

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF SEPTEMBER, 1977, AT 5:00 PM

On the 20th day of September, 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
Jack McMullen	Commissioner, Ward No. 3
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

Pat Foley	Commissioner, Ward No. 2
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 Rev. Wayne Cummins, Pastor of Bethel Church of the Nazarene, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers. Mayor Garrison welcomed Mrs. Barbara Polk and her associates from the Lufkin Service League.

3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of September 6, 1977, be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

4. Velma B. Reese - Reappointed to City Planning & Zoning Commission

Mayor Garrison recognized the presence of Mrs. Velma B. Reese and invited comments from members of Commission regarding her reappointment to the City Planning and Zoning Commission. Comm. E. C. Wareing made motion that Mrs. Reese be reappointed to serve a three-year term to the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison then administered oath of office to Mrs. Reese and thanked her for her services to this Commission.

5. Harmony Hill Annexation - Ord. Approved 2nd Reading

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting annexing property known as the Harmony Hill area located South of Harmony Hill Drive between U. S. Highway 59 South and FM 58.

There were no persons present appearing in opposition to this annexation on second and final reading annexing Harmony Hill Drive area. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-C. M. Hicks from LB & RS to CB District

Mayor Garrison stated that zone change application by C. M. Hicks from LB & RS to CB District covering property being Lot 1 fronting on Thompson Street & Lots 4B, 5 & 6 fronting on North Raguet Street, Block 2, Angelina County Lumber Company Addition, North of Elm Street, 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 C. M. Hicks from LB & RS to CB District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery), covering property located behind Bethel Church of the Nazarene, being same property on FM 58, East of York Drive, 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 application by Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery), be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Randybrook Street Closing-Resolution Approved-Roger Langford

Mayor Garrison stated that members of Commission had requested additional information regarding appraised cost of property being considered for street ROW closing from the existing deadend to Paul Avenue. Mayor Garrison stated that Mr. Roger Langford was present regarding this proposal to develop a cul de sac street in this area and provide lot development. Mayor Garrison explained that tax appraisal had been preapred indicating that the fair market value for sale of this property was \$617.15 based on information submitted by the City Tax Assessor-Collector.

City Attorney Flournoy reported that some question had been presented initially with regard to whether or not adjacent property owner in this area was in fact entitled to an opportunity for purchase of property in this area. Mr. Flournoy explained that none of the street had been removed from the Nicholson property in question, and it was therefore in his opinion not in conflict with the sale of property involved to Mr. Roger Langford at the appraised fair market value.

There were no persons present appearing in opposition to this proposed transaction. Comm. W. O. Ricks, Jr., made motion that resolution be approved formally closing street ROW as proposed to provide for cul de sac development in this area and property involved be sold to Mr. Langford for appraised fair market value in the amount as previously stated through proper deed transaction and conveyance of property. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Frank Avenue & Bynum Street-Speed Zoning Ordinance Approved

Mayor Garrison stated that Mr. Al Luedeke was present from the Texas Dept. of Highways & Public Transportation with regard to proposed speed zone changes for Frank Avenue and Bynum Street. It was explained by City Manager Westerholm that recommendation submitted for members of Commission to review was the same as previously agreed during August 2 meeting of the City Commission.

Comm. E. C. Wareing made motion to adopt these speed zone changes and formalize same with proposed ordinance to be considered at next regular meeting. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

10. City Budget Adopted-Fiscal Year 1977-78-Appropriations & Tax Levy Ordinances Approved

Mayor Garrison stated that hearings had been held with regard to proposed City Budget during previous meetings and it was necessary to consider adoption of the formal budget as proposed by the City staff.

Comm. R. A. Brookshire expressed his agreement with the budget as recommended by the City Manager with the exception of proposed addition for new employees. Comm. Brookshire stated that he was of the opinion the City was adequately staffed to serve the community, to his knowledge, without complaints. Comm. Brookshire requested that these new employees be removed from the proposed City Budget inasmuch as there was no firm decision reached when this item was considered at last regular meeting.

City Manager Westerholm stated that he had expressed a need for consideration of these personnel as a result of the City's growth, but he respected the opinion of the Commission regarding their omission from proposed budget.

Mayor Garrison expressed his opinion that fewer personnel would provide more available money for merit increases and reward to City employees within the various departments. Mayor Garrison stated that the City should not increase its staff unless absolutely necessary. City Manager Westerholm stated that the City had seldom been completely staffed. Mayor Garrison stated that the City Budget could be amended at a later date if extra personnel were in fact justified.

Comm. E. C. Wareing stated that he was in general agreement with the recommendation by the City Manager to accept these new positions and was of the opinion that these positions should be in the proposed budget to provide more flexibility in hiring and firing, while also providing better management of the City Government without waiting for citizenry complaints concerning understaffing. Comm. Wareing was of the opinion that the City could finance these extra personnel who could be excluded from the budget at a later date if it was deemed necessary. Comm. Jack McMullen expressed his agreement with statement submitted by Comm. Wareing.

Comm. R. A. Brookshire then made motion that the City Budget for fiscal year 1977-78 be adopted, with the exception of proposed new employees and items supporting same. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, W. O. Ricks, Jr.

Voting Nay: Comms. Jack McMullen and E. C. Wareing

Mayor Garrison stated that motion could not be approved because it did not receive four favorable votes. Mayor Garrison then explained that there seemed to be no major disagreement with regard to approval of the budget, with the exception of question which was proposed with regard to addition of new employees. Mayor Garrison then suggested the possibility of adopting the proposed budget as presented and consider the possibility of amending the budget at next full council regarding addition of personnel.

Comm. R. A. Brookshire then made motion that proposed City Budget be approved as recommended without change. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison stated that in order to implement the proposed budget, it was necessary to consider the approval of an appropriations ordinance for the Interest & Sinking Fund and an ordinance adopting budget for the fiscal year which also included Revenue Sharing Budget. Comm. Jack McMullen made motion to approve adoption of ordinance levying taxes for the use and support of the Municipal Government of the City and providing for the Interest & Sinking Fund for 1977 and appropriating each levy for the specific use. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion to adopt appropriation ordinance confirming City Budget for the fiscal year beginning October 1, 1977, and ending September 30, 1978. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire then made motion that members of Commission consider for the first meeting in October the possibility of amending the fiscal year budget for 1977-78 to exclude new employees as proposed. Prior to second of motion, Comm. E. C. Wareing requested that Comm. Brookshire amend his motion to provide that consideration of these personnel be made for the different positions involved. Comm. Brookshire was in agreement with this proposed amendment. Comm. E. C. Wareing then seconded motion made by Comm. Brookshire which then received a unanimous affirmative vote.

#### 11. Alexander & Rogers Selected As Auditors for 1977-78 Fiscal Year

City Manager Westerholm reported that some difficulty had been experienced with use of the smaller auditing firms and he would personally recommend that members of Commission consider using only the two major audit firms within the city. It was then reported that Alexander & Rogers was on the list for next consideration.

Comm. W. O. Ricks, Jr., made motion that the firm of Alexander & Rogers be considered as the City's official auditors for the fiscal year 1977-78. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign)

Mayor Garrison stated that zone change application by Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign), covering property located on Harmony Hill Baptist Church property fronting on West side of FM 58 (Chestnut), South of Fuller Springs Drive, had been recommended by the City Planning and Zoning Commission for approval.

There were no persons present appearing in opposition to same. Comm. W. O. Ricks, Jr., made motion that zone change application by Harmony Hill Baptist Church from RL to RL District, Special Use (Erection of Church Sign), be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Alley Closing Request Approved - C. M. Hicks - Resolution

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended the closing of alley located between Lots 1 through 6, Block 2 of the Angelina County Lumber Company Addition, North of Elm Street, between N. Raguet and Thompson Streets as requested by C. M. Hicks, who was present at this meeting.

There were no persons present appearing in opposition to this request and Mayor Garrison explained that alley had been appraised by the City Tax Assessor-Collector in the amount of \$231.00. Comm. Jack McMullen made motion to approve request by C. M. Hicks for closing of alley as recommended by the City Planning and Zoning Commission by resolution which would also authorize the Mayor to execute quit-claim deed for sale of this property at fair market value as previously stated. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Texas Dept. of Highways & Public Transportation-Funds Approved for FM 1271

City Manager Westerholm reported that it was necessary to remit \$5,500 to the Texas Dept. of Highways & Public Transportation for the City's share of improvements to FM 1271, which would involve extension and widening of existing pavement in this area to Trailwood Boulevard, and widening of a bridge. Comm. W. O. Ricks, Jr., made motion that the amount of \$5,500 be approved and remitted as the City's share of costs involved in these improvements. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

15. Water & Sewer Rates Adjusted - Ord. Approved 1st Reading

City Manager Westerholm explained that in the previous budget hearings members of Commission had requested to adjust the water and sewer rates to offset the increased cost of electricity and ordinance had been proposed for consideration at this meeting increasing rates as stated.

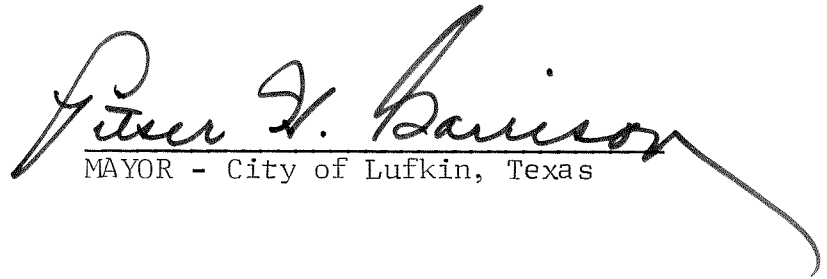
Mayor Garrison explained, in connection with budget and bond obligations, that the City needed to raise water and sewer rates to provide for net profits of the water and sewer operation at 1-3/4 times the amount to defray bond expenses and presently the City was below this amount. Mayor Garrison also explained that it was a necessary step in the right direction and the City Commission had previously agreed to consider these rate increases. Comm. Jack McMullen made motion that ordinance be approved on first reading adjusting water and sewer rates as previously stated. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

16. Texas Dept. of Highways & Public Transportation-Contract Approving Modification Agreement on ROW Purchase

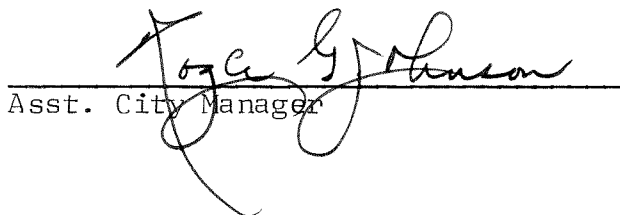
City Manager Westerholm stated that the Texas Legislature had authorized the Texas Dept. of Highways & Public Transportation to participate in the purchase of ROW on a 90 to 10 basis as contrasted to the former 50-50 basis. City Manager Westerholm stated that information obtained from the Texas Dept. of Highways & Public Transportation stated that an agreement was necessary to allow this adjustment to provide the City only pay 10 percent in future ROW purchases. Comm. R. A. Brookshire made motion that contract be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

17. Adjournment

There being no further business for consideration, meeting adjourned  
at 6:05 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
Asst. City Manager