

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON 22ND DAY OF APRIL, 1980, AT 5:00 P.M.

On the 22nd day of April, 1980, 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 Garrison	Mayor
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
W. O. Ricks, Jr.	Commissioner at Large Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Bob McCurry	Commissioner, Ward No. 3 (new plan)
Percy A. Simond, Jr.	Commissioner, Ward No. 1 (new plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	Assistant City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Stephen H. Bancroft, Pastor of St. Cyprians Episcopal Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors.
3. Minutes of meeting of April 1, 1980, were approved on motion by Commissioner Don Boyd with second by Commissioner E. C. Wareing, and a unanimous affirmative vote was recorded.
4. Canvass of April 5, 1980, City Officers' Election - Returns Accepted as Certified by Election Judges - Oaths of Office Administered

Mayor Garrison stated that the City's regular election had been held on April 5, 1980, and announced that election judges had forwarded all materials for review by members of Commission for official canvass.

The following returns indicating results of the City Election were reviewed for election of Commissioner of Ward No. 1, and Commissioner of Ward No. 3, under the City of Lufkin's new single member district plan:

<u>Total No. Votes Received</u>	
<u>Commissioner, Ward No. 1</u>	
J. W. "Bill" Warren	14
Percy A. Simond, Jr.	377
W. O. Ricks, Jr.	53
<u>Commissioner, Ward No. 3</u>	
Bob McCurry	224
T. J. Preston	63

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated winners of the election to be Percy A. Simond, Jr. Commissioner of Ward No. 1; and Bob McCurry, Commissioner of Ward No. 3.

Commissioner W. O. Ricks made motion that above listed election results be made official as reported by election judges and Percy A. Simond, Jr. be declared winner of Commissioner of Ward No. 1 for a three-year term to terminate in April of 1983, and Bob McCurry be declared winner of Commissioner of Ward No. 3 for a three-year term to terminate in April of 1983. Motion was seconded by Commissioner Dayle V. Smith and a unanimous affirmative vote was recorded.

Mayor Garrison congratulated newly elected Commissioners Percy A. Simond, Jr. and Commissioner Bob McCurry.

Mayor Garrison presented service awards to both Commissioner W. O. Ricks and Commissioner Dayle V. Smith and expressed his personal thanks for their service to the City of Lufkin.

Mayor Garrison then administered Oaths of Office to new Commissioners who then took their places.

5. OPEN HEARING BY MAYOR - Annexation & Permanent Zoning Request - R. L. Cunningham to Commercial District - Hearing Date Set for May 6, 1980

Hearing was opened by Mayor Garrison to consider annexation and permanent zoning request by R. L. Cunningham to Commercial District covering property located immediately south of and adjacent to Scenic Acres Mobile Home Park and west of U. S. Highway 59 South. There was no opposition present.

Commissioner E. C. Wareing inquired as to whether or not the City would spend additional monies to develop this area. Walter Borgfeld, attorney for applicant, explained that the sewer was already in the area and no additional cost to the City would be involved. Motion was made by Commissioner E. C. Wareing that hearing date be set for next City Commission Meeting on May 6, 1980, at 7:30. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

6. Bids Approved for Purchase of Chambers Park Subject to Results of Election Lufkin Industries

Mayor Garrison stated that because of the large amount of opposition from property owners around Chambers Park, the City had decided to readvertise for bids only on that portion of Chambers Park lying north of Pershing Avenue in order to leave the playground, wading pool, and all facilities on south side of Pershing for public use. The bid from Lufkin Industries was read by City Manager Westerholm which proposed to pay \$250,000 for the portion of Chambers Park north of Pershing. Mayor Garrison stated that if the bid was accepted, it would be subject to the result of a favorable election held on May 24th, supporting the sale of the park. Mayor Garrison then asked if there was opposition present that would like to add additional comments.

Herb White stated that he understood LISD was considering the sale of Junior High West property and if the City would buy this property and add it to the existing property in Chambers Park, the City would have a fine park in the middle of the City.

Inquiry was made as to the cost of park excluding the land, and Mayor Garrison indicated that same would be considerably less.

Mr. Chuck Stemple of Lufkin Central Business District Corporation stated that their board had voted unanimously to appear at the City Council meeting to speak in favor of the park sale and present a resolution to be placed in the minutes for permanent record. The resolution was then read by Mr. Stemple.

Howard Walker expressed his support of the park sale in considerable detail. Mr. Harry Castleberry stated that he would like the City Council to know how he had been affected by the growth of Lufkin Industries. He stated that the street closing in the downtown area had been a problem to his business, but Lufkin Industries needed to go forward and the contribution made by the industry should be considered.

Motion to accept bid by Lufkin Industries was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley subject to support of same by May 24th election. Commissioner Wareing recused himself from vote because he held a small amount of stock in Lufkin Industries. A unanimous affirmative vote was recorded with one abstention as indicated.

7. Election Order Approved - Second Reading - Sale and Relocation of Portion of Chambers Park

Mayor Garrison stated that ordinance declaring election for sale and relocation of a portion of Chambers Park had been approved on first reading at last regular meeting.

Motion was made by Commissioner Pat Foley to approve this order on second and final reading, declaring election for May 24, 1980. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

Commissioner Pat Foley expressed his opinion that the City Council should consider at next meeting a resolution supporting sale of the property that would include reasons for the sale. Members of Commission were in unanimous agreement that same consideration be placed on agenda for next regular meeting.

8. Ordinance Approved - First Reading - Annexation and Permanent Zoning - John I. Everett, et al

Mayor Garrison stated that annexation and permanent zoning hearing by John I Everett et al to Residential Large and Residential Medium Districts, covering property located east and west of Ponderosa Drive and south of Fuller Springs Drive had been held at last regular meeting. Commissioner E. C. Wareing stated that he was hesitant to consider the whole area due to opposition in the area and the state of the economy.

Commissioner Pat Foley stated that the lines of the City Limits in this area were irregular because the City had tried to accomodate the people who did not desire annexation and the City had reached a point where it could not accomodate people as well as in the past. He further stated that he did not see any alternative but to annex all of the area.

Commissioner Richard Thompson stated his opinion that the City should annex the entire area, but explained that the Council had been given 5 new names against the annexation.

Commissioner Don Boyd indicated that seven people on the opposition list were presently receiving City services.

Mayor Garrison stated that the City had surrounded the area on 3 sides and same would soon be encircled. Mayor Garrison also stated that it would have to be annexed sometime in the future and the annexation cost would be even greater in the future.

Commissioner Bob McCurry stated that he was not aware of why the people were for or against the annexation and Mayor Garrison informed him of the basic property owner concerns.

Bill Perkins, attorney for Doug Thompson, stated that the people feared they would have advantage of City taxes without City services for some time, and some regulations were not good in a semi-rural area. Mr. Perkins also stated that in view of the 50-50 pro and con opposition to this annexation some type of compromise should be considered. Mr. Perkins expressed his opinion that 75 to 80% of the people in the area could be satisfied by an agreement of this type. Mr. Perkins also expressed his opinion that Lufkin may be in violation of the Fuller Springs Extraterritorial jurisdiction. Mr. Perkins also stated that the area was not ready for annexation. On inquiry by Mayor Garrison, Mr. Perkins agreed that the area would eventually be a part of Lufkin.

Commissioner Don Boyd stated that the City had tried to satisfy people in this area in the past, but correction should now be made through annexation of the complete area.

Additional inquiries were made by opposition regarding when City services could be expected. City Manager Westerholm stated that services would be furnished based on when the City Commission planned to place these improvements in the annual budget. City Manager Westerholm also stated that areas near Dawson and Birdsong were not very far from City sewer availability. Further discussion developed in regard to the length of time it would take to provide City Services to become available in the area.

Commissioner Don Boyd made motion that the ordinance for annexation of the area as previously advertised, be approved on first reading. Motion was seconded by Commissioner Pat Foley. The following vote was recorded: Commissioner E.C. Wareing and Commissioner Richard Thompson registered a no vote and the balance of the Commissioners voted in favor of the motion. Mayor Garrison declared motion approved by majority vote of 5 to 2. Commissioner Percy Simond made motion to approve the zoning of the property to Residential

Large and Residential Medium as advertised. Motion was seconded by Commissioner Don Boyd and a unanimous affirmative vote was recorded.

9. Second Reading of Ordinance - Approved - Annexation and Permanent Zoning Request - Sabine Investment Co. - Apartment District Special Use (Lodge, Special Conditions)

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting regarding annexation and permanent zoning request by Sabine Investment Company to Apartment District, Special Use (Lodge, Special Conditions), covering property located at the intersection of Crown Colony and Augusta Drives and fronting on Crown Colony Drive. Commissioner Pat Foley questioned whether or not this Lodge was to be built to condominium specifications. City Attorney Flournoy assured Commissioner Foley that it was to be controlled under townhouse specifications since City of Lufkin had no condominium specifications. There were no persons present appearing in opposition. Motion was made by Commissioner Richard Thompson that annexation of the area as previously described be approved on second reading of ordinance. Motion was seconded by E. C. Wareing and a unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that the property be permanently zoned Apartment District, Special Use (Lodge, Special Conditions). A unanimous vote was recorded.

10. First Reading of Ordinance - Approved - Zone Change Application - Community State Bank

Mayor Garrison stated that ordinance on zone change application by Community State Bank from Local Business District to Local Business and Commercial District, Special Use (Erection of on-premise Sign in excess of 36 sq. ft.) on property located at 1610 South First Street at the intersection of South First St. and Janeway Ave. had been recommended by the City Planning and Zoning Commission for approval. There were no persons appearing in opposition. Motion was made by Commissioner Percy Simond that ordinance be approved on first reading. Motion was seconded by Commissioner Pat Foley and unanimous affirmative vote was recorded.

11. First Reading of Ordinance - Approved - Zone Change Application - Martha Kiel - RS to RS (Special Use - Item 6 - Day Care Center)

Mayor Garrison stated that ordinance on zone change application by Martha Kiel from Residential Small to Residential Small District, Special Use (Item 6 - Day Care Center) covering property located at 1924 West Williams St. between Keltys and Tatum Streets had been recommended by the City Planning and Zoning Commission with condition to provide off-street parking for pick-up of children. Mayor Garrison stated that this recommendation was to avoid blockage of street during peak periods. It was further reported that this condition had not been met.

Commissioner Don Boyd indicated that there was no traffic on West Williams St. and two (2) cars could pass on the street without a problem. There were no persons appearing in opposition.

Commissioner E. C. Wareing made motion that ordinance be approved on first reading approving zone change application as requested with the condition that area be further reviewed regarding problems. Motion was seconded by Commissioner Don Boyd and a unanimous affirmative vote was recorded.

12. First Reading of Ordinance - Deferred - Zone Change Application - S. M. Boynton - RL to NR

Mayor Garrison stated that ordinance on zone change application by S. M. Boynton from Residential Large to Neighborhood Retail District on property located at 1200 South First St., immediately north of and adjacent to Bartlett, Baggett, and Shands Insurance Agency and extending between South First and South Raguet Streets had not received a recommendation from City Planning and Zoning Commission due to circumstances of meeting.

Mayor Garrison stated that it was difficult to consider a zone change application in lieu of formal recommendation from the Planning and Zoning Commission.

J. T. Maroney, attorney for applicant, stated that his client Mrs. McWilliams, did not present her case fully to the Planning and Zoning Commission and she would like to request that the City Council send the ordinance back to the Planning and Zoning Commission for complete reconsideration.

Motion was made by Commissioner E. C. Wareing that the City Council refer the application back to Planning and Zoning Commission as requested by applicant. Motion was seconded by Commissioner Don Boyd and a unanimous affirmative vote was recorded.

13. Proposed increase in Water Tap Fees in Developed Subdivisions - Approved

Mayor Garrison explained that this item was placed on agenda for consideration following establishment of similar tap fee increases at last regular meeting and Mayor Garrison stated that information received from City Manager Westerholm regarding these fees recommended increase from \$49 to \$85 for tap fees in developed subdivisions. Following a brief discussion motion was made by Commissioner Richard Thompson that the City Commission approve recommended fee increase from \$49 to \$85. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

14. First Reading of Ordinance - Approved - New Electric Rates - T.P. & L.

Mayor Garrison indicated that the City Commission had received information from its consultants on the Texas Power and Light rate increase request recommending an ordinance for approval by this Commission to meet necessary deadlines as established under the law. Mayor Garrison further stated that the increase request had been deferred from a previous meeting of the City Commission under the 120 day delay provision allowable. Mayor Garrison stated that the increase proposed under this ordinance would not provide for more than a 5.4% increase. It was further reported by City Manager Westerholm that this amount was less than the Public Utility Commission had recommended and if the PUC stood behind the recommendation of their staff on May 8th, T.P. & L. would probably appeal shortly thereafter. City Attorney Flournoy explained that by passing the proposed ordinance at this meeting, second reading of same could be confirmed by May 6th, which would meet the May 8th deadline for final approval of the City Commission.

Mr. James Kerbo of T.P. & L. was recognized by Mayor Garrison. Mr. Kerbo stated that it was not the intent of T.P. & L to propose any particular rate increase at this time until after the PUC decision had been reported. Mr. Kerbo also stated that following this report the City Commission would be allowed time to review the PUC findings and the Touche Ross report.

Commissioner Pat Foley recused from vote or discussion on this item due to a real estate transaction with Texas Power and Light Co.

Commissioner E. C. Wareing expressed his concern as to how an ordinance of this type could be justified under a blanket percentage increase inasmuch as this Commission had not heretofore approved an ordinance of this type.

Mayor Garrison suggested an ordinance be considered providing for a 5.4% increase on each schedule of rates presently in effect.

Commissioner Percy Simond inquired as to whether or not any decision made by this Commission would in fact be pre-empted by the PUC. Mayor Garrison explained that basically any disagreement this Commission may have regarding a rate increase could be appealed by the T.P. & L. Co. to the PUC. Commissioner Percy Simond stated that in his opinion this discussion was basically moot. There was no opposition present.

Commissioner E. C. Wareing then made motion that ordinance be approved on first reading confirming increase in the amount of 5.4% on each schedule of rates presently in effect by T.P. & L. Motion was seconded by Commissioner Richard Thompson and a unanimous affirmative vote was recorded, with one abstention by Commissioner Pat Foley.

15. Hearing Date Established - Annexation and Permanent Zoning Request - Etex Flange and Manufacturing Co., Inc. - Light Manufacturing - May 6, 1980

Mayor Garrison stated that recommendation was made by Planning & Zoning Commission that hearing date be established on the annexation and permanent zoning request by Etex Flange and Manufacturing Co., Inc. to Light Manufacturing District, covering 6.578 acres located at 2802 Spence St., immediately north of and adjacent to Chromium Corporation. No Opposition was present.

Motion was made by Commissioner Don Boyd to set hearing date for May 6, 1980, at 7:30 P.M. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

16. Approval of Bids for Construction of Well-Head Fencing, Concrete Work & Plant Fencing - C. C. Lankford Bid Approved

City Manager Westerholm reported that bids had been received for the construction of concrete pads and fencing on the water well site of the City's two newly completed water wells, and the Water Improvement Plant #2, in the following amounts:

C. C. Lankford	\$10,380.00
D. E. Sparkman	\$10,810.00

City Manager Westerholm recommended approval of low bid submitted by C. C. Lankford & Sons as stated above.

Commissioner E. C. Wareing then made motion that bid from C. C. Lankford in the amount of \$10,380.00 be approved. Motion was seconded by Commissioner Bob McCurry and a unanimous affirmative vote was recorded.

17. Senior Citizens Ground Breaking - Announced

City Manager Westerholm stated that the ground breaking for the Senior Citizens Center would be Saturday, April 26, 1980, on Valley Drive and all the City Council was invited to attend.

18. Subdivisions Control

Commissioner Foley asked the City Manager if there was any way the Commission could keep a better eye on subdivisions that were developing in various parts of the City's extraterritorial jurisdiction. City Manager Westerholm reported that the City had informed local attorneys and County Clerk regarding this matter. Commissioner Foley stated that he was concerned with the streets that were being constructed in subdivisions without the City's knowledge.

19. Report on Seminar on Vermi-Composting

City Manager Westerholm stated that he had attended a Vermi-Composting Seminar in Michigan and same was attended by representatives from several countries around the world. It was held at the Kellogg summer home in Michigan and most of the people were scientists. City Manager Westerholm stated that experiment in Lufkin was most unique and Lufkin had experienced some recent problems and progress had not been up to expectations. Mr. Westerholm also explained that the consultants for the Lufkin experiment were pleased on some things but not on others. He also stated that when the City received the grant it would be able to get into other testing areas and possibly overcome these problems.

20. There being no further business, the meeting was adjourned at 7:50.

April 22, 1980

Paul H. Linder

Mayor-City of Lufkin, Texas

ATTEST:

CITY CLERK

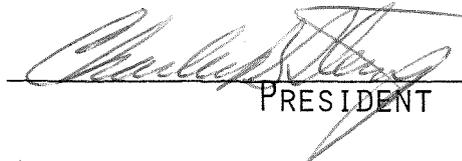
John G. Johnson

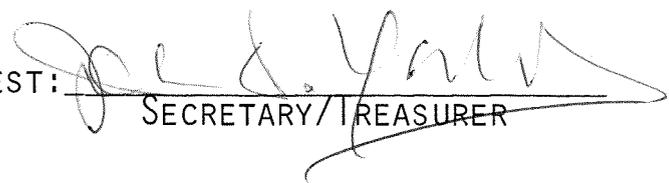
Assistant City Manager

R E S O L U T I O N

- WHEREAS, THE SELLING OF CHAMBERS PARK TO LUFKIN INDUSTRIES HAS BECOME AN ISSUE OF NOTE IN RECENT WEEKS, AND
- WHEREAS, THE CITY OF LUFKIN HAS BEEN OFFERED A PREMIUM PRICE BY LUFKIN INDUSTRIES FOR THE PARK ACREAGE OF \$250,000, AND
- WHEREAS, THE CITY CAN REPLACE THE EXISTING PARK WITH A NEW PARK FOUR TIMES AS LARGE FOR A LAND COST OF \$116,000, AND
- WHEREAS, ALL MONIES RECEIVED BY THE CITY WILL ONLY BE USED IN CREATING THE NEW PARK, AND
- WHEREAS, THE VAST ECONOMIC IMPACT LUFKIN INDUSTRIES HAS ON OUR CITY, NOT ONLY IN SALES TAX RECEIPTS BUT NUMEROUS OTHER TAXES, AND ALSO IN THE MOST NUMBER OF PERSONS EMPLOYED AND CONTINUAL ADDITION OF NEW JOBS, AND
- WHEREAS, LUFKIN INDUSTRIES IS AND ALWAYS HAS BEEN AN INTEGRAL PART OF OUR CITY'S GROWTH AND CONTINUALLY STRIVES TO SUPPORT ALL FACETS OF THE CITY, AND
- WHEREAS, THE SUPPORT OF THE CITY IN ASSISTING THIS INDUSTRY TO CONTINUE TO GROW, PARTICULARLY IN OUR ECONOMIC SITUATION TODAY, AND
- WHEREAS, ALL CITIZENS OF LUFKIN BENEFIT GREATLY FROM THIS EXCHANGE,
- BE IT RESOLVED THAT THE LUFKIN CENTRAL BUSINESS DISTRICT DEVELOPMENT CORPORATION GO ON RECORD AS HIGHLY SUPPORTIVE OF THE SALE OF CHAMBERS PARK TO LUFKIN INDUSTRIES SINCE IT IS THE INTEREST OF THE CITY, THE INDUSTRY AND EVERY CITIZEN, AND ALL PARTIES WILL GREATLY BENEFIT.

PASSED THIS 15TH DAY OF APRIL, 1980, BY THE BOARD OF THE LUFKIN CENTRAL BUSINESS DISTRICT DEVELOPMENT CORPORATION.


PRESIDENT

ATTEST: 
SECRETARY/TREASURER