

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF SEPTEMBER, 1982, AT 5:00 P.M.

On the 21st day of September, 1982, 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:

Percy Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary

being present and,

Pitser H. Garrison	Mayor
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being absent , when the following business was transacted.

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin.
2. Mayor pro tem welcomed visitors present and acknowleged the presence of 21 members of the Lufkin Service League.
3. Approval of Minutes

Minutes of regular meeting of September 7, 1982, were approved on a motion by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

4. OPEN HEARING - Annexation & Permanent Zoning Request - Steel-Martin Enterprises - LM & C

Mayor pro tem Wareing stated that the purpose of the open hearing was to consider annexation and permanent zoning request by Steel-Martin Enterprises covering 32.53 acres of property in Herty Subdivision to be zoned Light Manufacturing and Commercial. Mayor pro tem Wareing stated that the Commission was to determine whether there was reason to annex such area and to make provisions for ordinance annexing the property. There was no one present to speak in regard to annexation and permanent zoning request. Mayor pro tem Wareing closed public hearing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that annexation and permanent zoning request be set for first reading on October 19, 1982. A unanimous affirmative vote was recorded.

Commissioner Pat Foley stated that water and sewer is available in the area, and the City would be spared the expense of this improvement.

5. Hearing Date Established - Annexation & Permanent Zoning - Duncan Construction - Highway 94

Mayor pro tem Wareing stated that annexation and permanent zoning request by Duncan Construction covering property fronting on Highway 94 west of Loop 287, previously approved, now requires that another public hearing be held to fulfill the requirements of the new annexation laws.

City Attorney Bob Flournoy stated that the Department of Community Affairs reviews the City of Lufkin annexations and, due to the newness of the procedures, the onsite hearing was held out of sequence, necessitating repetition of the process beginning with the on-site hearing.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that public hearing for Duncan Construction Annexation be held on October 5, 1982. A unanimous affirmative vote was recorded.

6. OPEN HEARING - Amendment to Revenue Sharing Budget for Fiscal Year 1981-82 - Approved

Mayor pro tem Wareing stated that under the rules of the Revenue Sharing Act, any changes in allocation of funds must be preceded by an open hearing. Mayor pro tem Wareing officially opened public hearing.

City Manager Westerholm stated that funds would be transferred from the sewer line extension fund to the Hill Street extension fund for completion of the street construction.

In answer to question from citizen present, Mayor pro tem Wareing stated that the Hill Street extension was in Lufkin's master plan to relieve the heavy traffic on Raguet Street. Mr. Wareing further stated that the 20 year plan was developed in 1967 and is re-evaluated approximately every 10 years. Mayor pro tem Wareing further stated that the right-of-way for Hill Street was donated, almost in its entirety, to the City. Mayor pro tem Wareing closed public hearing.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that \$22,140.00 of the Revenue Sharing Budget for 1981-82 be transferred from sewer line extension fund to the Hill Street extension fund. A unanimous affirmative vote was recorded.

7. Zone Change Application - Second Reading - Approved - Leslie N. Cahill - RL to C

Mayor pro tem Wareing stated that zone change application by Leslie N. Cahill covering property located on the north side of Ford Chapel Road between Renfro Drive and Loop 287 from Residential Large to Commercial had been approved at last meeting of the City Commission. There was no one present in opposition.

Commissioner Pat Foley stated that the Planning and Zoning Commission had recommended that 155 feet by 300 feet of subject property be zoned Commercial.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that zone change be approved as recommended by Planning and Zoning Commission with the 155 feet x 300 feet being zoned Commercial. A unanimous affirmative vote was recorded.

8. Ordinance Levying Taxes - Approved - Appropriation Ordinance - Approved - City Budget For Year 1982-83

Mayor pro tem Wareing stated that a Public Hearing on the proposed City Budget was held on September 7, 1982, with two citizens present regarding the tax rate and none present in regard to the proposed budget and increasing utility rates. Mayor pro tem Wareing further stated that the \$.41 tax rate is utilized as follows: .0511 for the interest and sinking fund, and .35989 for the general fund budget.

City Manager Westerholm stated the \$.41 tax rate was an attempt to raise the same amount of taxes as last year while also making allowance for the growth of the City. City Manager Westerholm further stated that the City had anticipated a 613 million dollar tax base, but the final amount was a 600 million dollar tax base or a \$52,000.00 loss in expected taxes.

Mayor pro tem Wareing stated that the Tax Appraisal District was in its first year of operation with understandable problems, and much of the budget had been completed without the benefit

of the final tax roll. Mayor pro tem Wareing stated that the tax on existing property may not have changed at all, but the wording of the published notice is very misleading. Mayor pro tem Wareing further stated that the re-evaluation of property by the Tax Appraisal District resulted in some tax increases, some decreases, and some remained the same.

In response to questions by several citizens present in regard to the budget, Commissioner Bob McCurry stated that each citizen should have the opportunity to work with the municipal budget, and would then understand the procedure used by the Commissioners to provide a budget that is workable and fair to the entire City.

Mayor pro tem Wareing stated that the Commissioners strive to provide all of the services requested by the citizens of the City without increasing property taxes. Mayor pro tem Wareing further stated that often the City has to contend with outdated equipment and with reduced manpower in order to keep costs low.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Ordinance levying taxes for the use and support of the Municipal Government of the City be approved. A unanimous affirmative vote was recorded.

Mayor pro tem Wareing stated that in previous budget workshops the amount of increase for the City/County Health Unit was not available, and it should be considered at this time.

City Manager Westerholm stated that the City/County Health Unit was asking that the City participation be increased \$303.48 per month, or \$3,641.79 yearly. City Manager Westerholm further stated that the County has agreed to increase their share of the cost and the other entities involved have indicated they would participate.

Mayor pro tem Wareing stated that the City/County Health Unit performs a service needed by the citizens of Angelina County by providing inoculations to school children and reviewing the health of all food handlers.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the City/County Health Unit increase be approved and budget be adopted as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Budget be approved adopting appropriation ordinance for fiscal year 1982-83 City Budget as presented by City Manager with changes approved at this meeting. A unanimous affirmative vote was recorded.

Commissioner Pat Foley stated that he had the opportunity to vote on every department budget and had voted against some, but he would vote for the entire budget as presented.

9. Water & Sewer Rate Increase - First Reading - Approved

Mayor pro tem Wareing requested City Manager Westerholm to explain the underlying reasons for the proposed water and sewer rate increases.

City Manager Westerholm stated that the City has sold bonds in previous years to finance improvements to the water and sewer system, and if rates remain the same the City would be \$421,000.00 short of meeting the bond requirements. City Manager Westerholm further stated that the minimum rate was increased 36% and each 1,000 gallons of usage was increased 6%, with the average increase to residential users being 16%. City Manager Westerholm further stated that the rates had been raised in previous years but new revenue had not been generated because the minimum bill had not been increased. City Manager Westerholm stated that the minimum bill must be increased in order to be assured of receiving the revenue needed to provide for the budget.

Mayor pro tem Wareing stated that with the increases of previous

years, large users cut their consumption which reduced the amount of revenue available.

In response to question by Michael Webb, a concerned citizen, Mayor pro tem Wareing stated that the City Commission felt rates should be increased to provide revenue necessary to administer service to the City. Mayor pro tem Wareing further stated that the Commission realizes the economy of Lufkin is below par at the present time, but many people have already cut back their water usage. Mayor pro tem Wareing further stated that the first obligation of the City is to the bond holders who loaned the City money for improvements to provide the water system we now enjoy.

In response to question by Mr. Primrose, citizen present at the meeting, Mayor pro tem Wareing stated that consultants had advised the City of Lufkin that present water and sewer rates should be doubled in order to provide for future requirements of obtaining water from the Sam Rayburn Reservoir. In response to question by Oscar Milligan, citizen present at the meeting, Commissioner Pat Foley stated that the commission had required participants in the Herty Annexation to pay a portion of the cost of extended services.

Mayor pro tem Wareing stated that the sewer problem in Herty was desperate and the Commissioners felt Lufkin was obligated to provide City sewer. Mayor pro tem Wareing stated that future annexations will be required to pay a portion of the cost of receiving City services.

Commissioner Bob McCurry stated that the City Commission has to be concerned about the people they consider their neighbors. Commissioner McCurry further stated that the City of Lufkin had an obligation to help with the problem facing Herty, due to the fact that they work in the City of Lufkin and many are also unemployed.

In response to question from Norman Smith, citizen present at the meeting, Commissioner Don Boyd stated that all meetings held by the City Commission are open meetings and every citizen is invited to attend with the regular meetings being conducted on the first (1) and third (3) Tuesday of each month.

Commissioner Bob McCurry stated that the employees of the City of Lufkin received a 6% raise due to the fact that the Commissioners felt they deserved it and most City employees are underpaid.

Mayor pro tem Wareing stated that the consumer price index has increased 39% over the last few years and City employees have had salary increases of only 29% during this time.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that Ordinance increasing Water Rates be approved on First Reading as presented with scheduled rates. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that sewer rates were increased 10% across the board, and that the average homeowner would use between 8,000 to 15,000 gallons a month with many people using between 2,000 to 3,000 gallons.

Mayor pro tem Wareing stated that a surcharge was included in the sewer ordinance to provide an incentive for industries to maintain the limits for which the sewer plant was designed to handle.

In response to question by Mr. Webb, Mayor pro tem Wareing stated that the City Commission was endeavoring to receive the best engineering and plans available to construct a new sewer plant that would provide service for 20 years. Mayor pro tem Wareing stated that the present sewer plant is very expensive to operate, but the commission approved construction of same based on recommendations by engineers and other reliable sources. Mayor pro tem Wareing stated that the City might have to

institute stiffer penalties on industries that disregard the limits of the sewer plant, and would be in favor of requiring that such industries comply or refrain from use of the sewer system.

Commissioner Bob McCurry stated that this would result in increased demands on such industries, and that it might be an incentive for them to close.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that sewer rates be approved with a 10% increase across the board as presented. A unanimous affirmative vote was recorded.

11. Sanitation Rates Increased - First Reading - Approved

Mayor pro tem Wareing stated that ordinance to increase the rates for Residential and Commercial Sanitation service was being considered on first reading. Mayor pro tem Wareing stated that Angelina County had increased the landfill fee paid by the City in the amount of \$24,000.00.

Commissioner Percy Simond stated that out of 22 cities surveyed, 17 did not provide garbage bags, 5 provide once a week pickup, and all have higher rates. Commissioner Percy Simond further stated that to reduce costs, the City of Lufkin might decide to sell bags and provide once a week pickup.

Mayor pro tem Wareing stated that when the City of Lufkin changed to bagged garbage, the commission decided the bags should be furnished by the City. Mayor pro tem Wareing further stated that the City changed to the bag system because it was more economical and implementation of the system considerably reduced turnover in the Sanitation Department.

Commissioner Percy Simond stated that after hearing the discussion on the bag system, he would withdraw his suggestion that we discontinue furnishing the bags and decrease service to once a week.

Mayor pro tem Wareing stated that the Commission had discussed having an outside contractor handle garbage in the future, but no decision had been reached.

Commissioner Pat Foley stated that he had voted for all amendments to the budget but would have to vote against increasing Sanitation Rates because the revenue received is more than required for the department.

Commissioner Richard Thompson stated that with the loss of the garbage truck this week, the additional revenues would be needed to provide a replacement truck.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that ordinance increasing rates for residential and commercial sanitation be approved on first reading as presented. The following vote was recorded: Aye: Commissioners Simond, Boyd, McCurry, Thompson, Wareing. Nay: Commissioner Foley. Mayor pro tem Wareing declared motion approved by a vote of 5 to 1.

12. Fees - Discussed - Annexation Petitions

Mayor pro tem Wareing stated that the City of Lufkin charges a fee for zone changes and building permits, but does not have a charge for annexation proceedings. Mayor pro tem Wareing further stated that several hundred dollars are required just to provide the advertising needed for each annexation and zoning request.

City Manager Westerholm stated that in a review of recent annexations the cost of advertising was well over \$600.00, and the City Staff was recommending a fee of \$750.00 for annexation petitions initiated by the people of the area.

Commissioner Pat Foley stated that the advertisement size

might be cut to reduce cost, and he would be interested in receiving information on what other cities are doing in regard to annexation advertisements.

City Attorney Bob Flournoy stated that an ordinance was not necessary, that the City Commission should just establish a policy and through the City Administration, collect the advertising cost for each annexation. City Attorney Flournoy further stated that the cost for advertisement would vary according to the size of the area being considered, and that the policy should state that the cost of advertising would be collected in each instance.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that the City Manager be directed to develop a policy regarding annexation charges to be considered at next meeting of City Commission. A unanimous affirmative vote was recorded.

City Manager Harvey Westerholm stated that Alley and Street Closings do not have a fee, and he felt they should be included in the policy.

13. Texas Department of Highways and Public Transportation - Pershing Street - Railroad Signals - Denied

Mayor pro tem Wareing stated that the Commission had considered possible signalization of the Pershing Railroad Crossing at a previous meeting, and same was on the agenda for consideration at this meeting.

City Manager Harvey Westerholm stated that the Highway Department has determined that signalization of the Pershing Street crossing is needed for safety, and information on how the Highway Department arrived at this had been provided to each Commissioner.

Mayor pro tem Wareing stated that if an accident occurred after the request had been denied, he would feel bad, and the Highway Department has been very generous to the City of Lufkin concerning highway system needs. Mayor pro tem Wareing further stated that since the cost of the proposed signalization would not be borne by the City of Lufkin, he felt they should be installed.

Commissioner Richard Thompson stated that if the signals were installed, he would like to see a built-in over-ride that could be engaged when needed.

Commissioner Pat Foley stated that the City could not protect everyone, and he felt the railroad crossing at Lazy Lane needed signalization much more than the Pershing Street crossing.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that the City of Lufkin decline the offer of signalization of Pershing Street crossing. The following vote was recorded: Aye: Commissioners Simond, Boyd, McCurry, Foley, Thompson. Nay: Commissioner Wareing. Mayor pro tem Wareing declared motion approved by vote of five (5) to one (1).

City Attorney Bob Flournoy in answer to a question of the City's liability, stated that the accidents occurring at the crossing would have to be considered individually and a determination made on whether installation of the crossing arms would have prevented same.

Mayor pro tem Wareing stated that the biggest factor in determining whether the crossing arms were needed was the amount of traffic in the area.

14. Approval of Bids - Dump Truck - Street Department - Greater Lufkin Ford

Mayor pro tem Wareing stated that bids had been received for purchase of a dump truck to be used in the Street Department

and the lowest bidder was Greater Lufkin Ford in the amount of \$17,062.77.

City Manager Westerholm stated that the low bid of Greater Lufkin Ford was recommended because it met all specifications.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that low bid of Greater Lufkin Ford in the amount of \$17,062.77 be approved as presented. A unanimous affirmative vote was recorded.

15. City Attorney - Salary Increase

Commissioner Pat Foley requested information on whether the 6% salary increase would include the City Attorney.

Mayor pro tem Wareing stated that the City Attorney increase should be considered as an amendment to the budget after October 1, 1982. Mayor pro tem Wareing further stated that because the City Attorney was on a retainer, an increase should be considered as a separate item, and included on the October 5, 1982, agenda.

16. There being no further business for consideration, meeting adjourned at 8:00 p.m.

E. C. Wareing
E. C. Wareing, Mayor pro tem



Ann Griffin
Ann Griffin, City Secretary