

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF SEPTEMBER, 1979, AT 5:00 P.M.

On the 18th 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:

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| E. C. Wareing      | Mayor Pro Tem                             |
| 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)       |
| 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, and

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| Pitser H. Garrison | Mayor |
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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 Pro Tem E. C. Wareing welcomed visitors present.
3. Approval of Minutes

Motion was made by Comm. Pat Foley that minutes of regular meeting of September 4, 1979, and minutes of special meeting of September 6, 1979, be approved. Motion was seconded by Comm. W. O. Ricks and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation & Permanent Zoning Request - Property Owners Adjacent to Forest Hills & Kentwood Additions

Mayor Pro Tem Wareing stated that the City Planning & Zoning Commission had recently recommended annexation and Residential Large permanent zoning of property located adjacent to Forest Hills and Kentwood Additions, East of U. S. Highway 59 South between White House Drive and Harmony Hill Road. Mayor Pro Tem Wareing officially opened hearing and invited comments from individuals present in opposition to application.

Mayor Pro Tem Wareing recognized Mr. H. C. Hankins, property owner in the area, who was present appearing in opposition to annexation and permanent zoning of this area. Mr. Hankins stated that he owned a large area of property in the area proposed for annexation, to include thirteen (13) acres on the north side of Ricks Road and four (4) acres on the south side of Ricks Road. Mr. Hankins requested that his 13-acre tract be deleted from the annexation and permanent zoning request.

Considerable discussion evolved regarding rights-of-way and roads in the area and costs of providing water and sewer following annexation.

Mayor Pro Tem Wareing officially closed hearing on this annexation and permanent zoning request. Comm. Pat Foley made motion to consider first reading of ordinance on this annexation and Residential Large permanent zoning request at next regular meeting of October 2, 1979, at 7:30 p.m., with the exception of 13-acre tract of land north of Ricks Road owned by Mr. H. C. Hankins. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded, with the exception of Comm. W. O. Ricks who recused himself from voting due to family involvement.

5. Open Hearing - Annexation & Permanent Zoning Request - Lufkin Industrial Foundation

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Mayor Pro Tem Wareing stated that the City Planning & Zoning Commission had recently recommended annexation and Light Manufacturing permanent zoning of property located at Northeast corner of intersection of Spence Street and Loop 287, ad requested by Lufkin Industrial Foundation. Mayor Pro Tem Wareing officially opened hearing and invited comments from individuals present appearing in opposition.

There were no persons present appearing in opposition. Mayor Pro Tem Wareing officially closed hearing on this annexation and permanent zoning request. Comm. Pat Foley made motion to consider first reading of ordinances on this annexation and Light Manufacturing permanent zoning request at next regular meeting of October 2, 1979, at 7:30 p.m. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading - Lufkin Independent School District from RM to C District

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Mayor Pro Tem Wareing stated that zone change application by Lufkin I.S.D. 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 approved on first reading of ordinance at last regular meeting.

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

7. Zone Change Approved 2nd Reading - Wilbur Alexander from RL to LB District, Special Use (Office Buildings)

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Mayor Pro Tem Wareing 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 approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Wilbur Alexander from RL to LB District, Special Use (Office Buildings) be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading - Lufkin Industries, Inc., from A & RL, Special Use to LB & CB District, Special Use (Warehouse Storage & Parking)

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Mayor Pro Tem Wareing stated that zone change application by Lufkin Industries, Inc., from A & RL, Special Use to LB & CB District, 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 approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Lufkin Industries, Inc., from A & RL, Special Use to LB & CB District, Special Use (Warehouse Storage & Parking) be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

9. Zone Change Approved 2nd Reading - W. O. Roberts from C to C District, Special Use (Private Club)

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Mayor Pro Tem Wareing 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 approved on first reading of ordinance at last regular meeting.

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 second and final reading of ordinance. Motion was seconded by Comm. Don E. Boyd and the following vote was recorded: voting "Aye" - Mayor Pro Tem Wareing, Comms. Boyd, Ricks, Foley, & Smith; voting "Nay" - Comm. Thompson. Mayor Pro Tem Wareing declared motion approved by vote of five to one.

10. Zone Change Approved 2nd Reading - Phil Medford from RL to C District

Mayor Pro Tem Wareing 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 approved on first reading of ordinance at last regular meeting.

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 second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading - J. Fred Hoge, III, from RL to A District, Special Use (Children's Home)

Mayor Pro Tem Wareing stated that zone change application by J. Fred Hoge, III, from RL to A District, Special Use (Children's Home) covering property located at 1853 Old Mill Road, between McMullen & North Raguet Streets 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 J. Fred Hoge, III, from RL to A District, Special Use (Children's Home) be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

12. Water Rates Increased - Ordinance Approved 1st Reading

Mayor Pro Tem Wareing stated that before the City Budget for fiscal year October 1, 1979, through September 30, 1980, could be approved, the Commission must consider adjustments in water rates for the City of Lufkin. Mayor Pro Tem Wareing then asked City Manager Harvey Westerholm to explain his request for increase to the City's water rates.

City Manager Westerholm stated that in order for the City to issue bonds for water works improvements, to include new water wells, ground storage tanks, etc., the City would have to generate approximately \$140,000 increase in annual revenues to retire the debt on these bonds. Mr. Westerholm explained that the proposed increase in water rates would generate these additional revenues. Mr. Westerholm stated that increases in variable costs of producing 1,000 gallons of water, such as electricity and chemicals, had also necessitated this increase. City Manager Westerholm further stated that a 6¢ per 1,000 gallon increase would yield approximately \$124,000 per year increase in revenues. Mr. Westerholm also explained that a 7¢ per 1,000 gallon increase was recommended to generate necessary funds.

Comm. W. O. Ricks expressed his opinion that the Commission should pass an 8¢ per 1,000 gallon increase, inasmuch as same would be required in the near future. Comm. Ricks then made motion that an ordinance to this effect be approved on first reading. Prior to second of motion, City Manager Westerholm explained increases to various water customers of the City which would be generated by an 8¢ per 1,000 gallon increase in water rates.

Mayor Pro Tem Wareing stated that, in his opinion, the City was only in need of 7¢ increase at the present time, and that this was all that should be approved. Mayor Pro Tem Wareing further stated that, if necessary, the water rates of the City could be reconsidered in the future if not adequate.

Comm. W. O. Ricks revised his previous motion to provide that the City of Lufkin's water rates be increased by 7¢ per 1,000 gallons and ordinance be approved on first reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Garbage Collection Rates Increased – Ordinance Approved 1st Reading

City Manager Westerholm stated that two major factors had necessitated an increase in the City's garbage collection rates: (1) an increase in costs of utilizing the County landfill; and (2) increase in the cost of gasoline for operating the City's trucks. Mr. Westerholm stated that the Sanitation Department Fund had operated with a deficit, and the City anticipated at least a "break even" situation with the proposed increases. City Manager Westerholm explained that the requested increases would include residential customers from \$2.50 to \$3.00 per month; commercial customers from \$3.50 to \$4.00 per month, with commercial customers also receiving an increase in cubic yard usage fee on dumpsters from \$.75 to \$1.00 per cubic yard.

Motion was made by Comm. W. O. Ricks that ordinance be approved on first reading increasing garbage collection rates for the City of Lufkin, as presented by City Manager Westerholm, and stated above. Motion was seconded by Comm. Richard Thompson.

Prior to vote on motion, discussion evolved regarding the City's use of the County landfill, and feasibility of the City opening its own landfill operation. Also discussed were road conditions at the landfill site. City Manager Westerholm explained that City ownership of landfill site would not be feasible.

Following discussion, a unanimous affirmative vote was recorded to previous motion and second.

14. Ordinance Levying Taxes & Appropriations Ordinance Approved – City Budget for Fiscal Year 10/1/79 through 9/30/80

Mayor Pro Tem Wareing stated that an ordinance levying taxes for the use and support of the municipal government of the City and providing for the Interest & Sinking Fund for 1979-80 and appropriating each levy for the specific use had been prepared and should be considered for adoption by this Commission in line with requirements of City Charter for approval of new City Budget for October 1, 1979, through September 30, 1980. Comm. Richard Thompson made motion that above stated ordinance as explained by Mayor Pro Tem Wareing be approved on first and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing also stated that it was necessary to approve an appropriations ordinance adopting City Budget for fiscal year beginning October 1, 1979, and ending September 30, 1980. Comm. Pat Foley made motion that ordinance adopting City Budget for stated fiscal year be approved on first and final reading. Motion was seconded by Comm. Dayle V. Smith.

Prior to vote on motion, discussion evolved regarding funds allocated to Lufkin Visitor & Convention Bureau.

Following discussion, a unanimous affirmative vote was recorded to previous motion and second.

15. Resolution Approved Endorsing DETCOG's Support of Area Agency on Aging

City Manager Westerholm explained that the Commission's approval of a resolution was requested endorsing DETCOG's support of the Area Agency on Aging, and to allow the Agency to receive funds from the State.

Motion was made by Comm. Dayle V. Smith that resolution endorsing DETCOG's support of Area Agency on Aging be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Nine-Member Board Approved – Central Tax Appraisal Agency

City Manager Westerholm stated that it was necessary for the City Commission to decide whether or not the City would support a nine-member board for the Central Tax Appraisal Agency. City Manager Westerholm stated that the Commission may consider allowing the representative of the City, who would attend a meeting on September 20, 1979, for discussion of this matter, the flexibility to agree to some other organization of the board other than nine

members. City Manager Westerholm further explained that three taxing agencies in the area had to date approved the nine-member board, to include Hudson I.S.D., Diboll I.S.D., and City of Diboll. Mr. Westerholm further explained that eight of the ten agencies must pass on this nine-member board for approval.

Comm. Pat Foley stated that matters of concern to him with the nine-member board included the City's voting strength, voting privileges, and amount to be contributed by each agency on the board. Comm. Foley stated that the City's voting strength with a nine-member board would be 11%, and even though the City would be giving up a portion of its voting strength, the same contribution would be required.

Mayor Pro Tem Wareing stated that if eight agencies did not approve the nine-member board, it would automatically be reduced to a five-member board. Mayor Pro Tem Wareing stated that he desired the Commission vote for the nine-member board, but with the provision that if there should be further discussion at the meeting on Friday regarding organization of the board, the City's representative would have the authority to change the City's vote.

Comm. Richard Thompson then made motion that Comm. Pat Foley be authorized as the City's representative to the meeting on September 20, 1979, acting in favor of the nine-member board, with the provision that should eight agencies not be in agreement with the nine-member board, Comm. Foley be authorized to use his judgement in changing the City's vote. Motion was seconded by Comm. Dayle V. Smith and the following vote was recorded: voting "Aye" - Mayor Pro Tem Wareing, Comms. Boyd, Ricks, Thompson, & Smith; voting "Nay" - Comm. Foley. Mayor Pro Tem Wareing declared motion approved by a vote of five to one.

City Manager Westerholm explained that the County and the Lufkin I.S.D. would be meeting on Wednesday, and if eight agencies should approve the nine-member board prior to Friday, there would be no meeting called.

Discussion evolved regarding the contributions of the various agencies to be represented on the board, and motion was made by Comm. W. O. Ricks that in the event there was no meeting called for Friday, September 20, 1979, the City Manager would be authorized to attempt to arrange a meeting with representatives of the taxing agencies to discuss financing for the Central Tax Appraisal Agency prior to October 1, 1979. Motion was seconded by Comm. Dayle V. Smith and a unanimous affirmative vote was recorded.

17. Bid Advertisement Authorized - Angelina Street Extension

City Manager Westerholm stated that work had progressed sufficiently on Angelina Street storm sewer installation to advertise for bids for the street construction. City Manager Westerholm stated that \$175,000 had been set aside for the 1978-79 Revenue Sharing budget to be applied to this extension.

Motion was made by Comm. W. O. Ricks that authorization be given City Manager Westerholm to advertise for bids on extension of Angelina Street. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

18. Oil Well Drilling Ordinance Approved 1st Reading

Mayor Pro Tem Wareing stated that proposal of an oil well drilling ordinance had been brought about by the new Elcor plant at Loop 287 and Spence Street. Their owners stated since the mineral rights to the property had been retained by a past owner of the land, the possibility of drilling construction on their property without their permission could be done. Mayor Pro Tem Wareing stated that the ordinance would basically provide the following: it would prohibit the drilling of oil, gas, or hydrocarbon wells within 600 feet (approximately one block) of a dwelling, commercial or industrial building without the owner's consent; if drilling occurred within the city limits, the ordinance would provide for a permit, certain controls over how the drilling would be done, and various safeguards.

Mayor Pro Tem Wareing stated that he had noticed only a few minor changes which should be made in the ordinance, to include changing the reference from "town" to "city" when used in the ordinance. Mayor Pro Tem Wareing also stated that in Section 11 the ordinance stated that the City Commission would appoint an oil and gas inspector, and it was his opinion that the City Manager should be the one to appoint/hire the oil and gas inspector for the City, if needed.

City Attorney Flournoy stated that the oil well drilling ordinance could basically have the same functions as the City's zoning ordinance and would regulate the locations and procedures for oil well development in the corporate limits of Lufkin.

Mayor Pro Tem Wareing also stated that he did not feel that conditions warranted passing the ordinance on an emergency basis, and that this provision should be omitted from the ordinance.

Motion was made by Comm. W. O. Ricks that oil well drilling ordinance for the City of Lufkin be approved on first reading of ordinance with amendments to Section 11 regarding appointment/hiring of City oil and gas inspector, and omission of emergency clause in ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

19. Executive Session - Appointments to Air Conditioning Board & City Planning & Zoning Commission Discussed

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Mayor Pro Tem Wareing adjourned regular meeting of City Commission to Executive Session at 6:46 p.m. Mayor Pro Tem Wareing reconvened regular meeting at 7:05 and stated that the Commission had tentatively appointed five members to the new air conditioning board for the City. Mayor Pro Tem Wareing further stated that these appointees would not be announced at this time due to the fact they had not been contacted to determine whether or not they would be willing to serve on this board. Mayor Pro Tem Wareing further stated that these individuals would be contacted prior to next regular meeting.

Mayor Pro Tem Wareing also stated that the Commission had discussed replacement of a member of the City Planning & Zoning Commission. Mayor Pro Tem Wareing further stated that this was a very important position which dealt with the future development of the City of Lufkin. Mayor Pro Tem Wareing then stated that the Commission desired additional time to consider this appointment, and would consider same at next regular meeting in executive session. Mayor Pro Tem Wareing stated that the City Commission would hope to appoint an individual to the Planning & Zoning Commission at this time.

20. Adjournment

There being no further business for consideration, meeting adjourned at 7:10 p.m.



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

*Gayle Dickey*  
Assistant City Secretary