

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF MARCH, 1974, AT 7:30 P. M.

On the 5th day of March, 1974, 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
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, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Sidney Spain, Pastor of First Christian Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda and as observers, and introduced Billy Langford, Ward Phelan and Vance Werner, representatives from the Deep East Texas Council of Governments.

3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of February 19, 1974, be approved. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

4. Forest Hills Subdivision-Open Hearing-Proposed Annexation

Mayor Garrison officially opened hearing on annexation of Forest Hills Subdivision located immediately East of Kentwood Subdivision on U. S. Highway 59 South as advertised in the Lufkin News on February 17, 1974.

There were approximately five individuals present appearing as proponents of annexation and Mayor Garrison called on Mr. Burl Richardson, representing same. Mr. Richardson stated that a number of individuals who were in favor of annexation could not be present at this meeting due to another meeting conflict. Mr. Richardson further stated that approximately nine individuals had signed petition in favor of annexation. Mr. Richardson also stated that letters received from other individuals living within this area who opposed annexation of Forest Hills did not have children who could play in open sewers.

There were no persons present appearing in opposition to proposed annexation and Mayor Garrison declared hearing closed.

Considerable discussion developed among members of the Commission regarding request for annexation of Forest Hills and Mayor Garrison stated that the City had received three letters of opposition which had been furnished members of the Commission for review and consideration. Comm. J. T. Hopson asked City Manager Westerholm for an approximate waiting period residents of Forest Hills could expect before receiving City sewer service. City Manager Westerholm stated that present residents of the City who did not have sewer would have priority, but estimated approximately one year waiting period. Comm. J. T. Hopson stated that he did not object to this annexation, but did not desire to see utilities extended within this area

until current residents had been served. Mayor Garrison asked City Manager Westerholm what effect completion of Water Pollution Control Plant would have on this problem. City Manager Westerholm stated that completion of plant would provide possibility for sewer connections to individuals who were not presently on City sewer and could be completed within approximately one year. City Manager Westerholm further stated that he could provide a report on areas not currently being served by City sewer for review at next regular meeting if members of Commission desired.

Comm. E. G. Pittman inquired as to whether or not the City of Lufkin had a master plan of the sewer system. City Manager Westerholm stated that this type map was available for review in the Engineering Department. Comm. R. A. Brookshire asked that City Manager Westerholm provide members of the Commission an exact figure indicating amount of individuals not being served within the City where sewer services were available and not available. City Manager Westerholm stated that he would have this information prepared for consideration at next regular meeting as requested.

Mayor Garrison stated that annexation of Forest Hills Subdivision would be considered for first reading of ordinance at next regular meeting as requested.

5. Hotel-Motel Occupancy Tax - Approval of Ordinance

Mayor Garrison stated that the City Commission had previously passed a 3% Hotel-Motel Occupancy Tax ordinance on first reading during regular meeting of January 15, 1974, and further discussion concerning a possible second reading of ordinance had been delayed until this meeting.

Mayor Garrison then called on Mr. Leeland Petty to speak in behalf of motel owners who did not advocate approval of tax ordinance at the present time. Mr. Petty stated that he was not resisting this additional 3% tax and supported the Civic Center, but was of the opinion that other motel operators would prefer to delay the imposition of this tax. Mr. Petty was also of the opinion that the Civic Center should be scheduled for events as thoroughly as possible prior to anticipated opening since this type business was highly competitive and would require considerable revenue for operation. Mr. Petty further stated that he would answer any questions members of the Commission may have regarding attitude of Motel Owners Association.

Mayor Garrison then called on Mr. S. T. Lewis, another local motel owner who voiced opposition to proposed 3% tax. Mr. Lewis was of the opinion that individually owned hotels and motels would be most significantly effected and incentives of the visiting public would be effected since each individual owner must act as a tax collector. Mr. Lewis further stated that he was in support of the Civic Center and its original idea, but desired, as a motel owner, to recover from the energy crisis and rebuild incentives for visitors passing through the City.

Considerable discussion developed in regard to proposed tax and Mayor Garrison asked hotel and motel representatives present if they had personally experienced complaints from the visiting public regarding this type tax in other cities. Mr. Lewis stated that individuals who did not have expense accounts were more tax conscious and were most significantly effected. Mayor Garrison expressed his personal concern that he would be more sympathetic if motel owners could explain how this tax would significantly effect an owner or an individual visitor.

Comm. R. A. Brookshire stated that he had recently asked visiting salesmen calling at his business firm in regard to their reaction toward a 3% tax as being considered. Comm. Brookshire explained that from information received from these individuals the City of Lufkin would be foolish not to impose the tax since many other cities had already approved same. Comm. Brookshire expressed his concern that this proposed ordinance should be approved and placed into effect when contracts were awarded. Mayor Garrison stated that members of the Commission must establish an effective date.

Comm. W. O. Ricks, Jr., then made motion that Hotel-Motel Tax Ordinance setting a collection rate of 3% be approved on second and final reading of ordinance in accordance with amendments as previously requested by setting an effective date of October 1, 1974. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. J. T. Hopson

Mayor Garrison declared motion approved by majority vote of six to one.

Comm. W. O. Ricks, Jr., stated that by establishing an effective date of October 1, 1974, a period would be provided for the City to collect necessary revenue to begin Civic Center program prior to anticipated construction completion date and hotel-motel owners would at the same time, be receiving an extended period through the summer to recuperate from energy crisis.

Mayor Garrison stated that the Commission would give hotel-motel owners every consideration possible if owners could show that tax was significantly effecting their business. Mayor Garrison also informed representatives from the Hotel-Motel Owners Association that the City of Lufkin was contributing \$5,000 a year for promotional advertising throughout the City which was matched by an additional \$5,000 through the Chamber of Commerce.

6. Annexation of Property-Texas Forest Service, M. R. Ross & Robbie Warren - Charles A. Pate, Jr., et al

Mayor Garrison stated that ordinance had been approved on first reading annexing property as requested by Charles A. Pate, Jr., et al, located on U. S. Highway 59 South running adjacent to and parallel with U. S. Highway 59, North of Texas Forest Service property and immediately East of existing City Limits. Mayor Garrison also stated that Texas Forest Service property and property owned by M. R. Ross and Robbie Warren had been included in this ordinance approved for annexation during last regular meeting covering property located East of U. S. Highway 59 on East and West sides of Tulane Drive between Kentwood Subdivision and property owned by Charles A. Pate, Jr.

There were no persons present appearing in objection to annexation of areas as described above and Comm. J. T. Hopson made motion that ordinance be approved on second and final reading annexing areas as previously described. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Permanent Zoning Approval - Charles A. Pate, Jr., et al

Mayor Garrison stated that a separate ordinance had been approved on first reading at last regular meeting permanently zoning property to C District as requested in combination request for annexation and permanent zoning by Charles A. Pate, Jr., et al, covering property located on U. S. Highway 59 South running adjacent to and parallel with U. S. Highway 59, North of Texas Forest Service property and immediately East of existing City Limits.

There were no persons present appearing in objection to permanent zoning of this property and Comm. E. C. Wareing made motion that ordinance be approved on second and final reading permanently zoning above described property to C District in accordance with combination application request. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Application-Dr. J. H. Wade from R-2 to LB District

Mayor Garrison stated that zone change application by Dr. J. H. Wade from R-2 District to LB District, previously amended, had been approved on first reading of ordinance at last regular meeting covering property North of Frank Avenue on West side of Kelley Street, being Lots 1 and 2, Block 6 of the Woodland Heights Addition.

There were no persons present appearing in objection to application on second reading and Dr. Wade was not in attendance. Comm. W. O. Ricks, Jr., inquired as to whether or not members of the City staff were familiar with Dr. Wade's attempt to omit the dangerous traffic problem at the intersection of Frank Avenue and Kelley Street and if Dr. Wade had trimmed switchcane in accordance with existing ordinances. City Manager Westerholm stated that he had discussed this problem with Dr. Wade following request by the Commission to remove switchcane and that Dr. Wade had only trimmed a portion of this high growth. City Manager Westerholm further stated, however, that trimming completed had not been adequate and would not comply with existing ordinance which prohibits blind corners. Comm. W. O. Ricks, Jr., then suggested that second reading of ordinance approving zone change application by Dr. Wade as submitted should be withheld until blind corner problem was alleviated. Comm. W. O. Ricks, Jr., then made motion that second reading of zone change application by Dr. J. H. Wade from R-2 District to LB District be held in abeyance until next regular meeting. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mayor Garrison asked City Manager Westerholm to explain to Dr. Wade circumstances as discussed during this meeting and to emphasize the importance of complying with blind corner ordinance since the grant of an LB District at this location would create an even higher volume of traffic flow.

9. Workmen's Compensation Insurance Policy - DETCOG - Approval of Resolution

Mayor Garrison explained that recent new laws would obligate the City of Lufkin to provide Workmen's Compensation Insurance which must cover public employees. City Manager Westerholm stated, in agreement with Mayor Garrison, that the City of Lufkin must secure Workmen's Compensation coverage as an employer and explained three available alternatives. City Manager Westerholm recommended that the City participate with other cities in a joint self-insurer fund and explained two available plans under the DETCOG's and the Texas Municipal League. City Manager Westerholm recommended that the DETCOG plan would be more effective since rates would be the lowest and more local control could be made with the insurance fund and local servicing.

Mayor Garrison explained that he was particularly interested in this program and from past experience was convinced that management of claims depended upon the amount of attention administered to an individual after claim was filed and emphasis on safety. Mayor Garrison stated that claim directors should live close within the area in order to accomodate claims as soon as possible, and emphasized the need for having a local control which would create a more effective and economical operation.

Comm. W. O. Ricks, Jr., made motion that resolution be approved authorizing the City of Lufkin to participate with other cities in a joint self-insurer fund to provide Workmen's Compensation Insurance benefits to employees as sponsored by the DETCOG; further authorizing the City Manager to enter into agreements with the DETCOG's Workmen's Compensation Insurance fund and to negotiate annual premiums for the coverage as provided in accordance with established rates for the fund and also designated the City Manager as the representative for the City to serve on the Board of Directors of the Deep East Texas Workmen's Compensation Insurance Fund. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Mayor Garrison then called on Mr. Vance Werner, who was present in behalf of the DETCOG. Mr. Werner expressed his concern that this program would save the City money and that he was personally looking forward to serving the City of Lufkin.

10. Streets Named - Brentwood and College Drives

City Manager Westerholm reported that the City Planning and Zoning Commission had recently recommended names for two City streets to be officially considered by the City Commission as listed below:

Brentwood Drive - Located East of U. S. Highway 59 South intersecting with U. S. Highway 59 South below Grider's Mobile Home Park.

College Drive - Located South of Angelina Junior College and West of U. S. Highway 59 South.

Comm. Joe E. Rich made motion that above recommended street names as submitted by the City Planning and Zoning Commission be officially named as indicated. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

11. Water Pollution Abatement Program - Contract Disc-

City Attorney Flournoy reported that a contract was being prepared for consideration by members of the Commission regarding the Water Pollution Abatement Program. Further discussion of this item was deferred for consideration at a later meeting when more information would be available for review including contract to be prepared by the City Attorney.

12. Criminal Justice Council-Resolutions Approved-Grant Applications

City Manager Westerholm reported that the City had made application for a Criminal Justice Council grant to include a system project and police community relations project subject to approval by City Commission. City Manager Westerholm explained that the reporting system project would provide the Police Department with approximately \$17,000 worth of recording equipment in order that each police officer could tape daily reports to be transcribed by a secretary. It was further reported that this equipment would save police officers considerable time and provide more opportunity for officers to do the work for which they were trained. City Manager Westerholm stated that the City would only have to furnish a secretary for transcribing purposes.

In regard to the Police Community Relations Project, City Manager Westerholm reported that no additional funds would be needed since police officers were presently giving of their free time in little league baseball and other programs which serve as the City's contribution to the "in-kind" share of the cost. It was further determined that this project would establish "sand lot" recreational programs in the under-privileged, high-crime and minority neighborhoods which would involve youths with off-duty officers in a non-law enforcement situation.

Considerable discussion developed among members of the Commission and Police Chief A. J. Schamerhorn, who was present, was asked several questions by members of the Commission. Comm. E. G. Pittman inquired as to the amount of time currently being used by police officers for daily reports. Chief Schamerhorn reported that the average officer spent approximately 30 minutes to two and one half hours out of each eight-hour shift for this reporting which could be reduced considerably under methods as previously described.

Comm. J. T. Hopson made motion that resolution be approved authorizing the City of Lufkin to make application to the Criminal Justice Council for a reporting system project as previously described by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Considerable discussion developed in regard to approval of resolution concerning a police community relations project and Comm. R. A. Brookshire voiced his concern for same. City Manager Westerholm reported that the complete police community relations project for a three-year period would total \$93,086.

Comm. R. A. Brookshire expressed his familiarity with this program and asked if it was the same as the Nacogdoches project currently being managed by David Rice who was in charge of personnel relations project in Nacogdoches. Comm. Brookshire conveyed to members of the Commission that information received from Mr. Rice indicated that this program had been a tremendous success in Nacogdoches. City Manager Westerholm stated that only one individual would participate as full-time public relations representative in the Police Department. Comm. Brookshire expressed his concern that the individual selected for this job should be trained in the field of personnel relations. Police Chief Schamerhorn explained that Lt. David Kirkland had been selected to represent the police community relations program as coordinator and would not be involved in police activity.

Comm. E. C. Wareing then made motion that resolution be approved authorizing the City of Lufkin to apply for the Criminal Justice Council grant providing for a police community relations project. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Approval of Invoices - Henningson, Durham & Richardson

City Manager Westerholm stated that invoices had been received from Henningson, Durham & Richardson, Inc., in the amounts as listed below:

<u>Invoice Number</u>	<u>Amount</u>
D-6090	\$1,991.71
D-6091	27.22
D-6092	<u>1,091.80</u>
Total	\$3,110.73

Comm. Joe E. Rich then made motion that above listed invoices in amounts as stated be approved as submitted. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Lufkin Telephone Exchange - Franchise Renewal Disc.

Mayor Garrison explained that the City of Lufkin must soon consider a new telephone franchise and City Attorney Flournoy had prepared a proposed ordinance for members of the Commission to consider regarding same. Mayor Garrison further expressed his concern regarding the franchise period of coverage to be considered indicating that he was personally convinced that the City should not consider a long-range franchise if possible.

Mayor Garrison then called on Mr. Larry Ross, who was present to represent the Lufkin Telephone Exchange in behalf of their request for a new franchise. Mr. Ross stated that it was important that a new franchise be considered in order to provide the Lufkin Telephone Exchange a more favorable interest rate on new financing required for his company's expansion. Mr. Ross stated that a long-range franchise had been most popular ranging from 20 to 25 years since this type franchise yielded better bond ratings which in turn benefited customers as well. Mr. Ross stated that his company would prefer to have at least a 20-year franchise if possible.

Considerable discussion developed among members of the Commission and Mayor Garrison stated that he was of the opinion that a long-range franchise would place a burden on future City Commissions. In regard to Mayor Garrison's comment regarding long-range franchises, considerable discussion developed concerning a self-renewal franchise.

Comm. E. C. Wareing asked Mr. Ross several questions in regard to proposed franchise and made direct reference to Page 3, Section 5 of same. Considerable discussion developed regarding this particular section involving reporting systems and Comm. E. C. Wareing indicated his concern that this system be made a permanent part of franchise. Mr. Ross stated that he would prefer that a separate letter of agreement be considered in conjunction with the franchise.

Mayor Garrison suggested that members of the Commission consider proposed telephone franchise during next regular meeting. Members of the Commission were in unanimous agreement with suggestion as presented by Mayor Garrison and item was deferred for consideration until next regular meeting.

Comm. W. O. Ricks, Jr., asked City Manager Westerholm for the amount of revenue to be received by the City as a result of proposed franchise. City Manager Westerholm reported that the City would receive a 4% gross tax receipt. Comm. E. C. Wareing asked Mr. Ross if he would furnish members of the Commission supplementary information regarding franchise as previously discussed prior to next regular meeting. Mr. Ross stated that he would provide information as requested.

15. Motorcycles - Ordinance Disc.

City Manager Westerholm reported that the City had received several complaints about motorcycles operating in City's parks and recommended that members of the Commission consider an ordinance regarding regulation of same. City Manager Westerholm stated that a means of providing a place for motorcycles riding, a "motorcross", should also be considered to provide a location for this type activity and suggested area within the old sanitary landfill and Kit McConnico Park for consideration.

Considerable discussion developed and it was the unanimous consensus of opinion that information as presented by City Manager Westerholm regarding proposed ordinance be reviewed prior to next regular meeting when item could be considered as requested.

16. Newsprint Disposal - Disc.

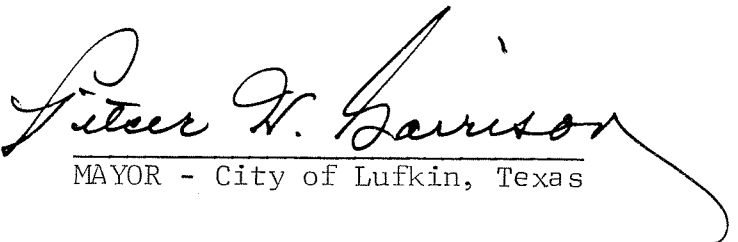
Comm. E. G. Pittman inquired as to information received from investigations made by Denzel Percifull concerning newsprint disposal throughout the state. City Manager Westerholm reported that information had been researched accordingly as requested by Comm. E. G. Pittman regarding the possibility of re-cycling newsprint. City Manager Westerholm stated that a copy of this research had been made available to members of the Commission for review. City Manager Westerholm stated that he was of the opinion that the City of Lufkin was not

equipped to make necessary collections of this newsprint and recycling seemed to be of an ecological more than economical advantage to the City at the present time. Comm. E. G. Pittman expressed his concern that he was only interested in action that would assist the City and further research would not be necessary.

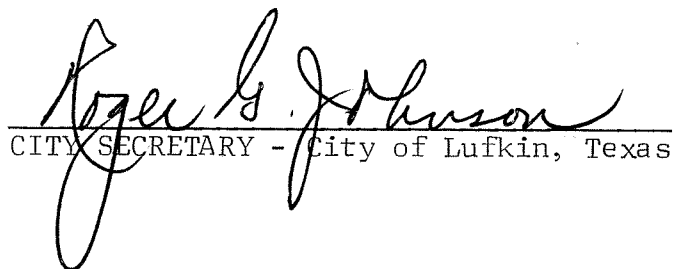
Mayor Garrison requested that members of the Commission be furnished information from individuals within the re-cycling newsprint business indicating why the City should consider implementation of this program.

17. Adjournment

There being no further business for consideration, meeting was adjourned at 9:15 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas