

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF SEPTEMBER, 1979, AT 7:30 P.M.

On the 4th day of September, 1979, 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
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

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

1. Meeting opened with prayer by Rev. Morris Goins, Pastor of Parkview Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Motion was made by Comm. Dayle V. Smith that minutes of regular meeting of August 21, 1979, be approved. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

4. Open Hearing - Proposed City Budget for Fiscal Year 10/1/79 through 9/30/80

Mayor Garrison opened hearing regarding proposed City Budget for fiscal year October 1, 1979, through September 30, 1980, and invited comments from visitors regarding same. There were no persons present in opposition to proposed City Budget which had been previously advertised as required by Charter, and no comments were made by visitors regarding same.

Motion was made by Comm. W. O. Ricks that public hearing on proposed City Budget for fiscal year October 1, 1979, through September 30, 1980, be formally closed. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Open Hearing - 1979 Tax Rate - Compliance with House Bill #621

Mayor Garrison stated that the last session of the Texas Legislature had passed House Bill #621 which essentially required every taxing agency in the state to publish in a local newspaper that local taxes were being increased, if the proposed increase in fiscal year taxes exceeded 3% over the previous year. Mayor Garrison further stated that the anticipated income from the City's property taxes for 1979-80 would exceed the taxes for 1978-79 by 4.4%. Mayor Garrison explained that this increase was not caused by an increase in the City's tax rate but by the City's collecting more taxes due to growth and expansion. Mayor Garrison stated that this law was misleading to citizens regarding an increase in City tax rate in that the City had not changed its tax rate for the past eleven years, and the last change in tax rate was a reduction. Mayor Garrison stated that this advertisement was a requirement of House Bill #621, and he would formally open hearing and invite comments from visitors present regarding same. There were no persons present in opposition, and no comments were made by visitors regarding this hearing. Motion was made by Comm. Richard Thompson that intention to adopt tax increase as advertised by considered at next regular meeting, and public hearing be formally closed regarding same. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading - Jimmy L. & Joyce Tinkle from RL to LB District

Mayor Garrison stated that zone change application by Jimmy L. and Joyce Tinkle from RL to LB District covering property fronting on South First Street, located at Northwest corner of intersection of South First Street and Jane-Way Avenue had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by Jimmy L. and Joyce Tinkle from RL to LB District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Resolution Approved - Participation in Section VIII Housing Program - City of Lufkin

Mayor Garrison stated that at earlier meetings of the City Commission the Section VIII Housing Program had been discussed regarding establishment of this program within the City of Lufkin. Mayor Garrison explained that the Section VIII Program was that portion of the Public Housing Act whereby provisions were made for rehabilitating rental units under a program sponsored by the Department of Housing and Urban Development (H.U.D.). Mayor Garrison then asked City Manager Harvey Westerholm to explain this program and requirements for implementation to members of Commission.

City Manager Westerholm stated that the City would have two alternatives for establishment of this program: (1) enter a program administered by the Deep East Texas Council of Governments, who would have the responsibility of the Section VIII Housing Program for the Deep East Texas Region, and would conduct same for the City; or (2) the City could make its own application to the Department of Housing and Urban Development and the City would sponsor the program. City Manager Westerholm further stated that DETCOG was presently administering this program in Angelina County and was currently staffed for this job.

Comm. Pat Foley stated that he had studied this program and was of the opinion there were facets of the program which offered benefits. Comm. Foley also stated that the City was not being considered for some grant programs due to its non-participation in the Section VIII Housing Program.

Mayor Garrison recognized Mr. Mark Brown of the Deep East Texas Council of Governments who explained that the only action necessary for the City to participate in the Section VIII Housing Program was to pass a resolution approving same. Mr. Brown further explained that under DETCOG administration, the City would have no liabilities or responsibilities in the administration of the program. Mayor Garrison inquired of Mr. Brown as to whether or not the City could discontinue participation in the program if same was deemed necessary. Mr. Brown stated that this would be possible, but would most likely be required on a slow-down schedule.

Comm. Dayle V. Smith inquired of Mr. Brown as to how many cities in the area chose to sponsor their own program as opposed to DETCOG sponsorship. Mr. Brown stated that there were none in the area under their own sponsorship. Mr. Brown also stated that the official title of the program was Existing Housing/Rental Assistance. Mr. Brown further stated that in the event a city chose to participate in Section VIII Housing under sponsorship of DETCOG, essentially DETCOG would be the contracting agency with the Department of Housing and Urban Development, and in the case a city chose to sponsor its own program, the city would be the contracting agency with H.U.D. Mr. Brown stated that approximately \$250,000 in funds was available for the eleven county area.

Comm. Pat Foley inquired of Mr. Brown as to the length of time before this program would go into effect, should the Commission decide to participate in same. Mr. Brown stated that the program would go into effect the following day after approval of the resolution.

Motion was made by Comm. E. C. Wareing that resolution be adopted authorizing City of Lufkin to participate in the Section VIII Housing Existing Housing/Rental Assistance Program under the administration of the Deep East Texas Council of Governments. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Development of Municipal Parking Lot Approved - Between Ellis Avenue & Shepherd Street

Mayor Garrison stated that the City had been offered an opportunity by Lufkin Industries, Inc., to develop a municipal parking lot on property located between Ellis Avenue and Shepherd Street. Mayor Garrison stated that this property had been considered earlier for development as a mini-park, but inasmuch as some parking in the downtown area had been eliminated with the Ellis-Shepherd railroad crossing renovations, Lufkin Industries, Inc., had offered this land for a parking lot. Mayor Garrison further stated that this had been discussed at last regular meeting of City Commission and same had been tabled until information could be obtained regarding installation of parking meters.

City Manager Westerholm stated that figures obtained regarding costs of installing 33 parking meters on this lot would be approximately \$100 per meter, or \$3,300. City Manager Westerholm also stated that used meters could be obtained at a cost of \$50 to \$80 per meter, which would cost from \$1,650 to \$2,640. City Manager Westerholm further explained that cost figures on this parking lot were based on a 25% occupancy factor, which would amount to approximately \$8.25 per day for approximately 250 days per year, or \$2,000 annual income for the City. City Manager Westerholm also stated that there would be the expense of policing of the lot. City Manager Westerholm further explained that the 25% occupancy factor was based on figures from another City parking lot.

Following further discussion, motion was made by Comm. Dayle V. Smith that construction and development of a municipal parking lot on property located between Ellis Avenue and Shepherd Street be approved without parking meters. Comm. Smith also stated that he would suggest the City keep this lot under close observation for future consideration of installation of parking meters. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

9. Agreement Approved - Angelina County Humane Society & City of Lufkin - Operation of Winnie Berry Animal Shelter

Mayor Garrison stated that the City of Lufkin had been indirectly involved in the operation of the Winnie Berry Animal Shelter for a number of years, and the program had been very successful with cooperation from the Angelina County Humane Society. Mayor Garrison further stated that there were many animals being brought to the animal shelter at the present time that the Humane Society could no longer effectively handle, and had suggested the City participate in the operation of the animal shelter. Mayor Garrison stated that the Humane Society would assist in the operation as much or more than in the past. Mayor Garrison further stated that Public Works Coordinator Dwayne Humphrey and City Manager Westerholm had talked with representatives of the Humane Society and they had proposed an agreement whereby the City would undertake some of the obligations of the Humane Society and work in conjunction with them.

City Manager Westerholm stated that under the new agreement the City would be responsible for the operation of the animal shelter, and the Humane Society would be responsible for neutering of animals and the animal adoption program. City Manager Westerholm further explained that the City would operate the shelter under the guidelines of the Humane Society of the United States, and same would have the right to oversee and direct the operations of the shelter. City Manager Westerholm also stated that the City would have control over the personnel at the animal shelter, and the City would be responsible for improvements to the existing facilities. City Manager Westerholm further stated that all animals brought to the shelter from neighboring municipalities would be charged at a rate of \$11.00 per animal; and all animals brought in from the County but not from municipalities would be charged \$3.00 per animal, this \$3.00 charge to be paid by the Angelina County Humane Society. City Manager Westerholm explained that the \$1,500 annual contribution from the County would continue to be received by the Humane Society.

Comm. W. O. Ricks expressed his opinion that \$3.00 would not cover the costs of care for an animal at the shelter. Comm. Ricks further stated that he did not feel it was the responsibility of the taxpayers of the City of Lufkin to be burdened with the animal problems of the County, the Cities of Diboll and Huntington, and other areas.

Mayor Garrison inquired of Mr. Humphrey, Public Works Coordinator, as to the number of animals received at the shelter at the present time. Mr. Humphrey stated that the shelter was receiving approximately 250 animals per month, with between 100 and 120 received from within the City limits. Mr. Humphrey stated that he did not have the exact numbers of animals brought in from neighboring municipalities.

Discussion followed regarding rights to cancellation of agreement, and it was stated that the agreement could be cancelled by either party with a 90-day notice.

Mayor Garrison recognized Mr. Howard Daniels who was present appearing in representation of the Angelina County Humane Society who stated that animals brought to the shelter were required to be kept for a minimum of five (5) days, which was a requirement of the City of Lufkin, to allow owners to retrieve their animals from the shelter within this time period. Mr. Daniels further stated that the other alternative for animals at the shelter was euthanasia. Mr. Daniels also stated that the shelter was handling an average of 60 animals at the shelter per day, which was overcrowding by approximately 25 animals.

City Manager Westerholm stated that additional costs to the City of operating the shelter would be approximately \$21,000 per year, and renovations to the existing facilities would cost approximately \$6,000. City Manager Westerholm stated that the City would not proceed with all renovations at the present time but would construct what was necessary at the present time and see if the agreement would work as proposed.

Comm. W. O. Ricks again expressed his opinion that other municipalities should share in the costs of operating the shelter and not expect the citizens of Lufkin to carry the financial burden for all areas.

Mayor Garrison stated that the City of Lufkin was indebted to the Humane Society for their assistance with the shelter in the past, and that the Humane Society had operated the shelter without any assistance from other municipalities.

Comm. Pat Foley stated that he agreed with Comm. Ricks but it did not appear that anyone other than the Humane Society would be available to take care of the animals. Comm. Foley further stated that he would be agreeable to the City taking over the operation of the animal shelter; but as the present agreement was written, he did not recommend approval.

City Manager Westerholm stated that many of the problems at the animal shelter were the result of the City's leash law, and people within the City limits of Lufkin were taking their animals to the shelter to avoid citations.

Mayor Garrison recognized Mr. Jerry Moore who was present appearing in representation of the Humane Society who reviewed the problems of the animal shelter for members of Commission. Among problems mentioned were the number of animals handled at the shelter at the present time, the Humane Society handling all expenses of the shelter at the present time, Humane Society and the City having no control over personnel employed by the City at the animal shelter, etc. Mr. Moore further stated that it was the opinion of the Humane Society that the personnel and operation of the animal shelter should be under the direction of the City's Public Works Coordinator.

Following discussion, motion was made by Comm. Dayle V. Smith that agreement between the Angelina County Humane Society and the City of Lufkin for operation of the Winnie Berry Animal Shelter be adopted as presented. Motion was seconded by Comm. Richard Thompson and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Boyd, Smith, Thompson, & Wareing; voting "Nay" - Comms. Foley & Ricks. Mayor Garrison declared motion approved by a majority vote of five to two.

10. Zone Change Approved 1st Reading - Lufkin Independent School District from RM to C District

Mayor Garrison stated that zone change application by Lufkin Independent School District from RM to C District covering property located at East side of intersection of Highway 59 (Timberland Drive) and South Third Street, between South Third Street and Denman Avenue, had been recommended for approval by the City Planning and Zoning Commission. Mayor Garrison

further stated that it was his understanding that the school district desired to change the zone to Commercial to advertise for sale of the property to prospective bidders, and the zone change was needed to obtain the highest market price for the property.

Mayor Garrison recognized Mr. Sam Slaydon who was present appearing in representation of zone change by Lufkin I.S.D., who stated that most of the property in the area was currently zoned Commercial, and interested buyers for the property had stated they would bid on the property if same was zoned Commercial.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by Lufkin I.S.D. from RM to C District be approved on first reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading - Wilbur Alexander from RL to LB District, Special Use (Office Buildings)

Mayor Garrison stated that zone change application by Wilbur Alexander from RL to LB District, Special Use (Office Buildings) covering property fronting on Medford Drive (East Loop 287) adjacent to Weiner, Hill, Morgan & O'Neal Architects property and located between Tulane Drive and Chestnut Street, had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by Wilbur Alexander from RL to LB District, Special Use (Office Buildings) be approved on first reading of ordinance. Motion was seconded by Comm. Dayle V. Smith and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading - Lufkin Industries, Inc., from A & RL, Special Use to LB & CB, Special Use (Warehouse Storage & Parking)

Mayor Garrison stated that zone change application by Lufkin Industries, Inc., from A & RL, Special Use to LB & CB, Special Use (Warehouse Storage & Parking) covering property fronting on Pershing Avenue located at Southwest corner of intersection of Pershing Avenue, Harrell Street, and Feagin Drive, and immediately West of Southern Pacific Railroad had been recommended for approval by the City Planning & Zoning Commission.

There were no person present appearing in opposition. Motion was made by Comm. Dayle V. Smith that zone change application by Lufkin Industries, Inc., from A & RL, Special Use to LB & CB, Special Use (Warehouse Storage & Parking) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading - W. O. Roberts from C to C, Special Use (Private Club)

Mayor Garrison stated that zone change application by W. O. Roberts from C to C District, Special Use (Private Club) covering property located in Timberland Shopping Center between Denman Avenue and U. S. Highway 59 (Timberland Drive) had been recommended for approval by the City Planning & Zoning Commission.

Comm. E. C. Wareing expressed his concern regarding the special use designation on zone changes for private clubs which would possibly allow the zoning to revert back to its original designation should the property not be used as a private club for a certain time period, such as six months or one year.

Mayor Garrison stated that he also was of the opinion that the City should have control over these type zone changes. Mayor Garrison further stated that even though no persons appeared in opposition to the zone change at the Commission meetings, some problems could develop regarding these zone changes which would cause citizens to disapprove of the facility at a later date.

Comm. E. C. Wareing then requested that City Attorney Flournoy study this particular section of the Zoning Ordinance and report back to the Commission with further information.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by W. O. Roberts from C to C District, Special Use (Private Club) be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Boyd, Ricks, Wareing, Foley, and Smith; voting "Nay" - Comm. Thompson. Mayor Garrison declared motion approved by a majority vote of six to one.

14. Zone Change Approved 1st Reading - Phil Medford from RL to C District

Mayor Garrison stated that zone change application by Phil Medford from RL to C District covering property fronting on John Redditt Drive (West Loop 287) located between Homer-Alto Road and Central Freight Lines, Inc., had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Phil Medford from RL to C District be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

15. Hearing Date Established - Annexation & Permanent Zoning Request - Property Adjacent to Forest Hills and Kentwood Additions

Mayor Garrison stated that annexation and permanent zoning request by property owners adjacent to Forest Hills and Kentwood Additions, East of U. S. Highway 59 South between White House Drive and Harmony Hill Road had been recommended for approval by the City Planning & Zoning Commission. Mayor Garrison stated that it was now necessary that the City Commission set a hearing date on this request.

Motion was made by Comm. Pat Foley that hearing date for annexation and permanent zoning request by property owners adjacent to Forest Hills and Kentwood Additions be set for next regular meeting of City Commission on September 18, 1979, at 5:00 p.m. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded, with the exception of Comm. W. O. Ricks who recused himself from voting on this motion due to family involvement.

16. V.F.W. Request to Conduct Fall Carnival Approved September 24 - 29, 1979

Mayor Garrison stated that request had been received by the V.F.W. for approval of fall carnival dates from September 24 through 29, 1979. There was no opposition present. Comm. W. O. Ricks made motion that application be approved in accordance with conditions of insurance requirements of the City. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. City Budget Adopted - Fiscal Year 1979/80 - Salary Increase Approved for Employees

Mayor Garrison stated that most of the City budget for fiscal year October 1, 1979, through September 30, 1980, had been approved at last regular meeting with the exception of consideration for final approval by this Commission for City employees salary adjustments. Mayor Garrison further stated that the City Commission had voted at last regular meeting to set salary increases in accordance with federal guidelines, which had been determined to be at 7.0%. Mayor Garrison stated it was now the decision of the City Commission as to what procedure would be utilized in allocating this increase to City employees, and invited comments from members of Commission.

Comm. E. C. Wareing inquired of City Manager Westerholm as to whether or not this percentage had been increased in the past few weeks. City Manager Westerholm stated that due to the inflation rate, the Federal Employees rate adjustment had been changed from 5% to 7%, but the only exception to the salary percentage rate would be to those individuals with a wage of less than \$4.00 per hour.

Comm. W. O. Ricks expressed his desire for City employee salary increases to be allocated on a sliding scale as were salaries for fiscal year 1978-79. Comm. Pat Foley agreed with this plan.

Comm. E. C. Wareing stated that it was not good practice for an employing entity to provide salary increases for its employees other than on an across-the-board basis. Comm. Wareing explained that the sliding scale method would cause the City's salary classification schedule to be out of alignment.

Considerable discussion followed regarding advantages and disadvantages of both methods. Following discussion, motion was made by Comm. Pat Foley that the City of Lufkin adopt the sliding scale plan in lieu of a 7% across-the-board increase, which would provide for various salary increases depending on annual salaries for City employees from a low of six percent for highest paid employees to a high of eight percent for lowest paid employees. Motion was seconded by Comm. W. O. Ricks and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Boyd, Ricks, Foley, & Smith; voting "Nay" - Comms. Thompson & Wareing. Mayor Garrison declared motion approved by a majority vote of five to two.

City Manager Westerholm stated that he would have these salary divisions and percentage rates available for members of Commission at next regular meeting.

Comm. Pat Foley expressed his concern regarding several City employees receiving automobile allowances, who possibly only used their automobiles to drive back and forth to work. Comm. Foley further stated that he was not in favor of automobile allowances for certain City employees, and preferred the City provide one or two pool cars at City Hall in the event they were needed to run errands during the day.

City Manager Westerholm made reference to automobile allowances for Director of Administrative Services, Finance Director, and Parks & Recreation Department Secretary. City Manager Westerholm stated that these allowances were \$25.00 per month, and were granted for various errands required to perform daily job assignments.

Comm. Pat Foley requested that City Manager Westerholm provide members of Commission with a breakdown of how much car allowance each City employee received.

Mayor Garrison stated that he was concerned as to whether or not the City's insurance policies included a provision for any employee of the City operating a vehicle while on City business, as an added protection to the City.

Comm. Pat Foley stated that he would like to suggest that the City of Lufkin employ a full-time planner. Comm. Foley stated that in his opinion the City was becoming large enough to utilize an individual of this profession, and he had asked the City Manager to provide members of Commission with facts and figures regarding employment of a city planner.

City Manager Westerholm stated that in the past year the City of Lufkin had spent \$16,353.00 on engineering projects, and this would not have been necessary if the City had a city engineer employed. City Manager Westerholm then reviewed some of the salaries of city planners and engineers of various municipalities for members of Commission.

Comm. Pat Foley stated that he would desire this be included in the proposed budget for fiscal year 1979-80, but the City Commission might take time to study information concerning same.

Comm. E. C. Wareing stated that the City should have a contingency fund as a part of the proposed budget, and the City Commission could consider the hiring of a city planner without committing themselves until further information could be obtained. Comm. Wareing stated that when the Commission felt this position was justified within the City of Lufkin the budget could then be amended to allow for same.

Comm. E. C. Wareing made motion that City Manager Westerholm further study the position of city planner-engineer with regard to utilization by the City of Lufkin, and later report to City Commission regarding same. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing stated that the original amount proposed for the City Attorney's retainer fee should be considered for increase in the proposed budget. City Manager Westerholm stated that an increase had been included in the budget for this increase.

City Manager Westerholm stated that Kurth Memorial Library was in need of an additional \$500.00 in their budget for the next year. City Manager Westerholm stated that the City's present contribution to the library was \$32,500, but also stated that this was a relatively small amount for a City the size of Lufkin.

Comm. Pat Foley made motion that City budget for fiscal year October 1, 1979, through September 30, 1980, be adopted with amendments as presented, to include increase in library contribution. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

18. Special Meeting Set - September 6, 1979, at 12:00 Noon - Annexation & Permanent Zoning Request - Lufkin Industrial Foundation

Mayor Garrison stated that in order to expedite the procedures for annexation and permanent zoning of property located at Northeast corner of intersection of Spence Street and Loop 287, as requested by Lufkin Industrial Foundation, a special meeting of the City Commission would be necessary for September 6, 1979, in order to set public hearing date on this request.

Motion was made by Comm. W. O. Ricks that special meeting of the City Commission be set for September 6, 1979, at 12:00 noon, to set hearing date for annexation and permanent zoning request by Lufkin Industrial Foundation. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

19. Adjournment

There being no further business for consideration, meeting adjourned at 9:45 p.m.



Edgar C. Wareing
MAYOR - City of Lufkin, Texas
PRO TEM

Gayle Dickey
Assistant City Secretary