved on first reading with the stipulation that Building Inspector be present at next regular meeting to provide more information regarding reinspection activity prior to final reading of this ordinance. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. E. C. Wareing asked if members of Commission would also consider adding a sentence to the amendment by providing that the names of individuals requiring reinspection fees be reported on each violation to the Electrical Board in order to prevent constant violations. Comm. R. A. Brookshire stated his opinion that the City needed a recommendation from the Electrical Board and the Building Inspection Department.

Comm. W. O. Ricks, Jr., then withdrew his previous motion and it was unanimously agreed by members of Commission that further consideration of this proposed amendment be postponed until next regular meeting.

9. Zone Change Approved 1st Reading-Crown Colony Subdivision, Tract II from D to CB District

Mayor Garrison stated that zone change application by Crown Colony Subdivision had been recommended by the City Planning and Zoning Commission covering property located in the Crown Colony Subdivision East of U. S. Highway 59 South, involving two separate tracts: RM to A District, Special Use (Townhouses) on Tract I, and D to CB District on Tract II.

There were no persons present appearing in opposition to application nor in representation of application and Comm. Pat Foley had several questions for applicant with respect to consideration of Tract I zone change prior to personally acknowledging his approval of application.

Comm. E. C. Wareing made motion that zone change application for Tract II from D to CB District be approved on first reading of ordinance and zone change application on Tract I be postponed until next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Old City Hall Annex Building-Postponement of Proposed Occupancy Retention-State Department of Public Welfare

Mayor Garrison stated that Mr. Joe Tortorice was present representing request by the State Department of Public Welfare for continued use of the old City Hall building. City Manager Westerholm stated that information had been furnished members of Commission with respect to expenses and upkeep of this building in the past six years. City Manager Westerholm stated that the State Department of Public Welfare proposed a policy which would allow them to assume maintenance costs of the building by a proposed resolution from the City Commission dedicating this space for approximately seven years.

Mayor Garrison stated that considerable space demands were developing and the City may need the use of this building in the future. Comm. W. O. Ricks, Jr., stated that he did not desire to commit the City for a seven-year period under these circumstances.

Mayor Garrison inquired of Mr. Tortorice as to why the welfare department did not provide its own housing. Mr. Tortorice stated that in many cases the welfare department paid rent space, and in the City of Nacogdoches they had recently spent \$250,000 for the renovation of a three-story building. Mr. Tortorice stated that he would be willing to consider a four-year commitment in lieu of the seven-year commitment as proposed by resolution if members of Commission desired.

Comm. R. A. Brookshire inquired of Mr. Tortorice as to whether or not the State Department of Public Welfare would accept a four-year lease from the City Commission with a provision for a one-year notification of lease termination by either party. Mayor Garrison stated that he personally was willing to commit the building under these circumstances as proposed by resolution furnished members of Commission for review with a six-month termination notice.

Comm. R. A. Brookshire requested that the City Attorney prepare a resolution for consideration based on requirements of a four-year commitment with a six-month notice of cancellation by either party for members of Commission to consider at next regular meeting. It was unanimously agreed by members of Commission that City Attorney Flournoy complete this proposed resolution for consideration at next regular meeting.

11. Zoning Ordinance Amended 1st Reading-Back Yard Requirement

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended approval of amendment to the Zoning Ordinance concerning rear yards. Mayor Garrison stated that previously back yard requirements of commercial property abutting on residential property required 20 percent back yard which necessitated a considerable amount of space under some circumstances, and the City Planning and Zoning Commission had recommended that a maximum back yard abutting on a residential property be set at 30 feet under proposed regulation.

There were no persons present appearing in opposition to consideration of this amendment. Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first reading amending the Zoning Ordinance establishing new

back yard requirements as outlined by the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

12. Chambers Park Community Center-Authorization to Advertise for Bids for New Air-Conditioning System

City Manager Westerholm stated that the Chambers Park Community Center had been using an air-conditioner which was installed in 1971 acquired from the old drive-in bank windows at the First Bank & Trust location. Mr. Westerholm stated that these air-conditioners were worn out, but no provisions were made in the budget for purchasing of new system. Mr. Westerholm stated that the center was used by the public on an average of 28 hours per week, but it was his recommendation that the City would be able to finance the purchase of the new unit through appropriated funds. Mr. Westerholm stated that a local air-conditioning service had estimated a \$2,700 replacement cost for the system at this location and he would recommend consideration of bids.

Comm. Pat Foley made motion that City Manager Westerholm be authorized to advertise for bids for purchase of this new air-conditioning system for consideration at a later meeting. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Hotel/Motel Occupancy Tax-Collection Status Reported

Comm. Pat Foley inquired as to the status of the City's collection on Hotel/Motel Occupancy Tax. Asst. Manager Royal Dunlap reported that the one outstanding facility within the city, Shangri La Motel, was being collected which would give the City a good report with no outstanding taxes inasmuch as all other delinquent accounts had been previously paid.

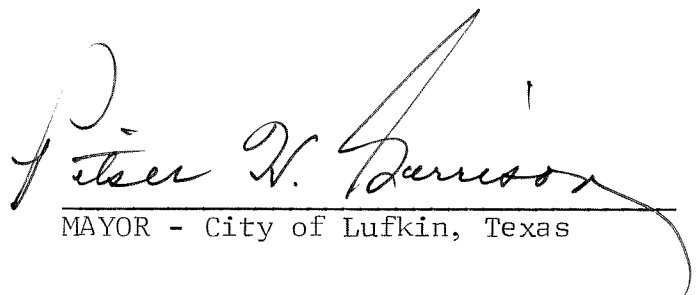
There were no further questions from members of Commission with respect to collection of these taxes.

14. Adjournment to Executive Session

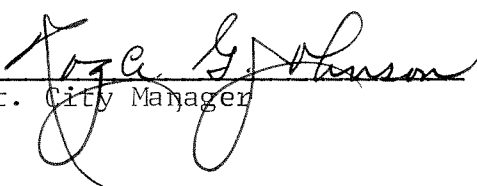
Mayor Garrison stated that members of Commission needed to discuss status of personnel within the City and information on report by the City Attorney concerning a legal question and meeting was adjourned to executive session at 6:30 p.m.

Mayor Garrison reconvened meeting at 7:15 p.m. and announced that members of Commission had discussed proposed law suit recently filed by Jean McVicker and had also discussed an internal personnel problem to which decision had not been reached.

There was no further business for discussion and meeting of Commission adjourned at 7:20 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
Asst. City Manager