MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF MAY, 1973, AT 7:30 P. M.

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

being present, and

Joe E. Rich	Commissioner, Ward No. 3
Robert L. Flournoy	City Attorney

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

1. Meeting opened with prayer by Rev. Douglas Bowen, Minister of Education, Calvary Baptist Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors who were present in connection with items on the agenda or as observers.

3. Open Hearing - Proposed Permanent Zoning of Brookhollow #7 <u>Addition & Property Lying East of Brookhollow #7 Addition</u>

   Mayor Garrison opened hearing on proposed permanent zoning of Brookhollow #7 Addition and property lying East of Brookhollow #7 Addition to existing City Limits South of Old Union Road including a strip of land 120 feet North of and parallel to Old Union Road from existing City Limits to Brookhollow #7 Addition as annexed by Ordinance #1552. Mayor Garrison recognized the presence of Mr. Richard Thompson, a member of the City Planning and Zoning Commission, and invited Mr. Thompson to sit with members of the Commission and assist in discussions regarding recommendations from the City Planning and Zoning Commission.

   Mayor Garrison then called on Mr. Mark Swan, Jr., another member of the City Planning and Zoning Commission who was also present, to speak in behalf of Home Savings & Loan Association regarding permanent zoning of Brookhollow #7 Addition area. Mr. Swan stated that Home Savings & Loan Association had a considerable investment within this area and desired to express their objections to apartment zoning as proposed since the area seemed to have enough apartment zoning at present. Mr. Swan further stated that Home Savings & Loan Association was concerned for the future of this area and even more concerned if area was eventually thoroughly developed. Mayor Garrison stated that very little property was owned by Home Savings & Loan Association which adjoined area being recommended for permanent zoning and called on Mr. Richard Thompson to review recommendations submitted by the City Planning and Zoning Commission.

   Mr. Thompson reviewed and explained minutes from previous meetings of the City Planning and Zoning Commission. Following considerable discussion among members, Mayor Garrison called on Mr. Harold Newsom who owned property within area being considered for permanent zoning. Mr. Newsom expressed his objections to apartment zoning since this type zoning did not appear to benefit property owners and would devalue property. Mr. Newsom also stated that apartment zoning did not appear to adjust with other zones within this area.

Mayor Garrison called on Mr. R. H. Duncan who also owned property within area being considered for permanent zoning. Mr. Duncan stated that he had asked for 25 acres of apartment zoning within this area and had used approximately 450 acres within the entire area and, therefore, did not feel that 25 acres was too much apartment zoning to request. Mr. Duncan also stated that the permanent zoning of this property to A District at this time would prevent future problems with property owners. Mr. Duncan clarified this statement by explaining that property owners desired to know what type of zone would exist within an area before purchasing property.

There were no other persons present appearing in favor of or in objection to proposed permanent zoning and Comm. E. G. Pittman made motion that hearing be closed on proposed permanent zoning of Brookhollow #7 Addition and property lying East of Brookhollow #7 Addition. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Mayor Garrison asked members of the Commission if they desired to take action on recommendations by the City Planning and Zoning Commission on proposed permanent zoning or postpone further discussion and consideration until a later meeting since considerable change had been made in original recommendation by the City Planning and Zoning Commission. Comm. R. A. Brookshire then made motion that this particular item be tabled and placed on the agenda for next regular meeting of the City Commission to provide members more time for consideration of recommendation. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

4. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of May 1, 1973, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. Plumbing Appeals & Advisory Board and Examining & Supervising Board of Electricians - Oaths of Office

Mayor Garrison explained that Mr. James Lawrence and Mr. Leon Caver were present to receive oaths of office. Mayor Garrison further stated that Mr. James Lawrence had been appointed to the Plumbing Appeals & Advisory Board and Mr. Leon Caver had been appointed to the Examining & Supervising Board of Electricians. Mayor Garrison then administered the oaths of office to Mr. Lawrence for a four-year term with the Plumbing Appeals & Advisory Board and Mr. Caver for a two-year term with the Examining & Supervising Board of Electricians.

6. Fire Zone - Request for Removal of Property - Glenn Wideman

City Manager Westerholm explained that Mr. Glenn Wideman had previously requested to remove property from the fire zone bounded by North First Street, Groesbeck Street, Bremond Avenue and North Second Street, including property of existing Yellow Cab Company in order to locate a service station within this area. It was further concluded that Mr. Wideman's request for removal of this property had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in objection to this request. City Manager Westerholm then read caption of ordinance amending existing fire boundaries ordinance and removing certain areas as previously described from the fire zone. Comm. R. A. Brookshire then made motion that ordinance be passed on second and final reading as read by City Manager Westerholm amending existing fire zone boundaries and omitting areas as described above in accordance with information furnished members of the City Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

7. Annexation of Property - Kentwood Sub-Division

Mayor Garrison explained that annexation of the Kentwood Sub-Division had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in objection to annexation. City Manager Westerholm read caption of ordinance for second and final reading annexing property East of U. S. Highway 59, North of White House Road between existing City Limits and Forest Hills Sub-Division. Comm. E. C. Wareing made motion that ordinance be passed on second and final reading annexing Kentwood Sub-Division area as described by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Alley Closing - Petition Request - Ellis & Kiln Avenues

Mayor Garrison stated that petition request had been presented by Elliott W. Cavanaugh, Edgar Henderson, Pearl Hassell, James Mitchell and Vada Singleton to close alley between Ellis Avenue and Kiln Avenue and was approved on first reading at last regular meeting. There were no persons present appearing in objection to petition request to close alley. City Manager Westerholm read resolution for second and final reading closing alley as requested subject to full easement privileges obtained by the City across the entire alley and authorizing the Mayor to issue quit-claim deeds to property owners concerned. Comm. W. O. Ricks, Jr., made motion that alley be closed in accordance with petition request and resolution as read by City Manager Westerholm. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Zone Change Application-James W. Harkness from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing

It was determined that zone change application by James W. Harkness from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing, had been approved on first reading at last regular meeting. There were no persons present appearing in objection to zone change request. City Manager Westerholm read caption of ordinance for second and final reading changing zone from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing, covering property located North and South of FM 325 and South of Shady Pine and Sandy Lane. Comm. J. T. Hopson made motion that zone change application by James W. Harkness from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing, be approved on second and final reading as read by City Manager Westerholm and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

10. Zone Change Application - B. C. Essman from NR to C Districts

In review of previous City Commission minutes, it was determined that zone change application by B. C. Essman from NR District to C District had been approved on first reading of ordinance. There were no persons present appearing in objection to zone change application. City Manager Westerholm read caption of ordinance for second and final reading changing zone from NR District to C District covering property located between Ellis Avenue and Frank Avenue intersection across from Westwood Convalescent Center. Comm. W. O. Ricks, Jr., then made motion that zone change application by B. C. Essman from NR District to C District be approved on second and final reading as read by City Manager Westerholm and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

11. R. H. Duncan-Request for Additional Lift Station-Thousand Oaks Addition

Mayor Garrison explained that request by Mr. R. H. Duncan for an additional lift station in the Thousand Oaks Addition had been deferred from last regular meeting in order that more information could be provided members of the City Commission concerning the City's current obligations. Considerable review was made of a map that had been prepared by the City Water & Sewer Department indicating locations of City's current obligations for water and sewer services outside the City Limits. It was determined that the City had 442 water connections and 102 sewer connections outside the City Limits. City Manager Westerholm explained that the City had received inquiries from four sub-dividers for an additional 243 water taps and 738 sewer taps. Comm. E. G. Pittman asked City Manager Westerholm how many houses inside the City Limits were not on the City sewer services. City Manager Westerholm stated that he could not make this figure available at this time, but information could be acquired by consulting with the Water Collection Department. Mayor Garrison then read an excerpt from the City's Comprehensive Master Plan, Phases I and II, concerning sparse development within the corporate limits of the City. Mayor Garrison explained from information provided by planning engineers that approximately one-half the City's corporate limits was undeveloped with 3,514 acres of woodlands and 2,385 acres of vacant land. Mayor Garrison expressed his concern that the City should seriously consider additional requests for sewer connections prior to making commitments for the future.

Mayor Garrison called on Mr. R. H. Duncan, who was present in connection with his request. Mr. Duncan stated that he could understand the City's concern in accepting additional requests for sewer services by developers and various other individuals, but desired members of the Commission be made aware of conditions experienced by developers. Mr. Duncan explained that development of property inside City Limits under certain financing programs was too costly and forced developers to seek areas outside the City Limits to remain in business. Mr. Duncan also stated that provided the City could not furnish additional lift station, he would be forced to attempt to establish a lift station of his own under application with the Texas Water Quality Board.

Considerable discussion developed and members of the Commission also indicated concern for additional volume that would be placed upon the City's new water pollution control plant. Members of the Commission requested that City Manager Westerholm furnish a list of individuals inside the City that were not on the City sewer by next regular meeting. Members also agreed that a policy should be set for the future regarding requests similar to one made by Mr. Duncan. Comm. E. C. Wareing suggested that Mr. Duncan consider consulting with the City of Hudson since they were considering a sewer program which may be advantageous to Mr. Duncan. Mayor Garrison then passed consideration of this request by Mr. Duncan for an additional lift station on his own volition in order to allow members more time to consider request for reasons previously mentioned.

12. City Depository Bank - Authority to Advertise for Bids

City Manager Westerholm stated that he would need authority from the City Commission to advertise for bids on the City Depository Bank in accordance with City Charter since present depository expires June 30, 1973. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to advertise for bids by way of legal notice published in the local paper for the City Depository for a two-year period beginning July 1, 1973. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

City Manager Westerholm stated that bids would be received on June 15, 1973, and considered in a regular meeting of the City Commission at 7:30 P. M., June 19, 1973.

13. Resolution - "FRIENDLY TEXAN WEEK"

Mayor Garrison read from information furnished by the Texas Tourist Council concerning recent proclamation issued by Governor Briscoe declaring May 21 through May 27 as "Friendly Texan Week". Mayor Garrison stated that 22.9 million out-of-state visitors came to Texas last year spending 2.2 billion dollars and members of this Commission have been encouraged to promote the importance of this week by issuing a similar proclamation and exposing it to the media. Following a brief discussion, Comm. J. T. Hopson made motion that proclamation be declared by Mayor Garrison assigning May 21-27 as "Friendly Texan Week" in accordance with information as presented through the Texas Tourist Council. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Speed Zones Established-Loop 287 at Intersections with Major Highways

City Manager Westerholm stated that he had received a letter from Mr. J. N. Dominey, Supervising Maintenance Engineer, and Mr. Frank D. Galloway, District Engineer, both of the Texas Highway Department, regarding speed zone recommendations on Loop 287 (Medford Drive), U. S. Highway 69 East and U. S. Highway 69 North. City Manager Westerholm further explained that the Texas Highway Department had recommended speed zones of 60 M.P.H. described above and more precisely upon maps furnished members of the City Commission depicting Highway Engineering Station Numbers. City Manager Westerholm explained that it would be necessary for the City Commission to execute a City ordinance establishing speed zones accordingly before official action could be made. Following a brief discussion, City Manager Westerholm read caption of ordinance amending Penal Ordinance #193 and establishing speed zones in accordance with recommendation by the Texas Highway Department. Comm. R. A. Brookshire then made motion that Penal Ordinance #193 be amended and ordinance be passed on first reading establishing speed zones in areas as previously discussed and recommended by the Texas Highway Department. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

15. Resolutions-National Flood Insurance Act-Adoption of Provisions

City Manager Westerholm introduced Mr. Paul Gillett who was present representing the Texas Water Development Board, to explain any provisions members of the Commission may request on the adoption of two separate resolutions which would be necessary in order for the City to be eligible under the National Flood Insurance Act. City Manager Westerholm reviewed a map of flood prone areas of the City which had been prepared by the City Engineering Department. Several questions were aksed by members of the City Commission and City Manager Westerholm explained the significance of each individual resolution placing certain responsibilities upon various departments of the City. Mayor Garrison suggested that resolutions be designated as Flood Control Resolution #1 and Flood Control Resolution #2. Comm. W. O. Ricks, Jr., made motion that Flood Control Resolution #1 be approved as explained by City Manager Westerholm. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman made motion that Flood Control Resolution #2 be approved as described by City Manager Westerholm. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

16. Sanitation Department - Texas A & M University Proposal to Develop Routing System

City Manager Westerholm stated that the City Commission had previously received a proposal as submitted by Drs. Roger A. Cossaboom and Frank P. Buffa of Texas A & M University concerning a study of the routing system for the City of Lufkin Sanitation Department. It was further determined that the City Commission had requested representatives from Texas A & M University, previously requested to complete this analysis study, did not have the opportunity to participate at this time. City Manager Westerholm informed members that the routing study could be made during the summer months prior to the new fall semester. City Manager Westerholm stated that members of the Commission should consider whether or not to authorize this phase of the study at the present time in accordance with their proposal. City Manager Westerholm stated that Mr. Frank Buffa was present if members of the City Commission had questions regarding proposal as presented. Mayor Garrison stated that he was initially in favor of this proposal and expressed his concern for the City conducting a survey. Mayor Garrison further explained, however, that he had not anticipated the high cost of this type study. Comm. E. C. Wareing stated that the landfill site created most cost for the City including equipment used at this area and appeared to be as improtant as the routing study. Comm. E. C. Wareing further stated that a landfill study should also be awarded consideration and City should have more experience with its present new equipment before making any further evaluations. Comm. W. O. Ricks, Jr., expressed his thoughts that the County would soon be involved in landfill operation and the City may work out a joint program regarding same. Following considerable discussion, Comm. E. C. Wareing made motion that routing system study be held in abeyance for consideration during the month of September, 1973. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Mayor Garrison expressed his appreciation to Dr. Buffa and his associates at Texas A & M University for their time and consideration and further expressed his hope that the City Commission would find the most economical way to deal with this study as soon as possible.

17. Copeland & Pershing Streets-Left-turn Controls-Texas Highway Department

City Manager Westerholm read a letter from Mr. Frank D. Galloway, District Engineer, Texas Highway Department, explaining that the Texas Highway Department had submitted a request to Austin, Texas, for funds under the TOPICS Program for the construction of left-turn controls between Copeland and Pershing Streets on Loop 287. City Manager Westerholm further informed members of the City Commission that this proposal for TOPICS funds had been depleted and the Texas Highway Department's request for this project had been denied.

18. Lufkin Country Club - Purchase of Property from City

City Manager Westerholm informed members of the City Commission that he had received a letter from Mike Mathis, President of the Lufkin Country Club, who had informed him that the Board of Directors of the Lufkin Country Club desired to offer the City a price of $2,000 for two acres of property adjoining Country Club property and owned by the City of Lufkin. City Manager Westerholm distributed maps of this property for review by members of the City Commission. Following a brief discussion, Comm. E. C. Wareing expressed his concern that the City should use its property, if at all possible, when the occasion presented itself and then made motion that the two acre tract be sold to the Lufkin Country Club for $2,000 in accordance with offer presented by Lufkin Country Club President. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

19. HDR - Approval of Invoices

City Manager Westerholm informed members of the City Commission that two invoices had been received from HDR in the following amounts:

Invoice #D-5503	$ 698.45
Invoice #D-5504	1,261.55

Comm. W. O. Ricks, Jr., made motion that above invoices be approved in amounts as presented and paid accordingly. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

20. Board of Equalization - Appointment of Members

Members of the City Commission were advised by City Manager Westerholm that appointments to the City Board of Equalization must be made prior to June 1, 1973, and five members who had previous experience on this Board had been recommended by Mr. Cecil Massingill, City Tax Assessor-Collector. City Manager Westerholm stated that letter from Mr. Massingill had been furnished members of the City Commission for consideration and the following individuals had been recommended:

Earl Handley
Richard Gardemal
Travis Carrington
Doyle Anderson
Arthur Bresie

Comm. W. O. Ricks, Jr., then made motion that above listed individuals be appointed for the following year in accordance with recommendations as presented. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

21. Kentwood Sub-Division Zoning - Charles P. Hartman

Mayor Garrison called on Mr. Charles P. Hartman, a resident of the Kentwood Sub-Division, who was present for previously discussed annexation of same. Mr. Hartman indicated his concern for zoning of this area. Mayor Garrison explained to Mr. Hartman that permanent zoning of this area would be considered at a later date providing engineers an opportunity to draw maps of this area and the City Planning and Zoning Commission to give notice of meetings for zoning consideration.

22. Adjournment

There being no further business for consideration, meeting was adjourned at 8:52 P. M.

Edgar C Wareing
MAYOR PRO TEM - City of Lufkin, Texas

ATTEST:

Roger G. Johnson
CITY SECRETARY - City of Lufkin, Texas