

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF AUGUST, 1975, AT 5:00 P.M.

On the 19th day of August, 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:

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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison	Mayor
E. G. Pittman	Commissioner at Large, Place B

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

1. Meeting opened with prayer by Rev. Ronald Beams, Pastor of Denman Avenue Baptist Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of August 5, 1975, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation Request-Property Owners on Leslie Lane

Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had recently recommended annexation of area North of U. S. Highway 69 South on either side of Leslie Lane and maps were available for review by all concerned parties. Mayor Pro Tem Wareing asked Samuel D. Griffin, Chairman of the City Planning and Zoning Commission, to review recommendation as submitted.

Mr. Griffin stated that property owners in this area had requested annexation and submitted petitions to this effect containing signatures of 16 property owners within this area. Mr. Griffin further stated that proposed boundaries were recommended by the City Planning and Zoning Commission to provide a more orderly annexation.

Mayor Pro Tem Wareing recognized Mr. Bobby Ferguson appearing in representation of annexation request. Mr. Ferguson stated that he had circulated a petition which had been signed by 16 property owners within the area containing 22 residences and a substantial majority as indicated were in favor of annexation.

Comm. W. O. Ricks, Jr., expressed his concern for the projected cost for annexation of this area as prepared by City Manager Westerholm and asked if individuals requesting annexation would be interested in participating in the cost of same. Mr. Ferguson stated that he had not discussed this possibility with property owners and did not feel they would desire to make commitments until exact costs were available.

City Manager Westerholm stated that the cost of sewer would be \$60,000 and water extensions were estimated at \$33,000. City Manager Westerholm further stated that the City would be obligated to furnish street lights and improve streets, which indicated considerable repair. Mr. Westerholm stated that the anticipated annual tax revenue for this area was \$5,075 and estimated income for water and sewer revenue was approximately \$6,000 annually.

Mayor Pro Tem Wareing recognized Mr. Robert Cummings, a property owner in this area who expressed his concern for annexation. Mr. Cummings explained that he had recently expended a considerable amount of money in excess of \$2,000 for repairs to his sewer system. Mr. Cummings further stated that efforts in this regard had not been successful and he had made every attempt to correct his problems which had been recently brought to the attention of the Angelina County-City Health Unit.

Comm. R. A. Brookshire inquired as to whether or not sewer extension was the main request by property owners. Mr. Brookshire was informed by property owners present that sewer was the main problem in this area and Angelina County-City Health Unit had recommended consideration of annexation for this reason. Comm. R. A. Brookshire expressed his concern that members of Commission may possibly consider relieving the sewer problem by allowing property owner cost participation. Comm. R. A. Brookshire stated that the City had many areas of obligation for extension of sewer services at present and annexation of this area did not seem feasible until all areas inside City Limits were served, even though the City's new sewer plant was capable of operating at an increased volume.

Comm. Joe E. Rich inquired as to the status of the City's sewer extensions and City Manager Westerholm stated that the City had made most of its extensions with the exception of sparse areas which were extremely expensive to connect.

Mayor Pro Tem Wareing recognized Mr. J. M. Abbott, residing on Joe C. Lane West of area being considered for annexation, who was not affected by same. Mr. Abbott stated that he was opposed to this annexation inasmuch as annexation did not seem to be the answer. Mr. Abbott stated that the City did not appear to be prepared to furnish facilities due to present financial committments.

Mayor Pro Tem Wareing recognized Mr. Fred Howell who was within the area being considered for annexation. Mr. Howell asked City Manager Westerholm when property owners could expect City services. Mr. Westerholm explained that City services would be furnished as soon as possible, but it would be impossible to project the exact date.

Mr. Griffin stated that property owners in this area understood the fact that sewer would not be immediately forthcoming and this annexation request was an attempt to establish a priority for obtaining sewer service in the future.

Comm. W. O. Ricks, Jr., asked Mr. Doug Prewitt, a property owner in this area, if he was aware of whether or not the property owners may or may not wish to participate in the costs for sewer extensions for this area. Mr. Prewitt stated he could not respond to this question until he had an opportunity to discuss same with property owners. Mr. Prewitt also stated that property owners would like to know the percent of participation to be expected.

Mayor Pro Tem Wareing stated that this hearing was called to establish a need for consideration of annexation and asked if members of Commission were in agreement that further discussion should be provided for property owners to determine answers to questions as presented. Mayor Pro Tem Wareing suggested that cost proposals be prepared prior to next regular meeting to answer these questions and property owners meet with City Manager Westerholm in this regard to determine whether annexation request would involve property owner participation in sewer cost extensions.

Comm. Pat Foley expressed his concern that annexation request should be considered on first reading of ordinance at next regular meeting. Comm. Foley further stated that the City had not previously asked property owners to participate in annexation costs and this area should not be an exception. Comm. Foley further stated that he would be desirous of considering the sharing of annexation costs by property owners in future requests providing members of Commission were in agreement with same. Comm. Foley also asked for a show of hands among individuals present who were in favor of ann-

exation. There were approximately 15 persons present indicating their approval of this annexation and no persons indicated they were against same.

Mayor Pro Tem Wareing then declared hearing officially closed and Comm. Pat Foley made motion that annexation request by property owners on either side of Leslie Lane be considered for first reading of ordinance at next regular meeting and City Manager Westerholm meet with property owners in this area regarding cost participation prior to next meeting. Motion was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, a brief discussion developed regarding development of streets in newly annexed areas and City Manager Westerholm stated that the City was responsible for development of these new streets under present sub-division regulation.

Comm. W. O. Ricks, Jr., requested that City Manager Westerholm investigate these conditions to see if a developer owned the property being considered in this area.

Comm. Joe E. Rich, in regard to Mr. Howell's previous question concerning sewer extension, stated that it was difficult for the City to estimate when sewer could be extended to an area. Mayor Pro Tem Wareing stated that after three years, an area could request de-annexation if the City had not provided City services. It was concluded, however, that if property owners participated in sewer costs, sewer extensions would be expedited.

A unanimous affirmative vote was recorded to previous motion and second to consider first reading of ordinance on annexation at next regular meeting.

5. Zone Change Approved 2nd Reading-John L. McCollough & JTT Distributors from R-2 District to LB District

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Mayor Pro Tem Wareing stated that zone change application by John L. McCollough & JTT Distributors from R-2 District to LB District had been approved on first reading of ordinance at last regular meeting. Mayor Pro Tem Wareing recognized Mr. C. W. Finch, 2009 Judson Drive, who was present appearing in opposition to zone change request.

Mr. Finch stated that, in his opinion, zone change in this area was illegal and not in the best interest of property owners. Mr. Finch further stated that the City should consider the residential property owners who lived within this area.

Mayor Pro Tem Wareing recognized Mr. Vernon Berry appearing in representation of application. Mr. Berry stated that he was present to answer any additional questions members of Commission may have regarding his application.

Comm. R. A. Brookshire inquired as to what specific objection Mr. Finch had to application. Mr. Finch stated that R-2 property behind his home presently owned by JTT Distributors remained in a junked condition as previously stated in letter to City Manager. Mr. Finch further stated that the City Manager had indicated efforts were being made to clean this area of debris and no action had been taken. Mr. Finch stated that drapery shop would be more desireable in a Special Use zone and requested an opinion from City Attorney regarding application.

City Manager Westerholm stated that he had, on July 28, 1975, forwarded a letter to new owner of this property, JTT Distributors, who were asked to remove this debris no later than August 20, 1975, or be held in violation.

Following considerable discussion, Comm. W. O. Ricks, Jr., made motion to approve zone change application on property owned by John L. McCollough and delete approval of application on property owned by JTT Distributors.

Prior to vote on motion, Mayor Pro Tem Wareing expressed his concern that this would not be in conformance with existing zoning regulation.

Mayor Pro Tem Wareing recognized Mr. Dave Askey of JTT Distributors who was present. Mr. Askey stated that he was the new owner of property where debris was located and some had been removed with the exception of a few very heavy pieces of equipment. Mr. Askey stated that debris on this property belonged to previous owners and attempts to remove remaining equipment had failed due to wet soils. Mr. Askey explained his desire to accommodate residential property owners in this area and stated that he would make every effort to clean the area as soon as possible.

Mayor Pro Tem Wareing stated that the City Attorney had informed members of Commission that this zone change application would not affect any deed restrictions inasmuch as same would be a separate item to be considered in the courts. City Attorney agreed with comment by Mayor Pro Tem Wareing and informed Mr. Finch of the County Clerk's recent certified statement which substantiated the fact that this property was not subject to residential restrictions and deed restrictions would control same.

Previous motion by Comm. W. O. Ricks, Jr., to consider only a portion of this zone change application died for lack of a second.

Comm. Pat Foley made motion that zone change application by John L. McCollough & JTT Distributors from R-2 District to LB District as requested be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a vote of four to one was recorded in favor of same.

Voting Aye: Mayor Pro Tem Wareing, Comms. Pat Foley, R. A. Brookshire and Joe E. Rich

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Pro Tem Wareing declared motion carried by majority vote of four to one.

Comm. Pat Foley requested that the City staff take whatever action was necessary to comply with any City regulations within this area.

6. Zone Change Approved 2nd Reading-Bertha Miranda from R-3 District to D District

Mayor Pro Tem Wareing stated that zone change application by Bertha Miranda from R-3 District to D District covering property located at 209 Texas Boulevard had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. R. A. Brookshire made motion that zone change request by Bertha Miranda from R-3 District to D District be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Zone Change Tabled-W. L. Newborn from R-1 Dist. to A Dist.

Mayor Pro Tem Wareing stated that zone change application by W. L. Newborn from R-1 District to A District covering property located at 904 Camp Street had been tabled at last regular meeting to provide members of Commission an opportunity to obtain an opinion from the City Attorney and opinions from individuals involved in favor of and against application as presented.

City Attorney Flournoy stated that he had furnished members of Commission a letter explaining his opinion that more than one single family residence may be placed on a single tract of land (one ownership) in any district if the residence conforms to the area, setback and other requirements of the particular zone. Mr. Flournoy stated that he could find no prohibition against this procedure and interpretation prohibiting more than one single family residence on a tract where more than one apartment building was permitted would be arbitrary and without reasonable cause for distinction. Mr. Flournoy further stated that to prohibit the single-family residence would appear to be an undue restriction not contemplated by the

drafters of the ordinance on the use of land not supported by any definite reasoning. Mr. Flournoy further stated in addition to his letter, that an administrative plat be approved each time a procedure of this nature was allowed by the Building Inspector.

Mayor Pro Tem Wareing recognized Mr. Parker McVicker who stated that he was in agreement with City Attorney Flournoy's opinion in this regard. Mr. McVicker stated that he had furnished the City Attorney a letter regarding his opinion and a copy of a plat showing the location of this area.

City Attorney Flournoy stated that he had discussed this application with Mr. Bill Fenley, attorney who was representing Mr. Jimmy Griffith. Mr. Flournoy stated that Mr. Fenley did not agree that a single-family residence could be placed in this area. City Attorney Flournoy stated that he was of the opinion that Mr. Mewborn could place a single-family residence in this area without a zone change.

Mayor Pro Tem Wareing stated that members of Commission had received a petition from property owners in this area containing the signatures of each individual in opposition to zone change request by Mr. Mewborn.

There were no persons present appearing in opposition to application. City Secretary stated that Mr. Jimmy Griffith, who was present at last regular meeting in opposition to application, had to attend an out of town meeting.

Comm. R. A. Brookshire made motion that zone change application by Mr. Mewborn be withdrawn based on information as previously discussed and application fees be refunded. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Mr. McVicker inquired as to additional permits that would be required of his client. City Attorney Flournoy recommended that members of Commission consider first reading of ordinance at next regular meeting to provide an opportunity for Mr. Mewborn to submit an approved administrative plat which would be necessary to locate a residence on this property. Mr. McVicker stated that he would pursue an administrative plat as soon as possible and recommended that members of Commission consider zoning property to A District.

The following vote was recorded on previous motion by Comm. R. A. Brookshire to withdraw application:

Voting Aye: Comms. R. A. Brookshire, Pat Foley and Joe E. Rich

Voting Nay: Mayor Pro Tem Wareing and Comm. W. O. Ricks, Jr.

Mayor Pro Tem Wareing stated that motion had failed for lack of obtaining a four vote majority requirement.

Comm. Pat Foley made motion that zone change application by W. L. Mewborn be tabled until next regular meeting. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

#### 8. Approval of Bids - Police Recording System

Mayor Pro Tem Wareing stated that members of Commission had received a letter from Police Chief Leonard A. Latham recommending the purchase of Lanier equipment for use in the Police Recording System. The following bids were submitted:

IBM	\$7,737
Lanier	\$5,774
Dictaphone	\$5,035

Mayor Pro Tem Wareing stated that Chief Latham's recommendation indicated Lanier was the only company whose equipment was compatible to both the mini and standard sized cassetts. Comm. W. O. Ricks, Jr., made motion that bid in the amount of \$5,774 be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Approval of Bids-Construction of 16" Water Main Extension

City Manager Westerholm stated that a bid tabulation had been furnished members of Commission indicating various bids for water main extension contract. City Manager Westerholm further stated that the City's engineers, Griffith & Associates, had recommended approval of low bid to Schull Construction Company in Euless, Texas, for completion of this project in the amount of \$525,130.50. City Manager Westerholm further stated that this particular bid did not exceed the amount of funds available to finance the project.

Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Schull Construction Company be awarded low bid in the amount of \$525,130.50 for construction of 16" water main extension. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Authority Approved to Advertise for Bids on Sale of Water & Sewer Revenue Bonds

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City Manager Westerholm stated that there was \$325,000 remaining from the 1965 City bond issue which would be necessary for the City to authorize sale in order to match the EDA grant for approval of water main extension as previously discussed. City Manager Westerholm further stated that it would be necessary for the Commission to authorize the advertisement of bids in order that these bonds may be sold. City Manager Westerholm further stated that the payment of these bonds would be placed in the budget for the next fiscal year.

Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that the City be authorized to advertise for sale of \$325,000 Water & Sewer Revenue Bonds for payment of 16" water main extension as previously discussed, for opening on October 7, 1975. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

City Manager Westerholm stated that approximately \$25,000 to \$45,000 would remain from this sale and the City Commission could use this remaining money on any water and sewer capital improvement item.

11. Authority to Advertise for Bids on Sale of City-Owned House

City Manager Westerholm stated that it would be necessary for the City to obtain authority to advertise for bids on a City-owned house located on property purchased from Lloyd Hawley at North First Street and Laurel Avenue. City Manager Westerholm further stated that the City had given Mr. Hawley 90 days to move and the City would need to provide an opportunity for bids on this house. City Manager Westerholm further stated that bid invitations should state that the high bidder could not move the house until the 90 days had expired.

Comm. Pat Foley made motion that City Manager be authorized to advertise for bids in this regard. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Hazardous Material Ordinance - Disc.

City Manager Westerholm stated that a proposed ordinance had been presented to members of Commission for consideration concerning the transportation of hazardous materials through the City. City Manager Westerholm further stated that this ordinance also included a copy of a map indicating the directional flow of this traffic throughout the City.

Various questions were asked by members of Commission and considerable discussion developed regarding various definitions within the ordinance.

Comm. Pat Foley stated that he was primarily concerned with hazardous combustible materials being routed around the loop.

Comm. R. A. Brookshire made motion that further discussion of proposed ordinance regarding transportation of hazardous materials be tabled until next regular meeting to provide City staff an opportunity to clarify certain definitions as discussed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Abney Avenue Railroad Crossing - Signalization Disc.

City Manager Westerholm stated that the City had previously authorized joining with the Highway Department and Railroad in the installation of crossing signals at intersection of railroad tracks and Abney Avenue. Mr. Westerholm further stated that the original estimate was \$1,850 and same had now increased to \$3,016.50. City Manager Westerholm further stated that this item had been resubmitted to the Commission for consideration due to the increase and also the fact that a greater need may exist at another crossing on Lazy Lane. City Manager Westerholm stated that application could be resubmitted for funds to be used for signalization at this particular crossing if members of Commission desired.

Comm. R. A. Brookshire made motion to consider recommendation of City Manager and apply for new crossing signalization on Lazy Lane in lieu of allowance of funds for Abney intersection. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Tennis Shop - Chambers Park - Contract Renewed - Jerry Kimmey

City Manager Westerholm stated that Mr. Jerry Kimmey had initially been awarded a 90-day contract for operation of a Tennis Shop at Chambers Park and extension of this 90-day period was considered at a previous Commission meeting for a one-year period. City Manager Westerholm further stated that Mr. Kimmey's one-year contract had expired and consideration of renewal was pending. Mr. Westerholm stated that the Parks Department was well satisfied with Mr. Kimmey's operation and recommended extension of this agreement.

A brief discussion developed regarding the length of this proposed contract and Comm. Pat Foley made motion that new contract for Mr. Kimmey be approved for a three-year period for operation of a Tennis Shop at Chambers Park to include a 90-day cancellation notice on the part of either party. Motion was seconded by Comm. Joe E. Rich.

Prior to vote on motion, Max Griffin, Recreation & Parks Director, who was present, suggested that an addition be made to the existing contract to stipulate Mr. Kimmey furnish a telephone at his shop. Mr. Griffin stated that this would be an assistance to Mr. Kimmey as well as Recreation & Parks Department.

A brief discussion developed in this regard and Comm. Pat Foley expressed his concern that he was not in favor of making this commitment on the part of Mr. Kimmey unless the City was desirous of paying same. Comm. Pat Foley expressed his concern, however, that the City staff should make an effort to influence the necessity for installation of pay phone at this location without charge, if possible.

A unanimous affirmative vote was recorded to previous motion and second.

15. City Budget Disc. - 1975-76 Fiscal Year

Mayor Pro Tem Wareing stated that members of Commission had been presented a copy of the City Sewer Rate Study at last regular meeting which was to be reviewed in conjunction with proposed budget prior to this meeting.

Considerable discussion developed regarding various suggested re-appraisals of the City Budget as proposed by the City Manager to include the following information:

Present Ending Balance.....	\$ 38,854.00
+ Adjusted Sewer Rates.....	<u>93,000.00</u>
Sub Total.....	\$131,854.00
- Reinstate Twice Week Garbage Pick Up.....	\$ 53,504.00
- Replacement of Police Cars.....	<u>22,400.00</u>
Sub Total.....	\$ 55,950.00
+ Transfer Cleaning of Storage Tank to Rev. Shar.....	\$ 16,000.00
+ Lay Off Employees (three).....	20,843.00
+ Maintain present strength of Police Dept.....	32,747.00
+ Increase Tax Collections.....	<u>20,000.00</u>
Sub Total.....	\$145,540.00
- Salary Adjustment.....	<u>\$105,000.00</u>
Ending Balance.....	\$ 40,540.00

Various items above were discussed to include adjustment to sewer rates. Members of Commission were of the opinion that consideration should be made in this regard.

Members of Commission also discussed various alternates for replacement of Police vehicles and a possible 5 percent salary adjustment for City employees.

Members of Commission had various opinions regarding salary increases as to whether or not consideration should be made for across the board increases or various levels of increases.

Considerable discussion developed regarding specific needs in the Parks Department and Comm. R. A. Brookshire expressed his concern that the basic needs of the City be maintained as the most essential which would include water, sewer, streets, sanitation, Police and Fire protection. Comm. R. A. Brookshire and Comm. W. O. Ricks, Jr., expressed their concern that these particular departments receive priorities and were more essential than some departments of the City.

Comm. W. O. Ricks, Jr., stated that he was of the opinion the Recreation & Parks Department had not adequately revised its budget in comparison with remaining departments of the City and same should be corrected by next regular meeting.

Comm. R. A. Brookshire stated he was in agreement with suggested re-appraisal of the City Budget as submitted by City Manager Westerholm and same was in general in accordance with areas of most concern.

Comm. W. O. Ricks, Jr., expressed his desire that the proposed City Budget should indicate 75 percent of sales tax money being distributed in the Street Department.

Mayor Pro Tem Wareing stated that the proposed budget reflected approximately \$1 million that would be expended in the Street Department in this regard which amounted to expenditures in excess of this 75 percent figure.

Members of Commission were in unanimous agreement that proposed re-appraisal of City Budget as submitted by City Manager Westerholm should be implemented and revised City Budget should be prepared for consideration as soon as possible. Comm. R. A. Brookshire made motion that these suggested re-appraisals as proposed by City Manager be incorporated into an up-dated budget print-out at earliest opportunity. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

A brief discussion developed regarding a budget workshop for this budget and members unanimously agreed that budget workshop meeting be set for September 3, 1975 at 7:00 p.m.

Comm. R. A. Brookshire made motion that following adjournment of this meeting, members of Commission discuss replacement of members to the City Planning and Zoning Commission in an executive session. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. Teener Park - Morris Frank Park - Proposal

Comm. Joe E. Rich stated that he had previously discussed the possibility of this Commission considering the naming of a City facility in honor of Morris Frank, a native Lufkinite who had recently died. Mr. Rich stated that due to his close relationship with the athletic program in Lufkin and throughout the State of Texas, existing Teener Park located on North Raguet Street should be renamed in his memory.

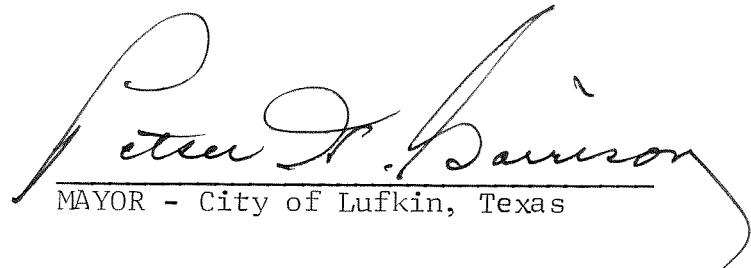
Following a brief discussion, it was the decision of this Commission that consideration of renaming of this park to Morris Frank Park be placed on the agenda for next regular meeting.

17. Hill Street Extension - Disc.

Mayor Pro Tem Wareing asked City Manager Westerholm to discuss the status of construction of the extension of Hill Street through the Catholic Monastery property. City Manager Westerholm stated that the City had moved one house within this area and another would be moved in an effort to extend Hill Street through the Monastery property. City Manager Westerholm further stated that he would have a more detailed report ready for review at next regular meeting.

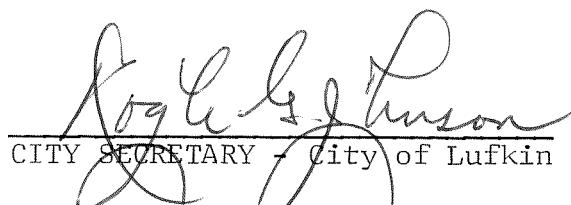
18. Adjournment

There being no further business for consideration, meeting adjourned at 8:10 p.m.



Peter D. Dawson  
MAYOR - City of Lufkin, Texas

ATTEST:



Nogal Johnson  
CITY SECRETARY - City of Lufkin