

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF FEBRUARY, 1978, AT 5:00 P.M.

On the 21st day of February, 1978, 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
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	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	Asst. City Manager

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

1. Meeting opened with prayer by Rev. L. R. Bullock, Pastor of Mt. Calvary Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of February 7, 1978, and special meetings of February 6 and February 7, 1978, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Angelina Street Extension - LISD - ROW Acquisition

City Manager Westerholm submitted a report entitled "Proposed School Improvements" which had been requested by Lufkin Independent School District in exchange for necessary ROW to extend Angelina Street across school property. City Manager Westerholm reviewed the five major topics of this proposal by LISD which requested that the City make certain improvements of drive-ways and parking areas on school property which totaled \$12,775.65. A copy of this report is attached to minutes for permanent record, to include proposed sketch outlining these improvements.

Mayor Garrison inquired of City Manager Westerholm as to the possibility of the City obtaining the old stands from the football stadium. City Manager Westerholm stated that he had received a verbal agreement to obtain a portion of these stands and was of the opinion that a written agreement could be obtained if members of Commission desired.

Comm. Pat Foley expressed his reluctance to approve request submitted by LISD inasmuch as these improvements would benefit the school and the City.

Comm. W. O. Ricks, Jr., made motion that the proposal submitted by LISD be accepted with the condition that the City receive the football stands from the stadium.

Prior to second of motion, considerable discussion developed with respect to this proposal. Mayor Garrison stated that he was in partial agreement with Comm. Foley's suggestion. Comm. E. G. Pittman expressed his opinion that the City should improve only the areas that would be affected by the extension of the street.

Previous motion made by Comm. Ricks was seconded by Comm. E. C. Wareing to approve request by LISD as outlined with the condition that the football stands be received by the City, and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Jack McMullen, E. C. Wareing & W. O. Ricks, Jr.

Voting Nay: Comms. R. A. Brookshire, Pat Foley and E. G. Pittman

Mayor Garrison declared motion approved by majority vote of four to three.

Comm. W. O. Ricks, Jr., stated that he personally realized no difference in the taxing dollars in this request. Comm. E. G. Pittman was of the opinion that the City should re-negotiate this proposal with LISD.

Mayor Garrison requested that City Manager Westerholm reconsider this proposal with LISD based on the opinions which had been voiced at this meeting and report to the City Commission regarding any additional findings which may affect the decision made at this meeting.

5. Annexation Policy-Disc. of Previously Approved Policy-September 1, 1976-City Planning & Zoning Commission Recommendation

City Manager Westerholm reported that this Commission had requested further information regarding annexation policy and two items had been furnished members of Commission regarding same prior to meeting. Copies of these policies are attached to minutes for permanent record involving a citizens' participation resolution for newly annexed areas approved by the City Commission on September 1, 1976, and additional criteria used in determining whether to annex specific areas adopted by the City Planning and Zoning Commission as recommended by this Commission.

Comm. Pat Foley stated that information furnished Commission regarding approved resolution in 1976 was the type requirements about which he had initially been concerned. Comm. Foley stated he was of the opinion that this resolution was adequate to control problems recently experienced regarding annexation. Comm. Foley further stated that any individuals requesting annexation be made aware of these policies and given copies of same for review prior to consideration of annexation.

Comm. Pat Foley then made motion that City Manager Westerholm advise any new applicants for annexation of existing policies which had been reviewed by this Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., inquired as to whether or not the City could establish liens on property to repay City for improvements to certain properties. City Attorney Flournoy stated that he would investigate the law regarding this matter and report to the City Commission regarding same.

6. Zone Change Approved 1st Reading-Ronald Richardson from RS to A District

Mayor Garrison stated that zone change application by Ronald Richardson from RS to A District covering property being Lot 4 & One-Half of Lot 5, Block 104, Lufkin Addition, located at Northwest corner of Rhodes Avenue and Fourth Street intersection had been recommended by the City Planning and Zoning Commission for approval.

There were no persons present appearing in opposition to application. Comm. R. A. Brookshire made motion that zone change application by Ronald Richardson from RS to A District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Zone Change Approved 1st Reading-Green, Smith & Vines Properties from HM & C to HM & C District, SU, Item 4 (Shopping Center)

Mayor Garrison stated that zone change application by Green, Smith & Vines Properties from HM & C to HM & C District, Special Use, Item 4 (Shopping Center), covering property located at present Wal Mart Shopping Center, East of Timberland Drive, South of Paul Avenue, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Mayor Garrison made reference to recommendation of the City Planning and Zoning Commission that the development of this property include an exit to Paul Avenue.

Mayor Garrison recognized Mrs. Velma Reese representing the City Planning and Zoning Commission's recommendation. Mrs. Reese stated it was the recommendation of the City Planning and Zoning Commission that an exit be planned from this center to Paul Avenue. Mrs. Reese also made reference to extensive discussion at the City Planning and Zoning Commission level regarding the main entrance and traffic problems created at this location.

Comm. Pat Foley inquired of the need for special use zoning on this property and City Attorney Flournoy reported that the zoning regulation required approval of the zone change and site plan for shopping centers. Comm. Pat Foley expressed his concern for the considerable traffic problems that were increasing on Timberland Drive and requested that this Commission strive to control traffic and provide turn-off lanes where possible.

Mayor Garrison recognized Mr. John Fleming, attorney representing applicants for zone change. Mr. Fleming reviewed proposed site plan for this area and informed members of Commission that an exit would eventually be provided onto Paul Avenue as recommended by the City Planning and Zoning Commission.

Comm. E. C. Wareing made motion that zone change application by Green, Smith & Vines Properties from HM & C to HM & C District, Special Use, Item 4 (Shopping Center), be approved on first reading of ordinance as recommended by the City Planning and Zoning Commission, to include approval of site plan as presented at this meeting and attached to minutes for permanent record. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Angelina County Youth Advisory Council-Dick Gardemal-Request for Support

Mayor Garrison recognized Mr. Dick Gardemal representing the Angelina County Youth Advisory Council. Mr. Gardemal explained that this group was a newly organized body which could contribute much to Angelina County in general and to the City of Lufkin. Mr. Gardemal stated that he desired to solicit the support of various agencies, to include the City of Lufkin, to determine whether or not necessary funds could be obtained for funding this program. Mr. Gardemal stated that by-laws had been adopted and all initial steps had been made to set this program in action. Mr. Gardemal stated that this program would be a tax-exempt, non-profit, non-partisan organization and would have the youth of the community as its main objective. Mr. Gardemal stated that they proposed to provide \$10,000 initially to fund the salary of a paid director for Angelina County.

Mr. Gardemal reported that this program would provide summer job employment and community activities for age groups junior high level through high school and bridge the gap between the youth and the adult in the community. Mr. Gardemal also stated that the request of the advisory council was specifically for \$2,500 initially from the City Commission, with the hope that no additional support would be required after the program was into its second year of existence.

Comm. Brookshire and Comm. Ricks expressed their support for this program, to include other members of the Commission. Mr. Gardemal stated that he did not desire any specific monetary support at the present time, but desired members of Commission review his request for future consideration.

Mayor Garrison stated that he was of the opinion this program would fulfill a need for the community, but seemed to be somewhat broad at the present time. Mayor Garrison also requested Mr. Gardemal furnish members of Commission brochures from the City of Galveston who had implemented this program and additional feedback from other governmental agencies who had decided to support the program. Mayor Garrison thanked Mr. Gardemal for his presentation and informed him that members of Commission would consider further information regarding his request in the future.

9. Bids Approved-Uniforms, Air Compressor & Pavement Breaker

City Manager Westerholm stated that the following bids had been received for the purchase of uniforms and Factory Sales of Houston was the low bidder as indicated meeting specifications and recommendation of the City staff:

<u>Names of Bidders</u>	<u>Bid Amount Per Uniform</u>	<u>Delivery Date</u>
Uniforms by Factory Sales	\$36.90	30 to 45 Days
Industrial Towel & Uniform Co.	\$37.99	Within 45 Days

Comm. Jack McMullen made motion that low bid received by Factory Sales of Houston in the amount of \$36.90 per uniform be approved not to exceed a budgeted amount of \$6,350 for this fiscal year. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

City Manager Westerholm reported that the following bids were received for the purchase of an air compressor, pavement breaker and backfill tamp. City Manager Westerholm recommended that due to the money in the budget for the purchase of these items, only the air compressor and pavement breaker be purchased at the present time. City Manager Westerholm recommended the purchase of the air compressor from Lufkin Supply in the amount as stated below; and also the purchase of the pavement breaker from Lufkin Supply inasmuch as the low bid for pavement breaker from Highway Equipment Company would not adapt to the air compressor which was the low bid submitted by Lufkin Supply. The following bids were reviewed:

<u>Names of Bidders</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Highway Equipment Company	Air Compressor.....\$7,489.00	May 15
	Pavement Breaker.... 517.50	Immediately
	Backfill Tamp..... 437.50	"
Lufkin Supply Company	Air Compressor.....\$6,687.00	6 Weeks
	Pavement Breaker.... 590.00	"
	Backfill Tamp..... 613.00	"

Comm. W. O. Ricks, Jr., made motion that recommendation by City Manager Westerholm to approve bids submitted by Lufkin Supply for purchase of air compressor and pavement breaker in the amounts as stated be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. Civic Center Annex - Sidewalk Construction Approved

City Manager Westerholm reviewed, in extensive detail, proposed plans for construction of sidewalk entrance to the Civic Center annex from the alley to the north of the building. City Manager Westerholm stated that the estimated costs were submitted to members of the City Commission for consideration, with the exception of the lighting system which would be improved by the City for \$1,580.95. City Manager Westerholm further stated that the complete cost for improvements to the sidewalk in this area would be \$5,540.35.

City Manager Westerholm stated that the purpose for an elaborate sidewalk in this area was to compliment the Civic Center and continue to upgrade the area.

Comm. R. A. Brookshire made motion to authorize City Manager Westerholm to make necessary sidewalk improvements to the Civic Center as outlined in the amounts as stated, and to appropriate necessary monies for these improvements from available monies in the City Budget. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Lufkin Panther Basketball Team-Commendation Approved by Resolution

Comm. E. G. Pittman stated that the Lufkin Panther basketball team had recently won the District 14-AAAA Championship and was competing for the Bi-District Championship. Comm. R. A. Brookshire made motion that the Lufkin Panther Basketball Team and its coaching staff be commended for their successful season in winning the district championship and representing the city of Lufkin for their outstanding performance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison stated in the event the Panther Basketball Team won the Bi-District game, that Friday, February 24, 1978, be designated as Lufkin Panther Basketball Day. Members of Commission were in unanimous agreement with suggestion by Mayor Garrison.

12. City Sanitation Dept. - FM 58 - Disc. of Litter

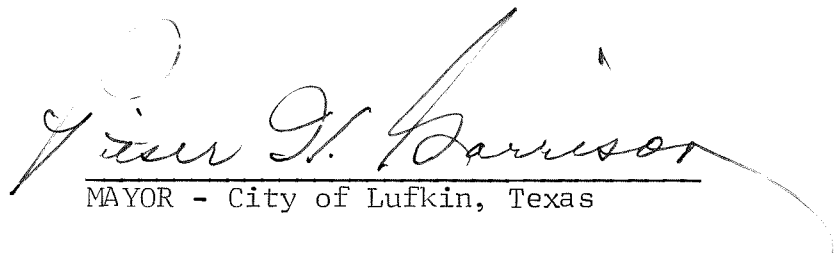
Comm. E. G. Pittman stated that he had noticed considerable litter on FM 58 which appeared to be caused primarily by City of Lufkin trash trucks transporting City garbage to the County Landfill in this area. Comm. Pittman requested that City Manager Westerholm meet with the County regarding this problem and the City staff to determine a policing program to remove trash and debris from this roadway in assistance to the highway department which could not maintain the area as often as required. City Manager Westerholm stated that he would discuss this problem with individuals involved and report to Commission regarding same at a later date.

13. Morris Frank Park - Request for Report

Comm. R. A. Brookshire requested that City Manager Westerholm furnish a report regarding the status of Morris Frank Park at next regular meeting. City Manager Westerholm stated that he would provide this information as requested.

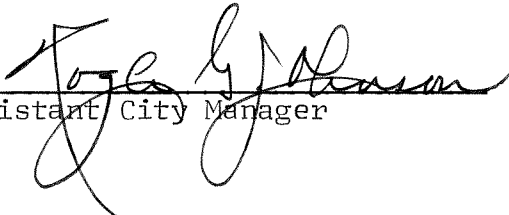
14. Adjournment

There being no further business for consideration, meeting adjourned at 6:30 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:



  
Assistant City Manager

PROPOSED SCHOOL IMPROVEMENTS

I. <u>SOUTH RAGUET STREET</u>			
460' CURB & GUTTER @ \$5.50/FT.	\$ 2,530.00		
326 TONS-HOT SAND 4½" THICK @ \$10.50/TON	3,423.00		
109 TONS-TYPE "D" HOT MIX 1½ THICK @ \$13.85/TON	<u>1,509.65</u>	\$ 7,462.65	
II. <u>NEW DRIVEWAY OFF SOUTH RAGUET STREET</u>			
100 TONS-HOT SAND 3" THICK @ \$10.50/TON	<u>\$ 1,050.00</u>	1,050.00	
III. <u>AREA TO BE RESURFACED BEHIND MAIN BUILDING</u>			
175 TONS-HOT SAND 2" THICK @ \$10.50/TON	<u>\$ 1,837.50</u>	1,837.50	
IV. <u>AREA TO BE PAVED BEHIND MAIN BUILDING WITH ENTRANCE ONTO ANGELINA STREET</u>			
146 TONS-HOT SAND 3" THICK @ \$10.50/TON	<u>\$ 1,533.00</u>	1,533.00	
V. <u>AREA BEHIND CAFETERIA AT END OF NEW DRIVEWAY</u>			
85 TONS-HOT SAND 3" THICK @ \$10.50/TON	<u>\$ 892.50</u>	<u>892.50</u>	
TOTAL		<u>\$12,775.65</u>	







December 16, 1977

To: Members of the City Planning & Zoning Commission  
From: City Manager Harvey Westerholm  
Subject: Annexation Policy

In order to assist you in considering applications for annexation, we would like to set forth the following guidelines which we feel represent the thinking of the members of the Lufkin City Commission. Although each member may have somewhat different considerations, we feel that those listed below reflect a consensus of the City Commission. The City Commission's first obligation is to the citizens within the present city limits. Annexations should not become, unless it can't be helped, a burden on the present tax payers. With this in mind, the following conditions should be met:

1. As much as possible, all developments should be directed to the present corporate limits. The policy of no sewer outside the city limits is based on this thinking. The economy of furnishing utilities to an area is based on density and the constant expansion of the City limits into new areas defeats this principle.
2. An area requesting annexation should be given higher priority if there is a high density of residences that would benefit from sewer service. In contrast, an area for speculation, with no residences, would require closer scrutiny.
3. In areas where there are no existing residences and a developer wishes to be annexed, he should be required to furnish all of the subdivision requirements set forth in the subdivision ordinance including adequate access to a thoroughfare so that the City would not be obligated to improve this access in the future. Some developers do this well. Others are questionable.
4. The availability of interceptor sewer lines or main water distribution lines should also be a consideration. Even though the City may be able to provide minimum water service, the development of an area which is removed from adequate main line capacity places a future expense obligation on all utility customers.
5. Consideration should also be given to an orderly development plan without gerrymandering.

There may be other considerations but we feel these are the main ones guiding the City Commission.

Respectfully submitted,

*Harvey Westerholm*  
Harvey Westerholm

HW:hl

A RESOLUTION ESTABLISHING POLICY FOR UTILITY  
EXTENSION FOR NEWLY ANNEXED AREAS

The extension of water and sewer service to newly annexed areas is becoming more expensive and City funds for this purpose are becoming increasingly difficult to provide. In order to establish a uniform program, as nearly as it can be applied, the following policy is declared:

1. If annexation is initiated by the City, water and sewer services will be extended to the residents in the newly acquired area as City funds are available. Areas annexed hereafter will ordinarily be provided the water and sewer service in the order in which they are annexed unless the order is varied for reasons of public health, public welfare, residential density or other considerations which, in the judgment of the City Commission, in the public interest, require a departure from the priority system based on the "Order of Annexation."
2. If residents of an area petition for annexation, the cost of extending water and sewer lines to the area will be borne by the residents or property owners. The City will install the appropriate utility lines when the owners or residents of annexed areas advance the funds for such purpose.
3. The cost of construction of the main lines will be separated from the cost of lateral lines and others who connect into the line will be charged under the following plan:
  - (a) Lateral Lines: Those who connect into the lateral lines will be required to pay a fee equal to their proportionate share of the cost of constructing the lines, both the main line and the laterals, and the fee so paid will be distributed proportionately among those who provided the funds for the construction. For example, if the cost was \$12,000, divided equally among eleven residents of the annexed area, an additional connection would require that person to pay \$1,000 (1/12th of the original cost) which would be divided equally among those eleven residents who have paid the original cost. If others bear a share of the cost of the lines, both main and lateral, the fees charged for subsequent connections will be shared proportionately with those who have theretofore participated in the cost.
  - (b) Main Line: Those who connect into the main line will be required to pay a fee equal to their proportionate share of the cost of constructing the main line and the fee so paid will be distributed proportionately among those who provided the funds for the construction of the main line. For example, if the cost is \$6,000 divided equally among eleven residents of the annexed area, an additional connection would require that person to pay \$500.00 (1/12th of the original cost) which would be divided equally among those eleven persons who have paid the original cost. If others bear a share of the cost of the main line, the fees charged for subsequent connections will be shared proportionately with those who have theretofore participated in the cost.
4. This Resolution expresses an intention of the present City Commission to apply, as far as practicable, a uniform policy. However, the City Commission recognizes that this cannot necessarily be an inflexible policy to be applied in every situation inasmuch as each annexation may have different problems which require variances from this plan.

Dated: 9-1-76