MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF NOVEMBER, 1983, AT 7:30 P.M.

On the 1st day of November, 1983, 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
Percy Simond	Commissioner, Ward No. 1
Gil Fears	Commissioner, Ward No. 3
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
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present and,

Don Boyd	Commissioner, Ward No. 2
Pat Foley	Commissioner, Ward No. 4
Libby Sims	Assistant City Secretary

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Roger Lewis, Pastor of Glad Tidings Assembly, Lufkin.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

   Minutes of regular meeting of October 18, 1983, were approved on a motion by Commissioner Richard Thompson and seconded by Commissioner E.C. Wareing. A unanimous affirmative vote was recorded.

4. Resolution - Approved - Peoples National Bank - Industrial Development Revenue Bonds

   Mayor Garrison stated that the law requires the City Commission approve the issuance of bonds for the Peoples National Bank in the amount of $670,000.00 before the action of the Board of Directors for the Lufkin Industrial Development Authority can become effective. Mayor Garrison further stated that the resolution from the City Commission would authorize the financing of the project as approved by the Lufkin Industrial Development Authority. Mayor Garrison further stated that the resolution had been prepared by Bob Cain, Attorney for Peoples National Bank for activation of the project.

   Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that resolution for Peoples National Bank be approved as presented which would provide funding for the bond Series, 1983. A unanimous affirmative vote was recorded.

5. Zone Change - Approved - Second Reading - Charles Stevenson - RL to D

   Mayor Garrison stated that zone change application by Charles Stevenson covering property located on Pershing Street between Turner and Feagin Drive from Residential Large to Duplex had been approved on first reading at last meeting of this Commission. There was no opposition present.

   Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

6. Zone Change - approved - Second Reading - Leslie N. Cahill - LB to C

   Mayor Garrison stated that zone change application by Leslie N. Cahill covering property located on Northwest corner of Loop 287 and Ford Chapel Road from Local Business to Commercial had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. <u>Amendment - Approved - Second Reading - Electrical Ordinance - License Requirements</u>

Mayor Garrison stated that amendment to the Electrical Ordinance had been approved on first reading at last meeting of this Commission and requested that City Attorney Bob Flournoy state the proposed changes to the Ordinance.

City Attorney Bob Flournoy stated that the amendment would provide a 90 day grace period for renewal of an electrical license without the requirement that an examination be taken or a penalty be paid. City Attorney Flournoy further stated that it would be illegal for the electrician to operate during the grace period.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that a notice will be sent to each electrician stating when their license will expire.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that amendment be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. <u>Zone Change - Approved - First Reading - Jerry Hathorn - RL to LB, SU (Professional Offices)</u>

Mayor Garrison stated that zone change request by Jerry Hathorn covering property located at 607 S. John Redditt between Red Bud and Pin Oak Lanes from Residential Large to Local Business, Special Use (Professional Offices) had been approved by Planning and Zoning Commission with the provision of no ingress or egress onto Loop 287. Mayor Garrison further stated that Mr. Hathorn was asking that his zone change be approved by City Commission without these stipulations and that a plat of the proposed use of subject property had been submitted for inspection.

Mr. Hathorn stated that he did not have the site plan at the Planning and Zoning Commission meeting, but if the plan had been available, he felt the Planning and Zoning Commission would have approved the zone change with ingress and egress onto Loop 287. Mr. Hathorn further stated that Red Bud Lane is very narrow, only 20 feet in width, which would be dangerous for ingress and egress to his property. Mr. Hathorn stated that his lot is a half acre and that the existing house was a 40 foot culvert where the property line and loop meet which would provide better ingress and egress to the property.

City Planner Ed Richie stated that the Planning and Zoning Commission is attempting to keep the loop free of additional entrances, and restrict the size of commerical signs to prevent interference with the vision of motorists.

Commissioner E.C. Wareing stated that because Red Bud Lane is not a full size street and right-of-way has not been obtained for widening, and another zone change is in close proximity with approved access onto Loop 287, the same guidelines should be used for this property.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that zone change be approved on first reading as presented with implementation of Thoroughfare Development Policy without restriction of access to Loop 287. A unanimous affirmative vote was recorded.

9. <u>Zone Change - Tabled - First Reading - Oscar Hightower and Charles Alexander - RM to C</u>

Mayor Garrison stated that zone change request by Oscar Hightower and Charles Alexander covering property located on Maxwell Street between Highway 103 East and South Medford Drive from Residential Medium to Commercial had been approved by Planning and Zoning Commission. There was no opposition present.

Mayor Garrison asked if there was a representative present in regard to the zone change. Representative was not present.

Mayor Garrison recognized City Planner Ed. Richie regarding Planning and Zoning Commission recommendation of this zone change. City Planner Ed Richie stated that the proponents wish to operate a truck repair and storage operation at this location and Planning and Zoning Commission had recommended approval of the request. Mr. Richie further stated that the Thoroughfare Development Policy was not a part of the Planning and Zoning Commission's motion, but the setback should be uniformly enforced. Mr. Richie stated that under the present zoning ordinance a Commercial designation has a zero setback line, and if the Thoroughfare Development Policy was recommended, the setback of the building line would be 50 feet from the right-of-way or 30 feet if parking was in the rear of the building. Mr. Richie further stated that the Thoroughfare Development Policy had been discussed with the applicants prior to submission of application and they voiced no objections.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Gil Fears that zone change application be tabled until next meeting of this Commission to allow representative of the zone change to be present. A unanimous affirmative vote was recorded.

Mayor Garrison stated that City Planner Ed Richie should visit with applicants concerning the Thoroughfare Development Policy and request their presence at next meeting of this Commission.

Commissioner E.C. Wareing stated that he would like a written summary of Mr. Richie's meeting with the applicants regarding what is agreed before next meeting of this Commission to allow time for consideration before discussion at the meeting.

Mayor Garrison stated that it should be a policy of the City Staff to inform zone change applicants that the City Commission will not consider zone changes which allow building on the property line and that an ordinance should be developed because the Thoroughfare Development Policy does not have a binding effect. Mayor Garrison stated that an amendment to the Zoning Ordinance should be considered which would not allow construction of buildings closer to the property line than a designated amount of footage.

City Planner Ed Richie stated that his department was in the process of a revision of the present Zoning Ordinance which would speak directly to the problem of the setback in the Commercial district.

Mayor Garrison stated that an amendment should be considered now because the problem is being experienced now. Mayor Garrison stated that he did not look with favor on a complete rewriting of the entire zoning ordinance.

10. Zone Change - Approved - First Reading - Buren E. Chandler - RL to NR, Special Use (Thoroughfare Development Policy)

Mayor Garrison stated that zone change request by Buren E. Chandler covering property located at 703 S. John Redditt between Red Bud Lane and Pershing Avenue from Residential Large to Neighborhood Retail, Special Use (Thoroughfare Development Policy) had been recommended for approval by Planning and Zoning Commission. There was no opposition present. Mayor Garrison asked that City Planner Ed Richie provide the City Commission with his comments regarding the zone change.

Mr. Richie stated that the proponent wishes to convert the existing house on the property into a cleaners, and the property has access only to Loop 287. Mr. Richie further stated that the Planning and Zoning Commission had recommended approval of the request with the Thoroughfare Development Policy as a guide because the present structure cannot meet the setback requirement if parking is located in front of the building.

Commissioner E.C. Wareing stated that the zone change could be approved with the stipulation that any additions to the existing building would have to conform to the 50 foot setback requirement of the Thoroughfare Development Policy.

Motion was made by Commission Gil Fears and seconded by Commissioner

Percy Simond that zone change application be approved on first reading with the stipulation that the 50 foot setback requirement of the Thoroughfare Development Policy be observed if any additional space is added to the existing building. A unanimous affirmative vote was recorded.

11. Zone Change - Approved - First Reading - Lufkin Alcoholics Anonymous RL to RL, SU (Alcoholics Anonymous Meetings)

Mayor Garrison stated that zone change request by Lufkin Alcoholics Anonymous covering property located at 1508 Diana between Highway 58 and Denman Avenue from Residential Large to Residential Large, Special Use (Alcoholics Anonymous Meetings) had been recommended for approval by the Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

12. Zone Change - Tabled - First Reading - Joe Treadwell - RL to C

Mayor Garrison stated that zone change application by Joe Treadwell covering property located on S. John Redditt Drive between Lane Drive and Sandy Lane from Residential Large to Commercial had been recommended to City Commission for approval by Planning and Zoning Commission. Mayor Garrison requested that City Planner Ed Richie provide the City Commission with his comments regarding the zone change.

Mr. Richie stated that the proponent wishes to build an office at this location which is almost completely surrounded by commercial zoning at this time. Mr. Richie further stated that the Thoroughfare Development Policy has been discussed with Mr. Treadwell but Planning and Zoning Commission did not consider it as a part of their motion.

Mr. Treadwell stated that he objected to the 50 foot setback required by the Thoroughfare Development Policy, and that he had discussed a 20 foot setback with Mr. Richie. Mr. Treadwell further stated that his property was a small triangle, and a 50 foot setback would destroy the value of the property. Mr. Treadwell stated that he planned to construct an office building, housing an accounting and real estate firm. Mr. Treadwell stated that the 30 foot setback was mentioned at the Planning and Zoning Commission meeting, but he would have a problem with anything greater than 30 feet. Mr. Treadwell stated that his property was located on a frontage road to the loop.

Commissioner Richard Thompson stated that traffic on an access road is more dangerous than loop traffic.

Mr. Treadwell stated that he had discussed the entrance to the property with Mr. Jerry Biggs of the Texas Highway Department, who informed him that the ingress and egress should be from Lane Drive and at the east end of the property. Mr. Treadwell stated that he proposed to construct a 3,200 square foot building which would be the maximum allowed on this property.

Mayor Garrison stated that the building could be designed to conform to the 35 foot setback, and developers often buy small tracts of land for Commercial use, then request that the City Commission make variances to the Zoning Ordinance to accomodate construction.

Motion was made by Commissioner Gil Fears that zone change be approved on first reading with the provision that any building constructed conform to the minimum Thoroughfare Development Policy setback line of 35 feet. Mayor Garrison declared motion by Commissioner Fears dead for lack of a second.

Commissioner Percy Simond stated that he would like to second the motion but he was reluctant to restrict the use of an individual's property and the City Commission should work with the applicant to develop a suitable plan.

Commissioner Gil Fears stated that he could sympathize with Mr. Treadwell, but that the City Commission has to stand firm on their policies.

Mayor Garrison stated that he would request Mr. Treadwell attempt to develop a building with a 35 foot setback requirement. Mayor Garrison further stated that it is regretable to tell an individual that they cannot use their property but the tract of land is small for a commercial enterprise. Mayor Garrison stated that he would like to have a drawing of the building incorporating the 35 foot setback. Mayor Garrison further suggested that Mr. Treadwell meet with City Planner Ed Richie and develop his drawing.

Commissioner E.C. Wareing stated that he would like to have a drawing indicating the actual pavement of Loop 287 in relation to the subject property.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Percy Simond that zone change application be tabled until next meeting of City Commission. A unanimous affirmative vote was recorded.

13. Zone Change - Approved - First Reading - Leland Gay - LB to C

Mayor Garrison stated that zone change application by Leland Gay covering property located on Lufkin Avenue between Ridge and Wood Streets from Local Business to Commercial had been recommended for approval by Planning and Zoning Commission. Mayor Garrison requested City Planner Ed Richie provide comments regarding zone change application.

Mr. Richie stated that the proponent wishes to construct mini warehouses at this location and that the Thoroughfare Development Policy should be enforced.

Mr. Gay stated that he was not aware of the Thoroughfare Development Policy but assumed that the City would tell him where he could construct his warehouses. Mr. Gay further stated that he had room for the setback, but he was concerned about the price of concrete and his relation to the existing structures on the street.

Mayor Garrison stated that with existing buildings in the area, it is hard to establish a concrete rule on the setback and that an average building line of existing buildings in the area should be established to determine amount of setback for this zone change.

City Attorney Bob Flournoy stated that construction should not be required to have a setback line in excess of a line drawn between the existing buildings on each side of the subject property.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Gil Fears that zone change application be approved on first reading as presented and that setback not be greater than adjacent property setback if adequate turning radius could be provided. A unanimous affirmative vote was recorded. Mayor Garrison stated that he would like to have additional information about building lines in the area before the next meeting of the City Commission.

14. Amendment - Private Club Ordinance - Approved - First Reading

Mayor Garrison stated that an amendment to the Private Club Ordinance had been prepared for consideration by the City Commission and requested that City Attorney Bob Flournoy provide the Commission with his comments.

City Attorney Flournoy stated that the amendment to the Private Club Ordinance would clarify the existing ordinance regarding the initial term and renewal time period. Mr. Flournoy further stated that the reporting period would be at the end of twelve months with a 30 day grace period, and if the private club did not comply with the 50% food and drink requirment, the license would not be renewed. City Attorney Flournoy further stated that the City's Private Club Permit would run concurrent with the permit granted by the State of Texas.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that amendment be approved on first reading as presented. A unanimous affirmative vote was recorded.

15. Bid - Approved - Trash and Leaf Bags - Arrow Industries

Mayor Garrison stated that bids had been received for the purchase of a yearly supply of trash and garbage bags for the City of Lufkin. Mayor Garrison requested that City Manager Westerholm provide the recommendation of the City Staff.

City Manager Westerholm stated that the budget deficit experienced by the City of Lufkin had resulted in an alternate bid for a 1.5 mil bag with the utilization of 70% linear load density which could be purchased at a lower price than the 2 mil bags. Mr. Westerholm further stated that the low bid was from Arrow Industries in the amount of $2.88 a roll for trash bags and $11.83 a roll for leaf bags of 1.5 mil construction. Mr. Westerholm further stated that the 1.5 mil bags are comparable in strength but not in thickness to the 2 mil bags.

Commissioner E.C. Wareing stated that it would be advisable to order one-third of the bags needed to provide a trial period.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Percy Simond that bid of Arrow Industries be approved with one-third of the yearly supply being purchased to provide a period of testing of the 1.5 mil bag. A unanimous affirmative vote was recorded.

16. Angelina & Neches River Authority's Proposal - Denied - Management of County-Wide Landfill Operation

Mayor Garrison stated that a proposal had been received from the Angelina and Neches River Authority for management of county-wide landfill operation. Mayor Garrison requested that City Manager Westerholm provide the Commission with his thoughts regarding the proposal.

City Manager Westerholm stated that after a review of the proposal, it would be the recommendation of the City Staff that the City of Lufkin consider operating the landfill and charge the other entities of Diboll, Angelina County, and private haulers for the right to dump in the landfill. City Manager Westerholm further stated that it would be more convenient for the City Staff to contract with the Angelina & Neches River Authority, but it would be more economical to the City and its customers to operate the landfill. Under the proposal, City Manager Westerholm stated that the county would sell the landfill to the Angelina & Neches River Authority and if sufficient money were not obtained to operate the landfill rates would have to be readjusted.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the City of Lufkin would pledge all revenues that are charged for garbage to the Angelina Neches River Authority.

Commissioner E.C. Wareing stated that it was an excellent contract for the Angelina Neches River Authority, but a City would be irresponsible to its voters to approve the proposal. Commissioner Wareing further stated that there is nothing in the proposal that would provide any recourse to the City if the Angelina Neches River Authority stated that they needed double the money they were presently receiving. Commissioner Wareing stated that he felt the City of Lufkin should operate the landfill and charge the other entities.

Mayor Garrison stated that a contract of this kind has to be this explicit because the Angelina Neches River Authority has to have a guarantee of the operating cost. Mayor Garrison further stated that this type of contract was designed for use with more and larger cities because the City of Lufkin would have to guarantee the bonds up to the full amount and assume some of the operation of the landfill. Mayor Garrison further stated that if the Angelina Neches River Authority did not perform the services, the City would continue to pay the fees.

Terry Roberts, City Manager of Diboll, was present and stated that the Diboll City Commission would consider the same proposal at their November meeting and under this proposal, the rates and budget forthe operation would not be controlled by the entities that would have to back the bonds and underwrite the program. Mr. Roberts further stated that the City of Lufkin would be the primary source of revenue for the operation.

Mayor Garrison stated that if the City of Lufkin has to pay the cost of the proposal it should have the right to control the landfill. Mayor Garrison stated that the operation will be better handled by the City of Lufkin in cooperation with Diboll and Angelina County.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Gil Fears that the City of Lufkin decline to enter into the contract as presented. A unanimous affirmative vote was recorded.

Mr. Bill Elmore of the Angelina Neches River Authority was present in the meeting and stated that the River Authority could not lose money in the operation because they do not have a source of revenue available to them.

City Manager Westerholm stated that he would like to express appreciation of the City of Lufkin for the work that Mr. Elmore and his Staff have put into the proposal.

Mayor Garrison stated that he would also like to extend his appreciation to the Angelina Neches River Authority and that the contract that was presented is a standard of the industry where this type of operation is being performed.

17. Animal Shelter Boarding Fees, Increased - Pick-up Fees, Established

Mayor Garrison stated that a letter had been received from Public Works Director Ron Wesch reflecting a survey of Animal Shelters in the area which indicates that the City of Lufkin's boarding are low and that there is no provision for a pickup fee. Mayor Garrison suggested that City Manager Westerholm provide Staff recommendations for consideration by City Commission.

City Manager Westerholm stated that the cost of operating the Animal Shelter has increased and at present the City of Lufkin is charging $2.00 a day to maintain the animals and there are no provisions for a pickup fee to owners that reclaim their pets. City Manager Westerholm stated that the Staff was recommending that the maintenance fee be increased to $3.50 a day and that a $12.00 pickup fee be established.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Percy Simond that boarding fees be increased to $3.50 a day and a pickup fee of $12.00 be established. A unanimous affirmative vote was recorded.

18. Amendment - Approved - Texas Municipal Retirement System Ordinance - Updated Service Credit - Increase in Retirement Annuities

Mayor Garrison stated that a proposed amendment to the TMRS Ordinance authorizing members who have served in other cities covered by the Texas Municipal Retirement System be eligible to receive updated service credit for those years.

City Manager Westerholm stated that at the present time the updated service credit would only effect City Planner Edward Richie, Water Plant employee Dennis Wankin, and himself at an additional cost to the City of $1650.00 per year. City Manager Westerholm futher stated that to implement this amendment, updated service credit must be adopted for all participants which would cost the City $4,950.00 a year. City Manager Westerholm stated that under Section 2, an increase in retirement and annuities would provide for an adjustment in the retirement annuity for present retirees equal to 70% of the consummer price index change since their date of retirement which would cost the City $1,650.00 a year. City Manager Westerholm stated that the total cost of implementing the amendment to the Texas Municipal Retirement System Ordinance would be approximately $6,200.00 per year. City Manager Westerholm further stated that the $6,200.00 would decrease each year after the initial year.

Mayor Garrison stated that the budget should not be amended at the present time until it is evident that the money will not be available from this fund at the end of the year.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E.C. Wareing that amendment be approved on first reading as presented. A unanimous affirmative vote was recorded.

19. Federal Cable TV Legislation - Commission Opposed - Contributions To TML

Mayor Garrison stated that a letter had been received from Texas Municipal League requesting that the City of Lufkin join with the group opposing Federal Cable TV Legislation at a cost of 1¢ per capita which would amount to $286.00 for the City of Lufkin. Mayor Garrison stated that the legislation would remove Cable TV from City control and the City of Lufkin should join with other cities in an attempt to defeat the legislation. Mayor Garrison further stated that under this legislation the City of Lufkin would be unable to remove a cable TV service from operation in the City. Mayor Garrison stated that when Cablecom began to offer HBO, the City of Lufkin had attempted to regulate the rates and were informed by the Federal Communications Commission that the City could not regulate the prices and that Cablecom could establish any rates they desired. Mayor Garrison further stated that Cablecom uses the City's utilities system and the roads which should allow some control by the City of Lufkin. Mayor Garrison stated that he would contribute the fees he receives for serving as Mayor toward the $286.00 cost of joining in the TV Cable Defense Fund.

Motion was made by Commissioner Gil Fears and seconded by Commissioner Richard Thompson that the City of Lufkin join with TML in fighting federal legislation of Cable Television Bill, S.66, now pending in Congress. A unanimous affirmative vote was recorded.

20. Block Numbers Added to Street Signs - Notification of Unsuccessful Job Applicants - Community Development Block Grant Meeting - Landfill Operations - Discussed

Commissioner Percy Simond stated that the City of Lufkin should have the number of the block identified on the street signs for easy location of addresses. Public Works Director Ron Wesch stated that he would implement the addition of the block number immediately.

Commissioner Percy Simond stated that the Affirmative Action Committee stated that job openings were advertised and every person not chosen would be notified. Assistant City Manager Brian Boudreaux stated that the City of Lufkin mails a standard form letter to applicants that are unsuccessful three (3) to four (4) days after the closing of the job placement notice.

Commissioner Percy Simond stated that an applicant attempting to apply for the Switchboard Operators' job had been told that she could not apply for that position but could apply for a laborer position.

Assistant City Manager Boudreaux stated that the applicant probably attempted to apply for the switchboard operators' job after the deadline for accepting the applications.

In response to question by Commissioner Percy Simond, Assistant City Manager Brian Boudreaux stated he had attended a meeting in Austin in regard to the Community Development Block Grant, but the purpose of the meeting was for a redress of grievances by cities charging serious ineligibility in the system. Mr. Boudreaux stated that he was the only person from the East Texas area and that he had delivered letters regarding the City of Lufkin application to members of the committee.

Mayor Garrison stated that City Manager Westerholm should pursue avenues available to the City of Lufkin regarding operation of a landfill site. Commissioner E.C. Wareing stated that the City of Lufkin should have control over the landfill because we are the major financing agent.

21. There being no further business for consideration, meeting adjourned at 9:43 p.m.

Pitser H. Garrison

Pitser H. Garrison, Mayor

CITY OF LUFKIN TEXAS

ATTEST:

Ann Griffin

Ann Griffin, City Secretary