

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JANUARY, 1974, AT 7:30 P.M.

On the 15th day of January, 1974, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison Mayor

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

1. Meeting opened with prayer by Rev. Raymond Robbins, Pastor of First Congregational Methodist Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed a small group of visitors who were present in connection with items on the agenda or as visitors.
3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of December 18, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation & Permanent Zoning Request - Charles A. Pate, Jr., et al

Mayor Pro Tem Wareing officially opened hearing on annexation and permanent zoning request by Charles A. Pate, Jr., et al, covering property located on U. S. Highway 59, North of Texas Forest Service property and immediately East of existing City Limits, as advertised in Lufkin News on Sunday, December 30, 1973. Mayor Pro Tem Wareing called on Mr. Walter Borgfeld, a local attorney representing Mr. Charles A. Pate. Mr. Borgfeld reviewed the location of this property and explained that request as presented for annexation and permanent zoning had been unanimously recommended by the City Planning and Zoning Commission for approval. Mr. Borgfeld also stated that there had been no persons present to appear in objection to request as presented during previous hearing by the City Planning and Zoning Commission on December 13, 1973. Mr. Borgfeld explained that his client anticipated annexation and zoning of approximately 17 acres of his property as requested of which 300 feet zoned C District was already within the existing City Limits.

There were no persons present to appear in objection to annexation and permanent zoning request as presented and Mayor Pro Tem Wareing officially declared hearing closed on annexation and permanent zoning request of Charles A. Pate, Jr., et al.

Mayor Pro Tem Wareing asked Mr. Borgfeld if his client had any particular planned use for property lying East of Tulane Drive being considered for annexation and zoning. Mr. Borgfeld stated that only tentative plans had been made for the use of this property and apartments may possibly be considered for the future. Mayor Pro Tem Wareing further expressed his concern that annexation of property lying East of Tulane Drive as requested

would cause a portion of Tulane Drive to be inside the City Limits with the remaining portion of the street outside the City Limits. Mayor Pro Tem Wareing also stated that as a result of this annexation, an inclave of property would be formed outside the City Limits located North of the Kentwood Addition and immediately East of Tulane Drive owned by Texas Forest Service and other property owners. Mr. Borgfeld explained that no contact had been made with owners of the Texas Forest Service property and other property owners within this area regarding the possibility of including property for annexation within this inclave as described by Mayor Pro Tem Wareing. It was also determined that no previous discussion regarding this extended annexation had been discussed during previous meeting of the City Planning and Zoning Commission.

Mr. Borgfeld introduced Mr. Harvey Little, a developer of this property. Mr. Little was recognized by Mayor Pro Tem Wareing and explained that recent governmental changes had deterred the anticipated rapid construction and development of this property originally being considered for either a Roadway or Red Carpet Motel complex with remainder of property to be considered for office and other similar type use.

Mayor Pro Tem Wareing suggested that more time be allowed to contact Texas Forest Service and other property owners within this area regarding the possible inclusion of their property for reasons as previously discussed.

Comm. E. G. Pittman expressed his agreement with suggestion as presented by Mayor Pro Tem Wareing and Mayor Pro Tem Wareing asked members of the Commission for their opinions concerning the postponement of this consideration until next regular meeting of the City Commission.

Comm. W. O. Ricks, Jr., then made motion that annexation and permanent zoning requested by Charles A. Pate, Jr., be considered for first reading of ordinance at next regular meeting as previously advertised. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

City Attorney Flournoy recommended that the City contact property owners within this area prior to any annexation consideration of additional property as previously discussed.

Comm. E. G. Pittman then made motion that hearing date be set for next regular meeting of February 5, 1974, at 7:30 P. M., for annexation consideration of property located East of U. S. Highway 59 South on East and West sides of Tulane Drive between Kentwood Addition and property owned by Charles A. Pate being property owned by Texas Forest Service and Mr. & Mrs. Robbie Warren and M. R. Ross. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing stated that following hearing set for February 5, 1974, on this additional property annexation, members of the City Commission would be in a position to consider approval of annexation ordinance and zoning would be considered at a later date by the City Planning and Zoning Commission.

##### 5. Traffic Safety Support Group - Members Appointed

Mayor Pro Tem Wareing recognized the presence of a number of persons to be considered for appointment to the City of Lufkin Traffic Safety Support Group and asked members of the City Commission to consider these appointments ahead of other items on the agenda. City Manager Westerholm explained that the following individuals had been nominated for appointment consideration: Tom Moore, A. G. Cromwell, Bob Stroud, Ecomet Burley, Ann Hershizer, Dick McKay and John Taylor. Comm. E. G. Pittman then made motion that the above listed individuals be appointed to serve as members of the City of Lufkin Traffic Safety Support Group. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

City Manager Westerholm introduced Tom Moore, A. G. Cromwell, Ecomet Burley, Ann Hershizer and Dick McKay who were present. Mayor Pro Tem Wareing expressed his appreciation to these members for their willingness to serve on the Traffic Safety Support Group in an effort to help improve traffic safety throughout the City.

6. Texas Power & Light Company - Rate Increase & Street Rental Tax Approved

City Attorney Flournoy stated that he had prepared an ordinance approving recent rate increase as requested by Texas Power & Light Company and street rental use tax increase to the City from 2% to 3% of gross revenues.

There were no persons present appearing in objection to this ordinance and Comm. R. A. Brookshire made motion that ordinance be approved on second and final reading approving Texas Power & Light Company's rate increase request and City of Lufkin's street rental tax from 2% to 3% of gross revenues. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Angelina Junior College - 20 MPH Speed Limits Approved Through Portion of McCall Drive

Mayor Pro Tem Wareing stated that ordinance had been approved on first reading at last regular meeting setting speed limit of 20 MPH within a stated defined area along McCall Drive through Angelina Junior College campus. Comm. J. T. Hopson made motion that ordinance be approved on second and final reading setting speed limit of 20 MPH within a stated defined area along McCall Drive through Angelina Junior College campus. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Hotel-Motel Occupancy Tax - Ordinance Approved

Mayor Pro Tem Wareing explained that City Attorney Flournoy had been requested to prepare an ordinance at last regular meeting for consideration of a 3% Hotel-Motel Occupancy Tax for the City of Lufkin.

Comm. E. G. Pittman asked if hotel and motel owners had been contacted regarding their reactions to this proposed ordinance. City Manager Westerholm explained that the only publicity regarding this proposal had been made by way of the local news media.

Comm. W. O. Ricks, Jr., inquired about Section 7 of this proposed ordinance indicating his concern that this money be used for the operation of the Civic Center with all surplus being applied to retire the indebtedness. City Attorney Flournoy explained that Section 3 of this proposed ordinance would restrict the use of money for this purpose.

Comm. Joe E. Rich asked about other similar funds contributed for advertising purposes for the City of Lufkin. City Manager Westerholm explained that this was a different expenditure authorized to be considered by a special committee subject to annual consideration by the City Commission.

Mayor Pro Tem Wareing suggested that Section 7 of proposed ordinance be amended by adding "as specified in Section 3".

Comm. R. A. Brookshire expressed his concern that this 3% tax would create a definite surplus and that these funds should be used for the retirement of bonds. City Attorney Flournoy explained that the City Commission could decide each year what to do with this surplus under the ordinance as written. Comm. R. A. Brookshire, however, requested for the purpose of clarity, that an Item 4 be added to Section 3 of the proposed ordinance indicating that surplus monies may

be used for the retirement of bonds.

Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that the Hotel-Motel Occupancy Tax ordinance setting a collection rate of 3% be approved on first reading of ordinance subject to amendments requested by Mayor Pro Tem Wareing and Comm. R. A. Brookshire. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Commendation Award - John W. Doyal - City Planning & Zoning Commission Member

City Attorney Flournoy read caption of resolution commending John W. Doyal for his service as Vice-Chairman and member of the City Planning and Zoning Commission from August 10, 1971 to December 13, 1973. Comm. E. G. Pittman made motion that resolution be approved commending John W. Doyal for his service with the City Planning and Zoning Commission as read by City Attorney Flournoy. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

10. City Electrical Ordinance #239 - Amendment Considered

Mayor Pro Tem Wareing explained that this particular amendment to the City of Lufkin Electrical Ordinance #239 had been discussed by the City Commission during a number of previous meetings and consideration for first reading of ordinance had been determined during last regular meeting. There were no persons present appearing in objection to proposed amendment.

Comm. E. G. Pittman recognized the presence of Mr. Bob Beddingfield, a member of the City Electrical Board who was present to answer any questions members of the Commission may have regarding the proposed amendment of this ordinance.

Members of the City Commission asked Mr. Beddingfield a number of questions regarding this proposed amendment and Mr. Beddingfield related a brief history of the circumstances which had led to the amendment of the City's existing Electrical Ordinance. It was concluded that the original Electrical Ordinance had not made provisions for Industrial Electricians and approval of proposed amendment would set standards for Industrial Electricians and establish authority for City Building Inspector to make periodic investigations of industrial concerns. It was also concluded that industry would not be more heavily bound by this amendment since existing Electrical Codes and OSHA requirements were more restrictive.

Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that amendment to ordinance #239 providing for Industrial Electricians be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman.

Prior to vote on motion, Comm. R. A. Brookshire stated that he did not understand the complete necessity of this ordinance from information as presented by Mr. Beddingfield. City Manager Westerholm emphasized the fact that the City Building Inspector would have certain powers of enforcement not previously held if amendment was approved. The following vote was recorded on motion as made by Comm. W. O. Ricks, Jr.:

Voting Aye: Comms. J. T. Hopson, Mayor Pro Tem Wareing, Comm. W. O. Ricks, Jr., and Comm. E. G. Pittman

Voting Nay: Comms. R. A. Brookshire and Joe E. Rich

Mayor Pro Tem Wareing declared motion carried by majority vote of four to two.

11. Approval of Invoices - Alexander & Rogers Audit Report and HDR Invoices

City Manager Westerholm stated that the City had received invoices from Alexander & Rogers Audit Firm for the preparation of the City of Lufkin audit for the year ending September 30, 1973, in the amount of \$3,200. City Manager Westerholm also reported that two invoices had been received from HDR in the following amounts:

(a) Invoice #D-6017 - \$2,721.27 and (b) Inv. #D-5982-\$2,735.42

Comm. W. O. Ricks, Jr., made motion that the above invoices in the amounts as stated be paid accordingly. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

12. Texas Highway Department - Recommended Installation of New Signs - Highway 59 North and Loop 287

City Manager Westerholm reported that he had received a letter from Mr. Frank D. Galloway, District Engineer, Texas Highway Department, requesting that the City Commission consider the installation of new signs and route markings on U. S. Highway 59 North of Loop 287. City Manager Westerholm further reported that a prepared sketch of this proposal as presented by Mr. Galloway for the addition of new signs and route markings on U. S. Highway 59 North of Loop 287 be approved as presented. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Delinquent Taxes - Report Submitted

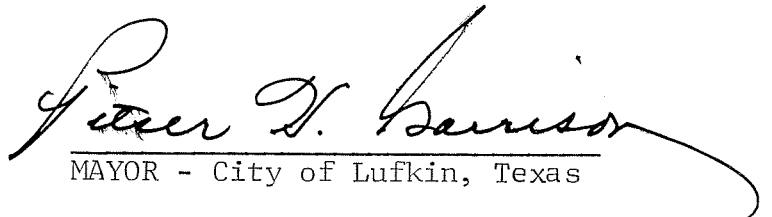
City Manager Westerholm stated that Comm. R. A. Brookshire had requested information concerning delinquent taxes during last regular meeting and reported that he had forwarded a list of delinquent taxes collected during 1973 for consideration by members of the Commission pointing out the amount of taxes paid and the amount of penalty and interest collected totaling \$60,556.51. Comm. R. A. Brookshire stated that he would also be interested in a list of delinquent taxes indicating similar totals as presented in this report. City Manager Westerholm stated that he would have another report available for review at a future date indicating delinquent taxes and pointing out amounts that could not be collected by the City due to various circumstances.

14. Extension of Sewer Service - Herty and Highway 103 East Area

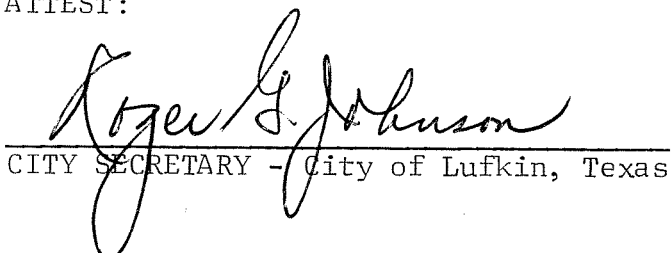
Comm. J. T. Hopson asked City Manager Westerholm to review information regarding the City's sewer service extension to the Herty community area along Highway 103 East. City Manager Westerholm reported that a lift station would soon be installed along Loop 287 which would allow extension of collection lines, but no exact completion date could be anticipated at the present time due to weather conditions.

15. Adjournment

There being no further business for consideration, meeting was adjourned at 8:55 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas