

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF FEBRUARY, 1986, AT 5:00 P.M.

On the 4th day of February, 1986, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Lynn Malone	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Jack Gorden	Commissioner, Ward No. 5
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present, and

Don Boyd

Commissioner, Ward 2

being absent when the following business was transacted:

1. Meeting was opened with prayer by Rev. Kenneth Goodell, Minister, St. Paul's Methodist Church, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. APPROVAL OF MINUTES

Minutes of regular meeting of January 21, 1986, were approved on a motion by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. PUBLIC HEARING - ALLEY CLOSING - TOBY AND CHESTNUT, BETWEEN MARGARET AND DOZIER

Mayor Garrison officially opened Public Hearing to consider request by property owners for alley closing covering property located between Toby and Chestnut and between Margaret and Dozier. Mayor Garrison stated that the alley had never been used and would have to be appraised with adjacent property owners paying the appraisal fee before the alley could be closed.

City Manager Westerholm stated that Judge O. L. Hubbard had brought the matter to the attention of the city. City Manager Westerholm stated that 16 lots back up to the alley and that all property owners had not been contacted, but would be contacted before first reading of the ordinance on February 18th.

Mayor Garrison closed Public Hearing due to lack of discussion.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that First Reading of Ordinance be considered at the February 18th meeting of this commission. A unanimous affirmative vote was recorded.

5. EXTRA-TERRITORIAL JURISDICTION - TABLED - JOE E. CLARK

Mayor Garrison stated that at last meeting of the Commission Mr. Joe Clark, who had made a request, could not be present during the dis-

cussion of surrendering a portion of extra-territorial jurisdiction and so the item had been rescheduled until tonight's meeting.

Mr. Clark stated that he owned 15 acres off Farm Road 3150 which was in Lufkin's ETJ and also on Hudson's City Limit line. Mr. Clark stated that he had access to Hudson water and that he felt he could get sewer from Hudson.

Mayor Garrison stated that he was reluctant to release any of Lufkin's extra-territorial jurisdiction. Mayor Garrison stated that if Hudson would give Mr. Clark sewer, then the city of Lufkin would give them the authority to do so in our ETJ and it would keep the city from relinquishing the same.

Commissioner Pat Foley stated that he was also hesitant about releasing property in the city's ETJ because it was a potential tax base.

City Planner Nick Finan stated that in talking with Bud Bonner of the City of Hudson, Mr. Bonner stated that he would be willing to extend sewer to Mr. Clark. City Planner Finan stated that in the apportionment agreement with Hudson it would have to be written in the agreement that Hudson is annexing Mr. Clark in order to keep him from hanging in limbo and not being taxed by both entities.

In response to question by Commissioner Percy Simond, Mayor Garrison stated that he would consider a swap between the cities, but would not voluntarily give up land.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to hold up any action until the Commission hears from Mr. Clark. A unanimous affirmative vote was recorded.

6. ELECTION ORDINANCE - APPROVED - SECOND READING - APRIL 5, 1986

Mayor Garrison stated that the Commission had passed an Ordinance at last meeting declaring a regular city election for April 5, 1986 and would now be considered at Second Reading.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

7. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - DANIEL J. SMITH - 1514 LOTUS LANE - RL TO RS

Mayor Garrison stated that the Commission now had for consideration First Reading of Ordinance for Zone Change Request by Daniel J. Smith covering property located at 1514 Lotus Lane from Residential Large to Residential Small. Mayor Garrison stated that this request had been heard before the Planning and Zoning Commission and there had been no objections.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance be approved on First Reading as presented. A unanimous affirmative vote was recorded.

8. ORDINANCE - APPROVED - FIRST READING - ZONE CHANGE REQUEST - R. H. DUNCAN - 4110 ELLEN TROUT DRIVE - COMMERCIAL, SPECIAL USE (COUNTY JAIL) TO LIGHT MANUFACTURING

Mayor Garrison stated the Commission now had for consideration on First Reading an Ordinance for Zone Change Request by R.H. Duncan covering property located at 4110 Ellen Trout Drive from Commercial, Special Use (County Jail), to Light Manufacturing. Mayor Garrison stated that a request authorizing this property for use for the County Jail had been approved by the City Commission previously, but other

plans had been made. Mayor Garrison stated that this request had been heard before the Planning and Zoning Commission and there had been no opposition.

Commissioner Pat Foley stated that he would like to recuse himself because of an interest in the property.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Jack Gorden that Ordinance be approved on First Reading as presented. Mayor Garrison declared that motion carried.

9. ORDINANCE - APPROVED - FIRST READING - ANNEXATION AND PERMANENT ZONING - R. L. CUNNINGHAM - LOOP 287 BETWEEN LUFKIN AVENUE AND SHADY PINE - C

Mayor Garrison stated that the Commission now had for consideration the First Reading of an Ordinance for Annexation and Permanent Zoning requested by R. L. Cunningham, receiver, for a parcel of land located 300 feet East of Loop 287 between Lufkin Avenue and Shady Pine and being a portion of Tract 22 of the G. W. Massengill, Jr. Survey. Mayor Garrison stated that a Public Hearing was held at last meeting of this Commission and there was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that First Reading of Ordinance for Annexation be approved as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that Ordinance for Permanent Zoning to Commercial be approved on First Reading as presented. A unanimous affirmative vote was recorded.

10. SITE PLAN - APPROVED - CHESTNUT VILLAGE II - IMPROVEMENTS

Mayor Garrison stated that the Commission had a request from Chestnut Village II to close one street and open another street 40 feet farther to the Southeast on Montrose.

City Manager Westerholm stated that by closing the street it makes for better access without getting too close to the Lufkin Federal Building. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that site plan be approved for Chestnut Village II improvements as presented. A unanimous affirmative vote was recorded.

11. COMMITTEE APPOINTMENTS - APPROVED - COMPREHENSIVE MASTER PLAN

Mayor Garrison stated that at the last meeting of the Commission in Executive Session appointments to Committees for Comprehensive Master Plan had been discussed and there had been suggestions for additions to the list at that time and a list of the proposed names had been included in the packets. Mayor Garrison stated that he would estimate that the completed list contained from 75 to 100 names.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that list of appointments to committees for Comprehensive Master Plan be approved as presented, and that members of the City Commission be ex officio members of each of the committees.

12. INVOICE - APPROVED - BUCHER-WILLIS-RATLIFF - COMPREHENSIVE MASTER PLAN

Mayor Garrison stated that an invoice had been received from Bucher-Willis-Ratliff for professional planning services performed on the Comprehensive Master Plan in the amount of \$17,047.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh that invoice be approved as presented. A unanimous affirmative vote was recorded.

13. LITTER ENFORCEMENT PROGRAM - CONTRACT APPROVED - STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

Mayor Garrison stated that the Commission now had for consideration a Litter Enforcement Program Contract with the State Department of Highways and Public Transportation. Mayor Garrison stated that the Texas Highway Department had invited the City to enter into a contract to issue citations for littering and for each citation that was issued they will pay the City \$20.00.

In response to question by Commissioner Lynn Malone, City Attorney Bob Flournoy stated that there is a law on the books that authorizes the City to issue citations for littering.

In response to question by Commissioner Pat Foley, City Attorney Bob Flournoy stated that private citizens can file against offenders. City Attorney Bob Flournoy also stated that Code Enforcement Officer James Fears could be included in this program.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden for the City to participate in the Litter Program and authorizing execution of agreement between the City and the Texas Department of Highways and Public Transportation. A unanimous affirmative vote was recorded.

In response to question by Commissioner Jack Gorden, City Manager Westerholm stated that the \$20.00 collected for the fine would go into the General Fund.

Commissioner Pat Foley stated that in lieu of paying a fine, he would like to see the judge require the offenders to be made to pick up trash.

14. VOLUNTARY CONTRIBUTIONS - APPROVED - ANTI-LITTER CAMPAIGN - CITY'S WATER CUSTOMERS

Mayor Garrison recognized Nancy Chancellor representing Angelina Beautiful/Clean Commission who presented a proposal for the voluntary contribution through our water billing process to their program. Mrs. Chancellor introduced Kay Alderman, Jerry Benson and Thomas Moore, who were also in attendance at the meeting representing this program. Mrs. Chancellor stated that she would like to thank the Mayor and the City of Lufkin for the role that they have played in the Beautification Program. Mrs. Chancellor stated that her committee was facing money problems with revenue sharing being cut out. Mrs. Chancellor stated that the City of Euless had been involved in a program since 1982 that had been working effectively in the form of voluntary contributions of 50¢ per customer which had been added to their monthly water bills. Mrs. Chancellor stated that the City of Euless informed her that the program had 60 to 70% acceptance on the voluntary contributions. Mrs. Chancellor stated that she would like to take off the shoulders of government and put on the shoulders of private citizens the responsibility for the funding of this program. Mrs. Chancellor stated that if the program is favorably received by the City of Lufkin, she intended to go to the City of Diboll and other areas in the county.

Mayor Garrison stated that in his opinion 90 days would be a good trial period in the billing process to see if it is favorably received by the citizens of Lufkin.

Drew Squyres, Water Department Supervisor, stated that bills would have to be put in envelopes for the initial mail-out informing the citizens of the program.

City Manager Westerholm stated that new customers have to come into City Hall to sign up for water and that at the time their service is connected the program could be explained to them.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Louis Bronaugh to adopt the program and to leave it up to the City Manager and staff to work out billing and mailing, and to begin as soon as practical. A unanimous affirmative vote was recorded.

15. LIGHTING - DENIED - SOFTBALL FIELD - WINSTON PARK

Mayor Garrison stated that the Commission now had for consideration a request by Amanda Hutchison to light the softball field at Winston Park. Mayor Garrison asked City Manager Harvey Westerholm to give the Commission some background on this item.

City Manager Westerholm stated that League play begins on April 1st, but fields are opened on March 1st to give teams a chance to practice. City Manager Westerholm stated that Amanda Hutchinson and Doris Ivy have organized a new softball team and had requested that the city turn on the lights so that they could do some practicing. City Manager Westerholm stated that he did not want to violate the city's policy that has already been set up that was passed in the budget and adopted by the commission, and the staff had suggested that the ladies pay the light bill. City Manager Westerholm stated that they were not willing to pay the bill and the ladies asked if they could come before the City Commission.

Amanda Hutchison stated that their's was a reasonable request and that they do not have enough members at this time for a team. Mrs. Hutchison stated that they did not practice on week-ends because several of them work on Saturday and on Sunday they go to church and that only leaves the evenings for practice. Mrs. Hutchison said they had made a suggestion to the Parks Department that a lock be placed on the fuse box and they would check out a key each time they wanted to practice and would return the key so that the lights would not be left on or used without the Parks Department knowing that they had been used. Mrs. Hutchison stated she had been told that the Parks Department only turned the lights on for the tennis courts and basketball courts and since basketball was considered a seasonal sport she could not understand the difference between basketball, tennis and softball. Mrs. Hutchison stated that the courts in general were for the citizens to use and for family entertainment and that's what they were doing. Mrs. Hutchison stated they could not make any headway with the department head as to why the policy could not be altered. Mrs. Hutchison stated that she hoped the Commission would take their suggestion and hopefully change the policy.

In response to question by Commissioner Lynn Malone, Mrs. Hutchison stated that she does not live in the city limits of Lufkin. Mrs. Ivy stated that she lives in Huntington.

Mayor Garrison stated that he was told by the City Manager that unless they were put on the Agenda that they would picket City Hall. Mrs. Ivy stated that they had asked if they would be arrested if they got a permit to picket City Hall, but they were willing to picket City Hall if they were not listened to.

In response to question by Commissioner Louis Bronaugh, Amanda Hutchison stated that the \$250.00 entrance into the softball league does not pay for the light bill. Parks Director Don Hannabas stated that the \$250.00 pays league officials, score keepers, and marbles

dust. Don Hannabas stated that a formula is prepared on a zerox sheet and is given to each coach at the organizational meetings and all the costs are laid out on that sheet based on the number of games that are played and the number of officials that are required.

Don Hannabas stated that under the new policy the park had been closed in mid-November and in the future he would like to have the lights disconnected immediately after the season closed. In response to question by Commissioner Lynn Malone, Don Hannabas stated that some of the meter boxes could be turned on by anyone and some of the boxes had timers and were under lock. Mr. Hannabas stated that there were a total of 38 meters throughout the park system. Mr. Hannabas stated that sometimes people called TP&L and reported mechanical failures in order to have the lights turned on at various fields and TP&L responded to their calls. Mr. Hannabas stated that he had talked with TP&L today and was told that the City would not be charged for any power that had been used.

Mayor Garrison stated that the city has a system and it must support the actions and decisions of the City Manager and the staff.

Motion was made by Louis Bronaugh and seconded by Jack Gorden that the determination in this issue be left to the decision of the City Manager. A unanimous affirmative vote was recorded.

16. EXECUTIVE SESSION - APPOINTMENTS - CITY BOARD OF DEVELOPMENT - PLANNING AND ZONING COMMISSION

Mayor Garrison stated that the Commission would now go into Executive Session to discuss appointments to the City Board of Development and the Planning and Zoning Commission.

Mayor Garrison recessed formal open meeting of the City Commission at 6:45 P.M. Mayor Garrison reconvened meeting of the City Commission and made announcements to those present concerning results of the Executive Session at 6:55 P.M.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Jack Gorden that the unexpired term of Bill Prince on the City Board of Development be filled by Ted Lankford subject to his acceptance. A unanimous affirmative vote was recorded.

Motion was made by Percy Simond and seconded by Pat Foley that Herbert Cross be appointed to the Planning and Zoning Board due to the resignation of Ecomet Burley. A unanimous affirmative vote was recorded.

Commissioner Percy Simond stated that in his opinion Bill Prince was one of the finest citizens that the City of Lufkin had had the privilege of knowing and in his opinion a resolution should be forthcoming from the City Commission commending him on his service to the City and to the community.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the City Attorney draw up a resolution of commendation recognizing Bill Prince for his service to the City and the community. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the City Attorney draw up a resolution of commendation recognizing Ecomet Burley for his service to the City and the community. A unanimous affirmative vote was recorded.

17. LITTER - SANITATION DEPARTMENT - BOY SCOUT AWARD - ANNUAL MAYORS/ COMMISSIONERS SEMINAR

Commissioner Lynn Malone noted the large amount of litter at the intersection of Paul Avenue and Arena Street next to the Wal-Mart Shopping Center and wanted to know what could be done about it.

Public Works Director Ron Wesch stated that he would have a crew go out and pick up the litter. Mr. Wesch stated that this litter is coming from the parking lot and blows over onto the fence line.

Commissioner Jack Gorden stated that he would like to compliment the people who worked on the garbage trucks and he had noticed lately that they were very efficient and he thought that they should be complemented for a job well done.

Commissioner Louis Bronaugh stated that it had come to his attention that an award had been given Thursday night to Commissioner Don Boyd and this particular award was the Silver Beaver Award which was the highest honor given to an adult member of the Boy Scouts. Commissioner Bronaugh stated that Commissioner Boyd had worked with the Scouts for the past 12 years and in his opinion a resolution honoring Commissioner Boyd would be appropriate.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Pat Foley that City Attorney draw up a resolution commending Commissioner Don Boyd for his outstanding work with the Boy Scouts. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that he would like to inform the Commission that the Annual Mayors/Commissioners Seminar would be held June 13 - 15th in Arlington.

18. There being no further business for discussion meeting adjourned at 6:58 P.M.

ATTEST:



Atha Stokes
Atha Stokes - City Secretary

Pitser H. Garrison
Pitser H. Garrison - Mayor