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

On the 22nd day of January, 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:

Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)

being present, and

Pitser Garrison	Mayor
Richard Thompson	Commissioner at Large, Place B (old plan)
Gayle Dickey	Assistant City Secretary

being absent, when the following business was transacted.

1. Meeting opened with prayer by Harvey Westerholm in the absence of regularly scheduled minister.

2. Mayor Pro Tem Wareing welcomed visitors present.

3. Approval of Minutes

Minutes of the meeting of January 8, 1980, were approved on motion by Commissioner Pat Foley and second by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Dog Registration Fee - Deferment of Ordinance to Eliminate Code Requirement - Discussion of Intention

Mayor Pro Tem Wareing stated that members of Commission had discussed the possibility of considering a formal ordinance for waiving the City registration fee for dogs. Mayor Pro Tem Wareing also complimented the City's recent effort in vaccinating animals at various locations throughout the City.

Commissioner W. O. Ricks made motion that regulation be approved on first reading of ordinance providing for waiver of registration fee which was presently required by the City Code of Ordinances in the amount of $1.00 per animal. Motion was seconded by Commissioner Pat Foley.

Prior to vote on motion, Commissioner Dayle Smith requested that the news media inform the public that only the fee was being waived in this proposed amendment and registration would still be required by the City in lieu of a $1.00 fee. Considerable discussion developed and City Manager Westerholm stated that he had not understood this to be the intention of the City inasmuch as part of the problem in maintaining registration was the keeping of additional records which essentially was a dual function providing the City required all animals in the corporate limits to be vaccinated and veterinarians maintained the same type records.

Commissioner Pat Foley expressed concern that the Ordinance should be additionally reviewed by City Staff and recommended for consideration at another meeting in view of these comments.

Commissioner W. O. Ricks then withdrew his previous motion to approve ordinance on first reading and Commissioner Pat Foley made motion to table consideration of this ordinance on first reading to provide the City Staff an opportunity to review ordinance prior to next meeting. Motion was seconded by Commissioner Don Boyd and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing stated that, in view of these comments, there may be some merit in the registration of these animals at veterinarian clinics, and the City could also use the same records if necessary. Mayor Pro Tem Wareing then informed visitors present that this item would be reconsidered at next regular meeting in accordance with motion by Commissioner Pat Foley which had been approved.

5. Zone Change Application Approved First Reading - Donald E. Beck from Residential Large to Residential Large and Local Business District, Special Use

Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had recommended zone change application by Donald E. Beck from Residential Large to Residential Large and Local Business District, Special Use (Nursery, Retail Plant Sales, Special Conditions), at a recent meeting and same was before this Commission for consideration on first reading of ordinance. Mayor Pro Tem Wareing reviewed in extensive detail the recommendation of the Planning and Zoning Commission for a Special Use on this application to include special conditions for waiver of fence requirement providing all adjacent landowners were in agreement.

Commissioner W. O. Ricks inquired whether or not this would be a spot zone consideration. City Attorney Flournoy reviewed the circumstances of the application and it was his personal opinion that same was located in an area that had shown some commercial development and same was limited to a Special use retail sales nursery facility which did not appear to be a spot zone in his opinion.

There were no persons appearing in opposition to zone change application and motion was made by Commissioner Dayle V. Smith that zone change application by Donald E. Beck from Residential Large to Residential Large and Local Business District, Special Use (Nursery, Retail Plant Sales, Special Conditions), covering property fronting on Renfro Drive, located between Lufkin Avenue and Ford Chapel Road, be approved on first reading of ordinance. Motion was seconded by Commissioner Don E. Boyd.

Prior to vote on motion, City Attorney Flournoy informed members of Commission that it would be necessary for all parties adjacent to this property to submit waivers of notice regarding required fence prior to second reading of ordinance and proposed ordinance specify that no fence was to be constructed if these waivers were submitted. A unanimous affirmative vote was then recorded to previous motion and second to approve zone change application on first reading as submitted.

6. Zone Change Application Approved First Reading - John R. Bates from Residential Large to Local Business District, Special Use (Dental Office)

Mayor Pro Tem Wareing stated that zone change application by John R. Bates had been recommended by the City Planning and Zoning Commission for approval on a vote of 4 to 1 at a previous meeting. There was no opposition present and Commissioner Dayle V. Smith made motion that zone change application by John R. Bates from Residential Large to Local Business District, Special Use (Dental Office), covering property fronting on Loop 287 south of and adjacent to Red Bud Lane, be approved on first reading of ordinance. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

7. Texas Municipal League Retirement System - Deferment on Proposed Ordinance

City Manager Westerholm stated that an ordinance had been prepared that would allow persons employed by the City to participate in the City's retirement system at the age of 55 or less and the present age was 50 or less as admissible. City Manager Westerholm further stated that recent legislature authorized cities to increase the age limit to comply with the Federal compulsory retirement age which had been raised from 65 to 70. City Manager Westerholm also reviewed a list of employees who would be involved in this consideration containing the names of 14 individuals which would cost the City, for the balance of the year, approximately $485 per month for eight months or approximately $3880 for the balance of the City's fiscal year.

Commissioner W. O. Ricks expressed his opposition to this consideration inasmuch as same would allow an individual to retire at two places of employment.

Commissioner Pat Foley expressed his opinion that the City should approve these employees under the system and allow acceptance of the new requirement as explained by City Manager Westerholm. Commissioner Pat Foley also stated that he did not desire to approve this system until Commissioner Ricks had further discussed the program with City Manager Westerholm to clarify some of the questions which were discussed at this meeting. Commissioner Foley then made motion that further discussion of this proposed ordinance be tabled until next regular meeting to allow Commissioner Ricks an opportunity to visit with City Manager Westerholm concerning questions at this meeting. The motion was seconded by Commissioner Dayle V. Smith and the following vote was recorded: Commissioner Pat Foley, affirmative; Mayor Pro Tem Wareing, affirmative; Commissioner W. O. Ricks, affirmative; Commissioner Dayle V. Smith, affirmative; Commissioner Don E. Boyd, negative. Mayor Pro Tem Wareing then declared motion approved by majority vote of 4 to 1. Commissioner Don Boyd stated that he had not voted in favor of the motion inasmuch as he was of the opinion that adequate information had been presented to consider first reading of ordinance at this meeting without further discussion.

8. Ordinance Approved First Reading - Rates Set for Compacted and Noncompacted Garbage - New City Roll-off System - Sanitation Department

Mayor Pro Tem Wareing stated that members of Commission had established a rate to be considered by ordinance at last regular meeting for compacted and noncompacted garbage as it applied to the City's new Roll-off system which had been accepted at last regular meeting. Mayor Pro Tem Wareing further stated that ordinance had been prepared establishing these rates as requested at last regular meeting.

Commissioner Pat Foley requested an opportunity to see the Roll-off system in operation. Mr. Foley was informed by Public Works Coordinator Dwayne Humphrey who was present that this system was available at his convenience for review by calling Mr. Humphrey's office. Mr. Humphrey also informed members of Commission that three additional customers had requested use of the Roll-off system since last discussion and that operation of the Roll-off system would begin next week inasmuch as the vehicle had been received by the City.

Commissioner W. O. Ricks made motion that ordinance be approved on first reading establishing the new rates for the Roll-off system in the amount of $2.00 per cubic yard for compacted garbage and $1.25 per cubic yard for noncompacted garbage. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

9. Executive Session - Discussion of City Lawsuit

Mayor Pro Tem Wareing stated that it was necessary for members of City Commission to discuss in Executive Session a recent lawsuit and formal open meeting was adjourned by Mayor Pro Tem Wareing at 5:45 p.m. for this purpose. At 6:20 p.m., Mayor Pro Tem Wareing reconvened the City Commission and announced that the City Attorney had informed members of Commission regarding a lawsuit and further information regarding same would be reported as circumstances develop.

10. Police Department Trade Vehicles - Discussion of Bids

Commissioner Dayle V. Smith inquired as to whether or not bids had been received on the City police car trade vehicles, and City Manager Westerholm reported that no bids had been received in addition to the $11,000 offered by Greater Lufkin Ford. It was further reported that inasmuch as no bids had been received, it was the recommendation of the City Commission at an earlier meeting that the trade-in amount of $11,000 be accepted in lieu of a better bid amount.

11. Water Tapping Fees - Discussion of Proposed Ordinance to Increase City's Cost

Commissioner W. O. Ricks made reference to information furnished by City Staff regarding the City's cost for installation of water taps for various customers. City Manager Westerholm explained that these studies had been made by Public Works Coordinator Dwayne Humphrey which reflected a cost greater than the City's present charge for installation services. City Manager Westerholm further stated that, if members of Commission were of the opinion that a disparity existed, they may desire to raise these fees at a future meeting. Commissioner Pat Foley asked that this rate consideration be placed on the agenda for the next regular meeting of the City Commission. Members of Commission were in agreement with request by Commissioner Foley.

12. Lufkin Housing Authority - Discussion of Current Status

Commissioner Don E. Boyd inquired of City Manager Westerholm as to the present status of Lufkin Housing Authority and the release of monies for home loans. City Manager Westerholm reported that information received in his office indicated that Congress was to consider a bill regulating municipal housing bonds on January 24. City Manager Westerholm stated that following this date additional information should be available at which time he would report same to City Commission.

13. Angelina Street - Discussion on Progress

Commissioner Don E. Boyd inquired of City Manager Westerholm as to the status of construction on Angelina Street. City Manager Westerholm stated that the City had completed all of its required construction and additional construction would begin as weather permitted.

14. Mass Transportation - Discussion of Proposed Feasibility Study - Request for Additional Information

Mayor Pro Tem Wareing stated that he had recently attended a meeting at City Hall at the request of City Staff sponsored by the Department of Highways and Public Transportation. Mayor Pro Tem Wareing further stated that this meeting revealed four different transportation systems for cities of various size ranges. Mayor Pro Tem Wareing also stated that, if members of Commission desired to consider a feasibility study which could be completed at no cost, a determination could be made as to whether or not mass transportation of this type could be beneficial to the citizens of Lufkin and the type system that would best serve the community.

Considerable discussion developed and it was further stated by Mayor Pro Tem Wareing that, in his opinion, there was a need for a feasibility study and the City of Nacogdoches had also considered this same program.

Commissioner Dayle V. Smith inquired as to whether or not Mayor Pro Tem Wareing would explain the funding of this program if same was finally decided by the Commission for consideration. Mayor Pro Tem Wareing stated that, in the event members of Commission decided to complete a transportation system, same would be funded at the rate of 80 percent which would be the federal responsibility, 13 percent which would serve as the state's contribution, and only 7 percent would be funded through local City government.

Members of Commission unanimously agreed that the City Staff should prepare a resolution for consideration at next regular meeting providing for a feasibility study of this type. Members of Commission also asked that City Manager Westerholm obtain additional information for members of Commission to review at next regular meeting regarding the various types of transportation programs inasmuch as some members of Commission had not viewed recent film furnished by the Texas Department of Highways and Public Transportation.

15. City Zoning Ordinance - Discussion of Amendment to Voting Requirement

City Attorney Flournoy explained that the City Zoning Ordinance presently required a four-fifth's vote of the governing body when a 20 percent petition was filed with the City Secretary containing the names of individuals owning property within 200 feet who opposed a particular application and, with the new laws passed by the legislature, it was now required that a three-fourth's vote to override these unfavorable recommendations was required. Mayor Pro Tem Wareing stated that members of Commission could consider this amendment if necessary but it would still require six positive votes of the City Commission to override an unfavorable recommendation of the City Planning and Zoning Commission inasmuch as four-fifths of the present membership of City Commission or three-fourths of the present membership of City Commission would still be equal to six members and the changing of same would only be a point of technicality to conform with the new legislature requirement.

Following a brief discussion, members of Commission were in unanimous agreement that this amendment be placed on the agenda for next regular meeting to conform with the new laws.

16. There being no further business for consideration, meeting adjourned at 7:25 p.m.

Peter H. Garrison

Mayor - City of Lufkin, Texas

ATTEST:

Assistant City Manager