MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF APRIL, 1975, AT 5:00 P. M.

On the 15th day of April, 1975, 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
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
Roger G. Johnson	City Secretary

being present, and

Robert L. Flournoy	City Attorney

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

1. Meeting opened with prayer by Rev. E. E. Weeks, Pastor of Bethel Assembly of God 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. Pat Foley made motion that minutes of regular meeting of April 1, 1975, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Zone Change Application-Texas National Bank from R-1 District to NR District

   Mayor Garrison stated that zone change application by Texas National Bank from R-1 District to NR District covering property located East of Junior High West and North of Zeagler Avenue at intersection with South Raguet Street had been approved on first reading of ordinance at last regular meeting.

   There were no persons present appearing in opposition to zone change application. Comm. E. G. Pittman made motion that zone change application by Texas National Bank from R-1 District to NR District be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

5. Zone Change Application-Cashie C. Allen Dixon from R-3 District to D District

   Mayor Garrison stated that zone change application by Cashie C. Allen Dixon from R-3 District to D District covering property located at 521 Lake Street between Kurth Drive and Leach Street had been approved on first reading of ordinance at last regular meeting.

   There were no persons present appearing in opposition to zone change application. Comm. E. G. Pittman made motion that zone change application by Cashie C. Allen Dixon from R-3 District to D District be approved on second and final reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

6. Zone Change Application-V. G. Koch, et al, from R-1 District to LB District

   Mayor Garrison stated that zone change application by V. G. Koch, et al, from R-1 District to LB District covering property located immediately East of Existing LB Zoned area and South of Pershing Avenue at intersection of Pershing Avenue and John Redditt Drive had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Comm. E. G. Pittman made motion that zone change application by V. G. Koch, et al, from R-1 District to LB District be approved on second and final reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Water Rate Demand Charge - Ordinance Proposed

Mayor Garrison stated that information had been provided members of Commission regarding the number of residences using 2-inch meters for lawn sprinkling purposes as requested from previous discussion at last regular meeting.

Comm. R. A. Brookshire expressed his opposition to the implementation of a proposed water rate demand charge and stated that same was, in his opinion, an unfair taxation. Comm. Brookshire further stated that revenues should be based on useage instead of charging a "by the meter" fee. Comm. Brookshire stated that he had previously requested Finance Director Royal Dunlap furnish members of Commission information regarding present water rate schedule for residential and commercial customers inside the City Limits involving two specific plans. Comm. Brookshire stated that Plan A would provide no increase to minimum users and Plan B would provide an increase to minimum users. Comm. Brookshire stated that either of these plans would provide ncessary funds in the amount of $63,000 and he personally preferred Plan A.

Comm. E. C. Wareing stated that inasmuch as he had initially brought attention to consideration of a water rate demand charge, members of Commission should be knowledgeable of the fact that the City was losing money in this area on repair costs alone and same should be recovered. Comm. Wareing further stated that the City was subsidizing approximately one-third of its customers at the present time. Comm. Wareing stated that he did not object to Comm. Brookshire's plan, but was of the opinion consideration should be made for a water rate demand charge.

Comm. Brookshire stated that he had not reviewed figures regarding repair costs for water meters.

Comm. W. O. Ricks, Jr., expressed his concern that the water and sewer budget should be considered separately.

Mayor Garrison expressed his opinion that the Commission had no choice on whether or not to raise rates since bond requirements were projected to indicate necessity for additional funds and he was of the opinion a demand charge would not be a tax on the meter inasmuch as all facilities must be made available to provide same.

Mayor Garrison explained that larger meters must be maintained 12 months a year while in many cases, only being used approximately three months.

Comm. E. C. Wareing made motion that the City Commission authorize the City Attorney to prepare a proposed ordinance by next regular meeting for consideration by members of Commission regarding increase in water rates under Plan A Rate Schedule to include a meter charge of $1.00 per inch for all meters over 5/8 inch. Motion was seconded by Comm. Joe E. Rich.

Prior to vote on motion, Comm. R. A. Brookshire expressed his opinion that the City Commission, by adopting this type ordinance as proposed by Comm. Wareing, would be raising more money than recommended by the Finance Director which would be necessary to meet the City's bond requirement.

The following vote was then recorded to previous motion by Comm. E. C. Wareing:

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. Pat Foley

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

8. Civic Center Construction - Ordinance Proposed for Sale of Certificates of Obligation

Mayor Garrison stated that the City Manager had prepared a report for members of Commission regarding the City's total expenditures to date on the Civic Center to include a schedule of anticipated cash flow for the balance of the present year. Mayor Garrison further stated that this report indicated the City would need additional money by August of the present year and recommended that fiscal agent Tom Wolf be authorized to begin negotiations for the sale of $365,000 in Certificates of Obligation. Mayor Garrison further stated that the sale of these Certificates of Obligation would require approximately 7 to 12 weeks and the City Manager was of the opinion that $365,000 would be adequate. With the unanimous agreement of the Commission, Mayor Garrison requested City Manager Westerholm notify fiscal agent Tom Wolf to prepare a proposed ordinance for the sale of Certificates of Obligation for consideration at next regular meeting.

City Manager Westerholm reported that the Civic Center construction had been delayed due to recent rains which would add approximately two to three months to construction time and projected anticipated completion date was now January 1, 1976.

9. Appointment of Members-Examining & Supervising Board of Electricians

Mayor Garrison stated that three members of the Examining & Supervising Board of Electricians would reach termination of their two-year terms of office effective April 18, 1975, to include Robert Beddingfield, Leon Caver and Charles Morrison, all of whom had agreed to serve an additional term.

Comm. W. O. Ricks, Jr., made motion that these three men be apppointed to the Examining & Supervising Board of Electricians for two-year terms effective April 18, 1975. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. Zone Change Application-Joel Towers from R-1 District to R-3 Dist.

Mayor Garrison stated that Joel Towers had submitted zone change application from R-1 District to R-3 District covering property located South of Henderson Street at intersection with Homer-Alto Road.

There were no persons present appearing in opposition to zone change application as presented. Comm. E. C. Wareing made motion that zone change application by Joel Towers from R-1 District to R-3 District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Approval of Resolution-DETCOG-Texas Dept. of Community Affairs

Mayor Garrison stated that a proposed resolution had been submitted to members of Commission for consideration by DETCOG supporting their application for designation as an administrative agency for the fiscal year 1976 Comprehensive Employment & Training Act Title I Program. Mayor Garrison further stated that this resolution would support DETCOG's application to conduct a manpower program in the City's 14-County region. Mayor Garrison stated that an additional two applicants to conduct this program were the Nacogdoches Community Action Group and the Texas Indian Commission. Mayor Garrison further stated that Mr. Richard Walton was present as a representative from DETCOG to answer any questions members of Commission may have regarding this resolution.

Comm. E. C. Wareing made motion that resolution supporting DETCOG's application for administrative agency be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

12. Setback Policy - Ordinance Proposed for Various Zone Change Applications

Mayor Garrison stated that the City Planning and Zoning Commission had recently submitted, at the request of the City Commission, a recommendation regarding setback policies for various zone change applications. Mayor Garrison further stated that this recommendation was that each zone change application be considered on its own merits due to variable circumstances involved.

Comm. Pat Foley expressed his concern that a basic guideline should be established.

Comm. W. O. Ricks, Jr., asked members of Commission if a 50-foot minimum setback should be considered.

Mayor Garrison expressed his concern that the City was in need of a definite setback to control traffic egress and ingress.

Comm. E. C. Wareing expressed his opinion that a 100-foot setback should be established as earlier discussed inasmuch as parking and access roads would require 50-foot ROW and an additional 50-feet would be left for parking purposes.

Comm. E. C. Wareing made motion that City Attorney Flournoy be authorized to prepare an amendment to the Zoning Ordinance for review by members of Commission for consideration at next regular meeting establishing restrictions on certain zone change applications of a 100-foot setback for R-1 Special Use parking. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Extension of South Second Street to Denman Avenue - Disc. of ROW Acquisition

City Manager Westerholm reported that further acquisition of ROW to extend South Second Street to Denman Avenue would require authority from the City Commission to exchange various properties in lieu of previous authorization to make purchases of same.

City Manager Westerholm provided members of Commission a map indicating various areas where exchanges with three property owners were proposed. The following information indicating property owner by last name was presented:

WALLACE:	261.36 sq. ft. @ 45¢ per sq. ft.	$ 117.61
CITY:	958.00 sq. ft. @ 35¢ per sq. ft.	$ 335.41
BABER:	2,918.52 sq. ft. @ 35¢ per sq. ft.	$1,021.48
CITY:	2,178.00 sq. ft. @ 60¢ per sq. ft.	$1,306.80
CHURCH:	1,742.40 sq. ft. @ 35¢ per sq. ft.	$ 609.84
CITY:	1,655.28 sq. ft. @ 35¢ per sq. ft.	$ 579.35

Comm. W. O. Ricks, Jr., made motion that Mayor Garrison be authorized to execute deeds for necessary property exchanges between City of Lufkin and above property owners on the recommendation of

City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Water Meter Service Charges-Disc. of Proposed Increases

Comm. W. O. Ricks, Jr., stated that information had been furnished by the Finance Director regarding proposed increases in water meter service charges. The following information was reviewed by members of Commission:

Description of Service	Present Charge	Recommended Charge
a) Reopen an account during the hours of 8:00 a.m. - 5:00 p.m. after it has become delinquent.	$2.00	$ 5.00
b) Reopen an account after 5:00 p.m. which has become delinquent.	$2.00	$10.00
c) Provide after-hour emergency service not related to a delinquency.	$2.00	$ 8.00
d) New connection on weekend or holiday. (Present service is very seldom practiced because of the cost involved.)	-0-	$ 8.00

Comm. W. O. Ricks, Jr., asked Finance Director Royal Dunlap if other utility companies charged for these services. Mr.Dunlap stated that other utility companies did charge for these services.

Mayor Garrison recommended that repeated violators who desired new connections after hours be reconnected only at City's convenience. Mayor Garrison requested that members of Commission review these rates and consider a proposed ordinance.

Comm. W. O. Ricks, Jr., made motion that a proposed ordinance be prepared for consideration at next regular meeting to include Item B of information as listed above setting fees of $2.00 for first offense, $4.00 for second offense and $6.00 for all additional offenses for each fiscal year. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Consideration of Amendment to City Charter- Article III, Section I - Composition

Comm. E. C. Wareing recommended that members of Commission seriously consider an amendment to the City Charter, Article III, Section I to provide for resident ward-type election of City Commissioners prior to July 1 to allow consideration of same by the County Court in August of this year in compliance with the Texas Election Law.

Comm. E. C. Wareing further stated that a 4-3 type Commission was more desirable and the City Commission should review the aspects of same prior to next regular meeting.

Comm. R. A. Brookshire expressed his concern that a decision by this Commission should be withheld until higher courts had an opportunity to speak in this regard due to pending appeal on Kirkley David, et al, vs City of Lufkin.

Comm. E. C. Wareing further stated that it was his opinion the State and local requirements should be upheld as soon as possible for better or worse and the citizenry be provided an opportunity to consider their choice regarding composition of the City government.

Mayor Garrison expressed his concern that the City Attorney's judgement should be considered prior to Commission action in this regard inasmuch as same may hinder past or future judgements. Comm. E. C. Wareing was in agreement with suggestion of Mayor Garrison.

Mayor Garrison further stated that members of Commission may desire to consider a charter amendment for public referendum to propose a 6-1 or 4-3 plan.

Members of Commission were in unanimous agreement that City Attorney be advised of this action before proceeding and further discussion of this item be tabled until next regular meeting.

16. Emergency Operations Plan for City of Lufkin

City Manager Westerholm stated that an emergency operations plan had been prepared by the City staff and presented to members of Commission for consideration as requested from a previous meeting.

17. Resolution Approved - Commending Newscaster Barry Hays

Comm. Joe E. Rich brought attention to the fact that newscaster Barry Hays was attending his last regular meeting of the City Commission as Lufkin News Director for Radio Station KEEE and KJCS AM-FM and should be commended for his objectivity in news reporting and gentlemanly conduct. Comm. E. C. Wareing made motion that resolution be approved commending newscaster Barry Hays for his services and objectivity as a newscaster. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

18. Adjournment

There being no further business for consideration, meeting adjourned at 6:45 P. M.

Pitser H. Garrison
MAYOR - City of Lufkin, Texas

ATTEST:

Roger G. Johnson
CITY SECRETARY - City of Lufkin