

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF AUGUST, 1977, AT 7:30 P.M.

On the 2nd day of August, 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
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flourney	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Jack McMullen	Commissioner, Ward No. 3
---------------	--------------------------

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

1. Meeting opened with prayer by Rev. Danny Bullock, Pastor of Keltys 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. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of July 19, 1977, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Plumbing Code Amended 2nd Reading-Sand & Grease Trap Provisions

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting providing for the necessity of sand and grease trap provisions to control installation and inspection for various commercial operations throughout the city. There was no opposition present. Comm. E. C. Wareing made motion that the Plumbing Code be amended and ordinance be approved on second and final reading establishing new sand and grease trap provisions as previously discussed at last regular meeting. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

5. Electrical Code Amended 1st Reading-Reinspection Fees

Mayor Garrison stated that the City Commission had considered the possibility of establishing reinspection fees for electrical work at last regular meeting, but proposed ordinance had been postponed to provide an opportunity to review additional information with respect to use of reinspection fees in other cities and effectiveness involved. Mayor Garrison stated that reports furnished members of Commission reflected usage by other cities.

City Manager Westerholm stated that reinspection fees had been recommended by the Electrical Board in information furnished members of Commission and contractors who consistently violated inspection procedures could be reported to the Electrical Board for proper disposition.

Comm. Pat Foley then made motion that ordinance be approved on first reading establishing a reinspection fee in the amount of \$10.00 as recommended by the Electrical Board. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Crown Colony Subdivision, Tract II from D to CB District & 1st Reading on Tract I from RM to A District, Special Use (Townhouses)

Mayor Garrison stated that zone change application by Crown Colony Subdivision had been partially approved at last regular meeting for Tract II portion involving a zone change from D to CB District, and Tract I portion of this application involved a zone change from RM to A District, Special

Use (Townhouses), had been postponed for review of further information. Mayor Garrison stated that representatives from Crown Colony Subdivision were present to answer any questions members of Commission may have with respect to inquiries that resulted at last regular meeting concerning Tract I portion of this application.

Comm. Pat Foley stated that he had visited with Mr. Ray Faircloth of the Crown Colony Subdivision concerning inquiries made at last regular meeting. Mr. Foley stated it was his understanding that townhouses would be developed on Westchester Street in this area and Mr. Faircloth, who was present, confirmed that townhouses would be constructed here. No further questions were asked and/or information presented.

Comm. Pat Foley made motion that ordinance be approved on second and final reading on Tract II portion of this property changing zone from C to CB District as requested. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman made motion that ordinance be approved on first reading changing zone on Tract I portion of this property from RM to A District, Special Use (Townhouses). Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. State Dept. of Public Welfare-Old City Hall Annex Occupancy-Resolution Approved

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. Mayor Garrison stated that this request had been postponed from last regular meeting to provide City Attorney Flournoy time to prepare resolution.

City Attorney Flournoy explained that proposed resolution had been distributed to members of Commission for review, and amendment should be made with respect to cancellation notice by either party involved by changing the 60-day requirement to six-month requirement as decided at last regular meeting.

Comm. W. O. Ricks, Jr., expressed his opposition to a six-month termination notice and desired the word "imperative" within the regulation be changed to "public". Comm. W. O. Ricks, Jr., suggested 30-45 days in lieu of the six-month requirement. Comm. E. C. Wareing stated that most City agreement termination notices were for a 60-day period.

Mr. Joe Tortorice stated that he would sincerely appreciate an extended period in the amount of six-months due to the fact that many individuals who used the state welfare department require ample time for change of address information.

Comm. E. G. Pittman suggested less than six-months but more than 60-days and a 90-day period was agreed upon.

Comm. E. C. Wareing then made motion that resolution be approved to provide for the continued occupancy of the old City Hall building by the State Department of Public Welfare for a period of four years to include amendments as suggested by changing notification period by either party from a proposed six months to 90 days and changing wording "imperative" to "public" necessity. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Zoning Ordinance Amended 2nd Reading - Back Yard Requirement

Mayor Garrison stated that the City Commission had approved on first reading of ordinance at last regular meeting an amendment to the Zoning Ordinance for back yard provisions. Mayor Garrison stated that under this amendment, which was recommended by the City Planning and Zoning Commission, a maximum back yard abutting residential property was set at 30 feet. There was no opposition present.

Comm. W. O. Ricks, Jr., made motion that ordinance be approved on second reading amending the Zoning Ordinance for back yard space and providing a maximum back yard abutting on residential property be set at 30 feet under proposed regulation. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Lufkin Tennis Assn.-Kiwanis/City Park-Additional Tennis Courts Proposed

Mayor Garrison recognized Mr. Paul Sweetland, President of the Lufkin Tennis Association, who explained the proposal of the Lufkin Tennis Association for an additional six courts at the Kiwanis-City Park tennis facility. Mr. Sweetland stated that he had appeared before this Commission in 1974 during which time considerable progress had been made with respect to the tennis courts within the city. Mr. Sweetland complimented the City Commission for their efforts in constructing four new courts at Kiwanis-City Park during these years. Mr. Sweetland stated that the Lufkin Tennis Association was aware of the priorities to be considered by the City Commission in the 1977-78 fiscal budget, but members of the association sincerely desired consideration be given for the construction of an additional six courts at the Kiwanis-City Park facility.

Mr. Sweetland stated that all ages participated in tennis within the city and the construction of the new courts at Kiwanis-City Park had created an additional interest in all age groups from age 7 to 70. Mr. Sweetland stated that tennis proved to be an economical interest in which all individuals could participate and during the first month of operation of the new tennis courts at Kiwanis-City Park, 2027 individuals used the facilities.

Mr. Sweetland stated that it was the opinion of the Lufkin Tennis Association that a total ten-court capacity at Kiwanis-City Park would provide the needs for the community at the present time, and construction of six new courts was projected at a cost of \$90,000 or \$15,000 per court. Mr. Sweetland suggested consideration by the City Commission for possible matching funds grant through the recreation department. Mr. Sweetland requested that if at all possible, members of Commission consider the construction of these courts in the budget being proposed for the 1977-78 fiscal year.

Mayor Garrison recognized other individuals of the Lufkin Tennis Association who were present in support of the construction of these new courts and inquired as to what single most important factor was involved in determining the amount of courts necessary for a community. It was explained by members of the Lufkin Tennis Association that no specific guidelines had been determined, but most emphasis was based on the fact that many individuals were having to wait for use of the courts and some were leaving the facility who could not wait.

It was further reported that the Lufkin Tennis Association had 110 members, which included member units. Mayor Garrison stated that members of Commission should receive more information with regard to justification for construction of additional courts and it was suggested that Max Griffin, Recreation & Parks Director, provide the necessary details which would establish a specific need.

Comm. R. A. Brookshire stated that the City would soon lose courts on Angelina Street at the Chambers Park tennis court facility and he would request that City Manager Westerholm review the possibility of the City constructing two complexes similar to complexes on the East Texas Freeway in Houston which provided a covered facility for outdoor gaming activities. Comm. Brookshire suggested that this information be included in the report to be furnished members of Commission in the future regarding the development of tennis courts. Comm. Brookshire also suggested that a bond issue be considered for immediate financing of these activities if same were determined feasible and locations were available. Mayor Garrison stated that the report submitted by the City Manager should also include the possibility of resurfacing courts throughout the city where necessary, as well as new court construction costs.

Discussion developed with regard to the location for facilities of this nature and the intermediate school area at Jones Park was suggested as one location.

With regard to possible funding of this construction, Comm. Pat Foley inquired as to whether or not members of Commission desired to sell 34 acres on Loop 287 near the Woolco facility. Mayor Garrison stated that he personally was of the opinion that the City should better develop this property prior to making same available for sale. Mayor Garrison asked City Manager Westerholm to provide necessary information at next regular meeting regarding this discussion.

10. Harmony Hill Annexation Petition - Hearing Date Established

Mayor Garrison stated that property owners in the Harmony Hill area had petitioned the City of Lufkin for annexation of property South of Loop

287 between U. S. Highway 59 South and FM 58 to a point 500 feet South of Harmony Hill Drive. Mayor Garrison stated that this petition had been recommended for approval by the City Planning and Zoning Commission and further suggested by members of the City Planning and Zoning Commission for including additional area within a "pocket" located South of the 500-foot line and North of White House Drive to all existing City Limit lines presently located. Mayor Garrison stated that providing members of Commission desired to annex this additional area, same could be designated in hearing notice or members of Commission could advertise only the area recommended by the City Planning and Zoning Commission.

Considerable review of application was made and no property owners were present in opposition to proposal nor representing same.

City Manager Westerholm explained that only a small portion of street in this area would be maintained by the City, being Brown Road, and the farm road would be maintained by the State Highway Department. City Manager Westerholm stated that he would provide additional information with respect to City responsibilities within this area at next regular meeting provided same was set for hearing.

Comm. Pat Foley expressed his opinion that only the area requested for annexation be annexed at the present time for the purpose of avoiding conflicts with individuals who did not desire annexation. Comm. Foley suggested that property be squared to take in complete tracts along Harmony Hill Drive in lieu of proposed 500-foot strip across this area. Comm. Pat Foley then made motion that hearing date be set for August 16, 1977, at 5:00 p.m., to consider annexation of property South of Loop 287 and Harmony Hill Drive as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman requested that City Attorney Flournoy review any state regulations with respect to possible violations for not including "pocket" areas and as to whether or not same should be included prior to final decision on annexation within this area. City Attorney Flournoy stated that he would provide this information at next regular meeting.

11. State Dept. of Highways & Public Transportation-Proposed Speed Zone Changes for Various City Streets Discussed

Mayor Garrison stated that members of this Commission had discussed possible changes in speed zones for Frank Avenue, FM 324 and First Street at a previous meeting. Mayor Garrison stated that recommendations had been submitted by the State Highway Department and Mr. J. L. Beaird and Mr. Al Ludeke were present from the State Highway Department to review the proposals.

Mr. Beaird reported to the City Commission that the growth of the City of Lufkin had brought about necessities for change in these speeds which had not been changed since 1960. Mr. Beaird also stated that changes had occurred in the geometrics involved and members of Commission reviewed proposed plats which indicated a necessity for change based on traffic counts and speeds within these areas. Mr. Beaird reported that he was willing to negotiate with the City regarding two points of change in their proposal, one being on Frank Avenue and the other on Bynum Street. Mr. Beaird suggested that, providing members of Commission desired, he would make these changes and present a new proposal to members of Commission at next regular meeting. Members of Commission were in agreement with suggestions by Mr. Beaird and further discussion of proposed changes was postponed until next regular meeting.

12. Chambers Park Community Center-Bid Approved for Air Conditioning System Brock Air Conditioning Service

Mayor Garrison stated that bids had been tabulated for review by members of Commission concerning purchase of new air-conditioning system for Chambers Park Community Center. It was reported that alternate bids were included, if members of Commission desired, for window units, but main proposal was for replacement of main system requiring two 5-ton units. The following bids were reviewed by members of Commission:

Name of Company	(2) 5-Ton Units	(6) 2-Ton Window Units
Poulan's Riteway	\$3,848.90	\$4,110.00
Ford's Air Conditioning	\$3,500.00	\$4,505.00
Brock's Air Conditioning	\$2,550.00	N/A
Flatt's Air Conditioning	\$3,467.50	\$3,900.00

Mayor Garrison stated that Brock's Air Conditioning Service had submitted low bid in the amount of \$2,550.00 for installation of two 5-ton units, which appeared to be the low bid providing same met specifications.

Mayor Garrison stated that he desired to know more information with regard to where money had been used for repair of these items inasmuch as report submitted to members of Commission indicated expenditures in excess of \$2,200. Mayor Garrison also stated that additional information should be presented with regard to possible insulation of this facility to maintain better heating economy. City Manager Westerholm reported that this building was used approximately 28 hours per week and was heavily scheduled. Comm. Pat Foley inquired as to whether or not a gas unit would be more feasible than an electrical unit for this facility. It was determined that this information would be difficult to acquire.

Comm. R. A. Brookshire made motion that low bid submitted by Brock's Air Conditioning Service be approved in the amount of \$2,550.00 for installation of the two 5-ton air conditioning units, assuming that same was for full installation costs in accordance with specifications furnished by Recreation & Parks Department. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. Pat Foley made motion that the 1976-77 budget be amended to provide this expenditure and amount as stated be paid from the contingency fund. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing expressed his concern that the City Manager furnish more information at next regular meeting regarding the cost for insulating Chambers Park Community Center. Comm. R. A. Brookshire was in agreement with Comm. Wareing's suggestion and stated that the building should be insulated and locks should be placed on thermostats installed within the facility.

13. Maximum Loads Established for City Streets - Concrete Trucks

Mayor Garrison stated that the City Manager had made a recommendation with regard to maximum loads for concrete trucks within the city. It was reported that the city had two redi-mix concrete plants being Lufkin Redi-Mix and Transit Redi-Mix. The following information was presented for members of Commission to review:

	<u>Present</u>	<u>New Law Aug. 29</u>	<u>Recommended for City of Lufkin</u>
Single.....	12,000	20,000	12,000
Tandem.....	36,000	44,000	36,000
GVW(gross vehicle weight).....	48,000	64,000	48,000

The above listed information was reviewed by members of Commission and motion was made by Comm. E. G. Pittman that ordinance be approved on first reading adopting the above listed requirements. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

14. Municipal Court Judge - Temp. Appointment of Tommy Deaton

City Manager Westerholm reported that the Municipal Court Judge Kelly Newman would be absent from July 27 through August 2 and the Charter provided the appointment of a temporary judge must be approved by majority vote of the City Commission at its next meeting following the appointment. City Manager Westerholm stated that he had appointed Mr. Tommy Deaton, a local attorney, to serve in Mr. Newman's absence and requested approval of the City Commission. Motion was made by Comm. R. A. Brookshire to approve appointment of Mr. Deaton as recommended by the City Manager. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

15. Preliminary Budget Reviewed 1977-78 Fiscal Year

City Manager Westerholm stated that copies of the preliminary budget for the 1977-78 fiscal year had been distributed to members of the City Commission for review. Mr. Westerholm reminded members of Commission that Charter required budget be presented to them 45 days prior to the end of the fiscal year and that same be adopted not later than 27th day of September, 1977.

City Manager Westerholm brought attention to the fact that the City Legal Department reflected changes in proposed budget previously discussed in executive session. Mr. Westerholm stated that these changes would essentially reflect a savings in the Legal Department budget from \$8,000 to \$10,000 and the City Attorney would move to private quarters, employ an assistant, and agree to a \$2,500.00 per month retainer fee.

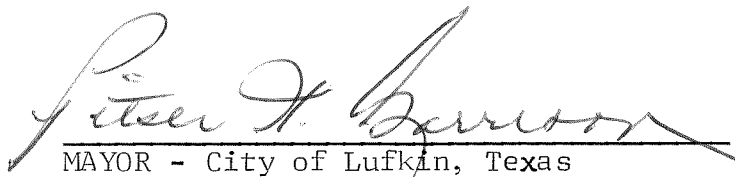
City Manager Westerholm stated that the preliminary budget presented was a balanced budget, but reminded members of Commission of the possible need of time warrants or certificates of obligation extended over a five or ten-year period for the purpose of reconstructing the lift station on Loop 287 and for improving water well capacities which had not been improved in the last ten years. Mr. Westerholm stated that the improvements of the water well facilities would provide lowering of pump columns, and possibly larger motors on three of the existing six water well pumps within the City. Mr. Westerholm that provided these activities were approved a feasibility study would be prepared for members of Commission to review to determine the specific needs of each water well. Mr. Westerholm reminded members of Commission that a chart had been furnished for their review regarding specifics concerning each well's pumping level.

City Manager Westerholm also stated that no wage increase was in the proposed budget and information was available for various percentage increases for members of Commission to review.

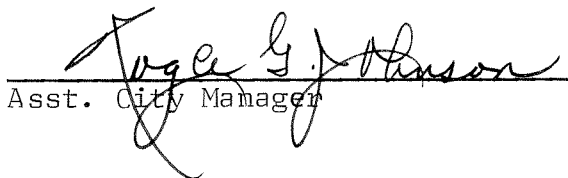
Comm. R. A. Brookshire inquired as to why proposed salary adjustments were not in the present budget. City Manager Westerholm stated that \$127,771.00 was available for salary increases as proposed in information supplied members of Commission by separate chart from the Water & Sewer Revenues, and \$156,000.00 was available in Revenue Sharing.

16. Adjournment to Executive Session-Appointment of Zoning Board Member

Regular meeting of City Commission was adjourned by Mayor Garrison at 9:30 p.m. to consider replacement of a member to the City Planning and Zoning Commission. Meeting was reconvened by Mayor Garrison at 10:55 p.m. and Mayor Garrison announced that a member had been decided for replacement of Mr. Martin Glenn to the City Planning and Zoning Commission which would be announced at next regular meeting provided appointee accepted this position. There being no further business for consideration, meeting adjourned at 10:57 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


Asst. City Manager