

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,
TEXAS, HELD ON THE 16TH DAY OF JANUARY, 1973, AT 7:30 P. M.

On the 16th day of January, 1973, 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:

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
Edgar 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. R. P. Wiederaenders, Pastor of First Lutheran Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present regarding items on the agenda or as observers and expressed gratitude for their concern.
3. Approval of Minutes

Comm. E. G. Pittman brought attention to the fact that Item 5 from minutes of City Commission meeting of January 2, 1973, should be amended. Comm. E. G. Pittman stated that Mayor Garrison had not indicated that the Commission had been "challenged" to implement a tax exemption for the elderly. Mayor Garrison instructed Secretary to amend this particular statement, "was challenged to implement" this exemption to read, "should consider implementing" this exemption. Members of the Commission were in agreement with this amendment as suggested by Mayor Garrison. Comm. E. G. Pittman made motion that minutes of regular meeting of January 2, 1973, be approved in accordance with amendment suggested by Mayor Garrison. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Zone Change Application-A. B. Youngblood, et al, from R-1 District to A and C Districts

Mayor Garrison explained that this particular zone change application had been previously considered by the City Planning and Zoning Commission in meetings of December 14 and December 28, 1972, following request by the City Commission for re-consideration. Mayor Garrison explained that as a result of this re-consideration, the City Planning and Zoning Commission had recommended approval of application subject to 50-foot R.O.W. privileges to be provided the City by A. B. Youngblood on his property for widening of Tulane Drive. Mayor Garrison called on Mr. Ward Burke, Attorney representing Mr. & Mrs. A. B. Youngblood. Mr. Burke briefly explained the history of this application and location of property. Mr. Burke stated that his client would give 50 or 60 feet R.O.W. for the widening of Tulane Drive if the Commission desired. Comm. E. G. Pittman expressed his concern as to what type business would be placed in area being requested for C District. Mr. Burke indicated that providing zone change was granted, a small business office would be constructed at this location, but further indicated that no firm agreement had been made. There were a number of persons present appearing in objection to this zone change application to include Guy Carlton, 514 Card Drive, Russell Cummings, 610 Card Drive, Bobby Friday, 1621 Tulane Drive, Dick McKay, 1708 Courtney Lane, and Charles Prah, 495 Card Drive. The following objections to this zone change application to A and C Districts were voiced by these individuals:

- (1) Devaluation of Residential property; and
- (2) Tulane Drive could not be widened to increase the flow of traffic.

Mr. Guy Carlton expressed his concern that providing R.O.W. could be obtained on both sides of Tulane Drive, the traffic problem could be resolved. Considerable discussion developed and Mayor Garrison recused himself from vote on this application since he was related to Mr. Bobby Friday who was present objecting to zone change application. Comm. E. G. Pittman suggested, since two different zone designations were being requested by A. B. Youngblood, that two separate ordinances be considered. City Attorney Flournoy indicated that two separate ordinances had been prepared and read caption of ordinance for first reading changing zone from R-1 District to C District covering property located in Tract #2 of application by A. B. Youngblood. Comm. E. G. Pittman made motion that zone change application by A. B. Youngblood from R-1 District to C District covering Tract #2 of application be disallowed since no specific use of property had been determined. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Comms. R. A. Brookshire, J. T. Hopson, E. C. Wareing,
E. G. Pittman and W. O. Ricks, Jr.

Voting Nay: Comm. Joe E. Rich

Mayor Garrison declared motion carried by majority vote of 5 to 1.

City Attorney Flournoy then read caption of ordinance for first reading changing zone from R-1 District to A District covering property located in Tract #1 of application by A. B. Youngblood. Comm. W. O. Ricks, Jr., made motion that zone change application by A. B. Youngblood from R-1 District to A District covering property located in Tract #1 of application be rejected. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

Voting Aye: Comms. R. A. Brookshire, J. T. Hopson, E. C. Wareing,
E. G. Pittman and W. O. Ricks, Jr.

Voting Nay: Comm. Joe E. Rich

Mayor Garrison declared motion carried by majority vote of 5 to 1.

5. Zone Change Application-Henry D. Harvey from R-3 District to CB District

Mayor Garrison explained that zone change application by Henry D. Harvey from R-3 District to CB District had been considered by the City Planning and Zoning Commission after having been requested to re-consider it by the City Commission. Mayor Garrison further explained that as a result of this re-consideration by the City Planning and Zoning Commission, previous recommendation to deny this application was re-affirmed. Mayor Garrison then called on Mr. Doyle Anderson who appeared in representation of zone change application by Mr. & Mrs. Henry D. Harvey. Mr. Anderson briefly described the location of this property and explained concern that Mr. & Mrs. Harvey desired to change this zone to CB District for the purpose of selling property to a prospective buyer. Mayor Garrison asked Mr. Anderson if LB District at this location would still make this property marketable since LB Districts were most probably existing when property owners in Hunters Creek area made initial purchases. Mr. Anderson explained that an LB zone would make the property more marketable but no buyer would be immediately available for this type zone. There were a number of persons present appearing in objection to this zone change request. Among those present appearing in objection were Mr. & Mrs. Elmer Brumble, III, 306 Hunters Creek Drive, W. P. McLaughlin, 308 Hunters Creek Drive, Mr. & Mrs. Charlie Kimmey, 302 Hunters Creek Drive, and Leon Lebkowsky, 310 Hunters Creek Drive. The following objections to this zone change application were presented by these individuals:

- (1) Would create excessive amount of noise in Residential area; and
- (2) Believed this type zone would devaluate property.

Considerable discussion developed on this particular zone change application and Comm. W. O. Ricks, Jr., explained his concern that a 75-foot buffer be considered between proposed zone change and property owned by Resi-

dential dwellers immediately behind property being considered for change. Individuals appearing in opposition to zone change request were, however, in disagreement with a 75-foot buffer proposal as explained by Comm. W. O. Ricks, Jr. It was concluded by members of the Commission that individuals appearing in objection to this request would not object to zoning subject property LB District since LB zones were already on both sides of property being considered for zone change to CB District. City Attorney Flournoy read caption of ordinance for first reading changing zone from R-3 District to CB District covering property located immediately Northeast of U. S. Highway 69 South between Harbuck and Howard Streets. Comm. E. G. Pittman suggested that zone change application by Henry D. Harvey be amended to read from R-3 District to LB District. Comm. E. G. Pittman then made motion that zone change application by Henry D. Harvey from R-3 District to LB District be approved on first reading. City Attorney Flournoy stated that since this amendment to zone change application, as suggested by Comm. E. G. Pittman, was a more restricted zone, amendment would be permissible. Motion was then seconded by Comm. R. A. Brookshire 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 carried by majority vote of 6 to 1. Mayor Garrison instructed City Attorney Flournoy to further investigate this amended procedure prior to next regular meeting.

6. Zone Change Application-M. L. Renfro, et ux, & Leslie N. Cahill, et ux, from R-1 District to C District

Mayor Garrison stated that zone change application by M. L. Renfro, et ux, and Leslie N. Cahill, et ux, had been passed on first reading at last regular City Commission meeting. There were no persons present appearing in objection to this zone change application. City Attorney Flournoy read caption of ordinance for second and final reading changing zone from R-1 District to C District covering property located South of Ford Chapel Road on the West side of State Highway Loop 287. Comm. E. C. Wareing made motion that zone change application by M. L. Renfro, et ux, and Leslie N. Cahill, et ux, from R-1 District to C District be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson. Prior to vote on this motion, Comm. E. G. Pittman inquired as to the inclusion of a triangular portion of property that was discussed at last regular meeting. City Attorney Flournoy stated that this portion of property had been determined to be a part of the R.O.W. and would be included within the request for zone change to C District. A unanimous affirmative vote was then recorded on motion made by Comm. E. C. Wareing.

7. Zone Change Application - Jamie L. Stansbury from LM District to LM and Special Use District (Art. XV, Sec. 16, Zoning Ordinance, Private Clubs)

Mayor Garrison stated that this particular zone change had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in objection to this zone change request. City Attorney Flournoy read caption of ordinance for second and final reading changing zone from LM District to LM District & Special Use (Art. XV, Sec. 16, Zoning Ordinance, Private Clubs) covering property located North of Abney Avenue between Keltys Street and Cottonbelt Railroad. Comm. J. T. Hopson then made motion that ordinance be passed on second and final reading approving zone change application by Jamie L. Stansbury from LM District to LM District & Special Use (Art. XV, Sec. 16, Zoning Ordinance, Private Clubs) as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Audit Report 1972 - Alexander & Rogers - Discussion

City Manager Westerholm stated that copies of the 1972 audit report by Alexander & Rogers had been distributed among members of the Commission for consideration. Mayor Garrison recognized the presence of Mr. Ken

Rogers of Alexander & Rogers, and called on him to speak in behalf of audit report since this particular discussion had been tabled from last regular meeting. Mr. Rogers briefly explained the status of the City's accounting department and further informed members of the Commission that the problems which were found in the accounting department had been corrected. Mr. Rogers further remarked that he had submitted a separate management letter explaining the transition made by the City to computer operation which had created most problems. It was discovered, however, that members of the City Commission had not received this management letter and City Manager Westerholm stated that he would locate letter as soon as possible for review by the Commission. Comm. E. G. Pittman had several questions regarding delinquent tax report furnished members of the Commission. Mr. Rogers briefly reviewed this delinquent tax report and explained that these taxes only represented a part of delinquent City taxes.

9. Property Tax Exemption for Elderly - Discussion

City Attorney Flournoy stated that he had prepared an ordinance authorizing a \$3,000 tax exemption based on the assessed value of resident homesteads of all persons 65 years of age or over exempting them from ad valorem taxes and providing for registration and establishment of an effective date. City Attorney Flournoy further explained that the Texas Constitution provided that from and after January 1, 1973, a City may exempt not less than \$3,000 of the value of resident homesteads. City Attorney Flournoy further explained conditions of this ordinance pointing out the duties of the City Tax Assessor-Collector and various other provisions of this ordinance. Mayor Garrison explained his concern that an addition be made to this ordinance appointing an individual to pass judgement on proof of age. City Attorney Flournoy stated that he would make this amendment and assign this duty to the Tax Assessor-Collector. Following considerable discussion, Comm. R. A. Brookshire made motion that ordinance be passed on first reading approving a \$3,000 exemption for the elderly effective on January 1, 1973, in accordance with provisions as explained by City Attorney Flournoy and subject to the addition of a clause appointing an individual to pass judgement on proof of age when application for exemption is filed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Citizens Advisory Committee-City Board of Development-Discussion

City Manager Westerholm stated that the present Budget provided a maximum expenditure of \$5,000 for promotional advertising for the City of Lufkin as previously requested by the Chamber of Commerce. City Manager Westerholm further stated that a copy of the act authorizing this expenditure had been furnished City Commission members for review and consideration. City Manager Westerholm stated that three members had been suggested by the Chamber of Commerce for two-year terms with two other members being composed of one member of the City Commission and the City Finance Director. Individuals nominated were Lester W. Adkison, Chairman of Tourism Committee, Bob Browning, Chairman of Publicity Committee and John Waak, Chairman of Highway Merchants Committee. Comm. E. G. Pittman suggested that proposed Citizens Advisory Committee name be changed to City Board of Development since the City already had a Citizens Advisory Committee. Members of the Commission were in agreement with this suggestion by Comm. E. G. Pittman and instructed City Manager Westerholm to make proper changes. City Manager Westerholm observed that the act prohibits City Officials from serving and was requested to have new names proposed for consideration at the next meeting.

11. R. B. Thompson & Wife - Donation of Land

City Manager Westerholm stated that Mr. & Mrs. R. B. Thompson had expressed their desire to donate 14 acres of property to the City of Lufkin located in the Winston Park area. City Manager Westerholm further indicated that the City's only obligation was to assume the delinquent taxes of approximately \$1,000. City Manager Westerholm recommended that, providing the City Commission accepted the property, the City should pay these taxes to

clear the records. Members of the Commission were in agreement with the suggestion as made by City Manager Westerholm and Mayor Garrison suggested that City Manager Westerholm send a letter of appreciation to Mr. & Mrs. Thompson. Following discussion, Comm. W. O. Ricks, Jr., made motion that the City be authorized to accept this 14 acre tract as donated by Mr. & Mrs. R. B. Thompson and that back taxes be paid in accordance with suggestion made by City Manager Westerholm. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

12. Mechanical Refuse Bag Retriever - Discussion

City Manager Westerholm explained that information had been provided members of the City Commission from Gulf Oil Chemical Company regarding the operation of a mechanical bag retriever. City Manager Westerholm also stated that this machine could pick up 973 stops per day with one man compared to 600 stops per day provided by the City's rear loading trucks while using three men. City Manager Westerholm also explained that the mechanical bag retriever unit could eliminate two men at an approximate savings of \$12,500 annually and recommended that the City consider entering into a one-year trial contract since no additional cost would be incurred by the City. City Manager Westerholm explained various other major conveniences offered by this machine and also brought attention to a letter from Hubert Stubblefield, Sanitation Superintendent, and Hayne Stokes, Public Works Director, which had also been provided members of the Commission for consideration. City Manager Westerholm recognized the presence of Mr. Stubblefield and members of the Commission asked Mr. Stubblefield several questions regarding equipment used by the Sanitation Department. Comm. E. G. Pittman suggested that further study be conducted before any final decisions were made regarding the purchase of this new equipment. Mayor Garrison was in agreement with Comm. E. G. Pittman's suggestion and also expressed his concern that more justification be given new equipment purchases. Comm. W. O. Ricks, Jr., expressed his concern that the City purchase another trailer truck to reduce additional wear on present machinery. Comm. E. G. Pittman then made motion that City Manager Westerholm be authorized to advertise for bids on new equipment for Sanitation Department to be considered by next regular meeting. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison instructed City Manager Westerholm to prepare a complete list of all equipment in the Sanitation Department indicating cost per item for consideration at next regular meeting.

13. Henningson, Durham & Richardson - Payment of Invoices

City Manager Westerholm stated that the City Commission, in last regular meeting, had requested further information regarding payment of invoices #5206 and #5207 from Henningson, Durham & Richardson. Comm. R. A. Brookshire expressed his concern that Henningson, Durham & Richardson should have provided a better initial cost estimate on these particular invoices since their engineering knowledge was apparent. Mayor Garrison instructed City Manager Westerholm to prepare a complete estimation of Henningson, Durham & Richardson invoices back to 1968, also including projections of remaining balance. Comm. W. O. Ricks, Jr., then made motion that Henningson, Durham & Richardson invoices #5206 and #5207 be paid since these particular invoices were received in November. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. Layne-Texas Company - Payment of Invoice

City Manager Westerholm informed members of the Commission that invoice #9931 from Layne-Texas Company had been received for recent cost of repairs on Water Well #5. City Manager Westerholm stated that lightning was believed to have been the cause for destruction of this well, but insurance companies would not pay claims and invoice was due City as billed. City Manager Westerholm recommended that this particular invoice be paid since the City planned to take necessary legal steps for reimbursement. Considerable discussion developed and Comm. E. C. Wareing had several questions regarding the repair of this well. Comm. E. C.

Wareing then made motion that invoice #9931 from Layne-Texas Company be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Curb & Gutter Ordinance-Markus Avenue from Fairfield St. to Avondale

City Manager Westerholm stated that petitions had been received from property owners on Markus Avenue from Fairfield Street to Avondale requesting that curb and gutter be installed at a cost not to exceed \$2.50 per linear foot per individual. City Attorney Flournoy read caption of ordinance for first reading declaring the necessity for and ordering the construction of curb and gutter on Markus Avenue from Fairfield Street to Avondale. Comm. W. O. Ricks, Jr., then made motion that ordinance for curb and gutter covering area described by City Attorney Flournoy be passed on first reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded. Comm. E. G. Pittman requested that City Manager Westerholm provide members of the City Commission a list of City's obligations on these curb and gutter projects for review and consideration by next regular meeting. Members of the Commission were in agreement with this request made by Comm. E. G. Pittman in order to justify any further requests of this nature.

16. Refuse Bags - Cost Increase Per Customer

City Manager Westerholm stated that the current cost for plastic bags per roll was \$1.50, but recent bags purchased by the City would cost \$1.52 per roll. City Manager Westerholm recommended that the City be permitted to justify this increase in sales made to citizens. Comm. R. A. Brookshire was in agreement with recommendation by City Manager Westerholm and made motion that the City sell recently purchased refuse bags at \$1.55 per roll in order to return cost increase. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. Park Improvement Funds - Discussion

City Manager Westerholm informed members of the Commission that a Park Improvement report by Max Griffin, Parks & Recreation Director, had been submitted for their review and consideration. City Manager Westerholm also stated that this report was proposed as a suggestion for using the balance of the \$150,000 Park Improvement Funds after purchasing the Cousins Tract (Kit-McConnico Park). City Manager Westerholm explained that \$106,000 would be needed for the purchase of the Cousins Tract and requested consideration by the City Commission to use the balance as matching funds to implement some of the improvements listed in report submitted by Mayor Garrison. Comm. R. A. Brookshire expressed his concern that present park properties were in need of repairs and closer examination should be given toward the purchase of new park property. Comm. R. A. Brookshire requested that a more complete report be submitted for review at a later date. Comm. E. C. Wareing also expressed his desires that a more complete cost break-down be submitted for review. Members of the Commission were in unanimous agreement that this item be tabled for consideration at a later meeting.

18. United Gas - Fuel Cost Adjustment

City Manager Westerholm stated that he had received a letter from Mr. L. A. Douglas, Manager of United Gas, Inc. City Manager Westerholm further stated that Mr. Douglas had explained United Gas was allowed to make adjustments to their rates semi-annually for changes in average purchased gas cost. City Manager Westerholm stated that this increase of 11 hundredths of 1¢ per 100 cubic feet would become effective on bills rendered after the first week of February, 1973. City Manager Westerholm stated as a matter of information, that this adjustment was in accordance with City Ordinance #1432 and did not require additional Council action.

19. Texas Utility Advisory Council - Membership

City Manager Westerholm stated that he had received a letter from the Texas Municipal League requesting the City to become a member of the Texas Utility Advisory Council. City Manager Westerholm stated that this particular Council would help develop more information regarding utility regulations. Mayor Garrison asked City Attorney Flournoy for

his comments on this Council. City Attorney Flournoy stated that since the State did not have a utility commission, the Texas Utility Advisory Council would be of significant benefit. Following discussion, Comm. J. T. Hopson made motion that the City of Lufkin become a member of the Texas Utility Advisory Council. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

20. Jerry Hill - Appointment - Architect for Civic Center

City Manager Westerholm stated that the City should consider the appointment of an architect for the new Civic Center. Comm. E. C. Wareing made motion that Mr. Jerry Hill of Hill, Weiner, Morgan & O'Neal Architect firm be designated as the City architect for the Civic Center. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

21. Richard Thompson - Appointment - City Planning & Zoning Commission

City Manager Westerholm stated that Wyatt Leinart, Chairman of the City Planning and Zoning Commission, had resigned his position and a new member should be considered to fill his un-expired term until June 30, 1973. Comm. Joe E. Rich made motion that Richard Thompson be appointed as new member of the City Planning and Zoning Commission to fill the un-expired term of Wyatt Leinart. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

22. City Real Estate - Delinquent Taxes - Discussion

Comm. R. A. Brookshire expressed his concern over the number of citizens having delinquent taxes on City real estate. Comm. R. A. Brookshire stated that having reviewed the list of delinquent taxes, he believed some of these individuals were financially able to pay taxes accordingly. Comm. R. A. Brookshire further recommended that City officials take necessary action to justify these delinquent taxes. Members of the Commission were in agreement with recommendation by Comm. R. A. Brookshire that City Attorney Flournoy and City Manager Westerholm be authorized to begin necessary action to recover these delinquent taxes.

23. Vumore-Cablecom General, Inc. - Billing Discussion

Comm. E. G. Pittman stated that he had received several calls regarding the billing procedure used by Vumore Company of Lufkin. Comm. E. G. Pittman stated that it was his understanding that Vumore Company would have a stamped notification on bills providing customers an option to pay monthly or bi-monthly. Comm. E. G. Pittman concluded his remarks indicating that Vumore Company had not followed procedures as requested by the City Commission in meeting of November 7, 1972. Comm. R. A. Brookshire suggested that City Manager Westerholm inform Vumore Cable TV regarding these billing procedures to immediately rectify this situation. Members of the Commission were in agreement with suggestions made by Comm. R. A. Brookshire.

24. Jordan Apartments - Discussion

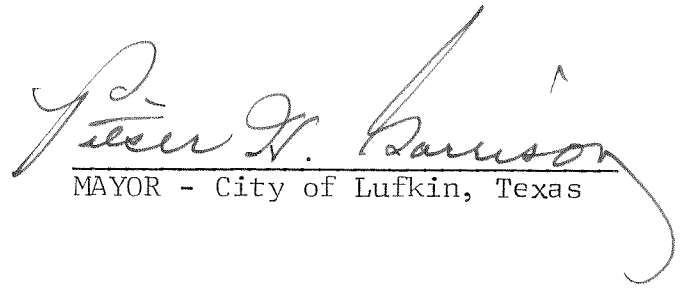
Comm. J. T. Hopson inquired as to the results of a petition recently submitted by property owners and renters within the Jordan apartment area requesting the City of Lufkin to condemn the Jordan apartments from 911 through 913 Thompson Street. City Manager Westerholm stated that the City Building Inspector and the City Fire Marshal had inspected these apartments and as a result the City could not recommend condemnation. City Manager Westerholm also stated that since submission of this petition, several property owners had requested removal of their names from the petition.

25. Roseneath Drainage - Discussion

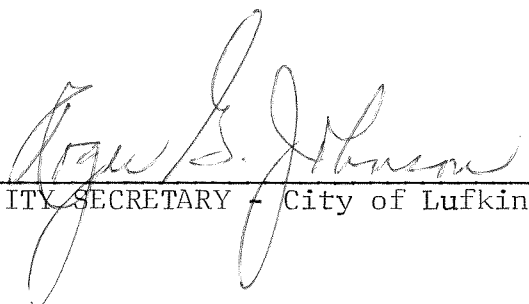
Comm. E. C. Wareing asked that City Manager Westerholm furnish approximate price costs for the Roseneath Drainage project for review and consideration. City Manager Westerholm stated that he would prepare a new list of these expenses for consideration as soon as possible.

26. Adjournment

There being no further business for consideration, meeting was adjourned at 10:15 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas