

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF DECEMBER, 1972, AT 7:30 P.M.

On the 5th day of December, 1972, 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
Joe E. Rich	Commissioner, Ward No. 3
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
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

J. T. Hopson	Commissioner, Ward No. 2
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. A. D. Thomas, Pastor of Goodwill Baptist Church, Lufkin, Texas.
2. Mayor welcomed a small group of visitors who were present in connection with items on the agenda or as observers and expressed his appreciation for their interest.
3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes of regular meeting of November 21, 1972, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Zone Change Application - H. C. Polk, Jr., and Wife, Hazel Polk from R-1 and LB Districts to C District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-1 and LB Districts to C District covering property located West of U. S. Highway 59 South and North of Erwin Street in the C. F. Thompson Second Addition, Revised. There were no persons present appearing in objection to this zone change request. Comm. W. O. Ricks, Jr., then made motion that zone change application by H. C. Polk, Jr., and Wife, Hazel Polk, from R-1 and LB Districts to C District be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Zone Change Application - Angelina County Teachers' Credit Union from R-1 District to R-1 District and Special Use (Item 3) Credit Union

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-1 District to R-1 District and Special Use (Item 3) Credit Union, covering property located immediately West of State Highway Loop 287 between Lufkin Avenue and Ford Chapel Road. There were no persons present appearing in objection to this zone change request. Comm. R. A. Brookshire made motion that zone change application by Angelina County Teachers' Credit Union from R-1 District to R-1 District and Special Use (Item 3) Credit Union, be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

6. Zone Change Application-Buford Maddux from R-3 Dist. to C Dist.

Mayor Garrison stated that Mr. Buford Maddux had applied for zone change from R-3 District to C District and was heard by the City Planning and Zoning Commission on March 9, 1972. Mayor Garrison stated that opposition was expressed at this meeting by Mrs. Milton Hickman and Mrs. W. C. Royle, and also that the City Planning and Zoning Commission, on March 23, 1972, did not recommend approval of the application in view of the history of this property and the problems it had brought to the City and the neighborhood due to the lack of Mr. Maddux's compliance with request from the City to discontinue use of his lot for Commercial purposes. Mayor Garrison further explained that the City Planning and Zoning Commission members were of the opinion that no further justification for zone change consideration could be made until Mr. Maddux had acted upon previous request from the City. Mayor Garrison then called on Mr. Bill Ricks, Attorney, who was present to speak in behalf of application by Mr. Buford Maddux. Mr. Ricks briefly described the location of the property and circumstances involved. Mr. Ricks circulated copies of a plat indicating the location of Mr. Maddux's property. Mr. Ricks informed members of the Commission of the past history regarding this property indicating that area being considered for C zone was extremely close to existing Commercial zones. Mr. Ricks quoted from an extensive list containing various zones of property surrounding area being considered for zone change by distances ranging from 200 feet to 400 feet. Mr. Ricks stressed the significance of the fact that eight (8) Commercial zones were within 200 feet of area being considered for change, 20 Commercial zones within 300 feet and 32 Commercial zones within 400 feet. Mr. Ricks further explained the history of this property as expressed in minutes from previous City Planning and Zoning Commission and City Commission meetings back to 1960. Mr. Ricks emphasized to members of the Commission that Mr. Maddux's property at this location was being utilized as a storage facility at the rear of his present business. Mr. Ricks stated that his client was currently using area being considered for proposed C District for purposes as described above. Mr. Ricks stated that if this zone change request was approved, his client would fulfill zone change requirements as provided in zoning regulations to include the construction of a sight-bearing fence. There were several persons present appearing in objection to this zone change request. Among those present appearing in objection were Mr. & Mrs. Milton Hickman and Mrs. W. C. Royle. Mayor Garrison stated that property owners living within 200 feet of the proposed zone change had filed a letter of objection to this proposed zoning to C District signed by Annie Jewel Royle, Rennie Mae Hickman and Robert Allen. Property owners within 200 feet appearing in opposition to this proposed zone change request voiced the following objections:

- (1) Would deteriorate Residential area;
- (2) Would create over-all unsightly condition; and
- (3) Would devalue property.

Mr. Ricks concluded his remarks concerning this zone change request and re-emphasized to the members of the City Commission that his client desired to comply with City regulations resulting from zone change to C District. Comm. W. O. Ricks, Jr., made motion that zone change application as presented by Buford Maddux from R-3 District to C District be approved on first reading; however, motion died for lack of second. Comm. E. C. Wareing then made motion that application as presented by Buford Maddux from R-3 District to C District be denied in accordance with recommendations made by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing and E. G. Pittman

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

Mayor Garrison declared motion carried by majority vote of 5 to 1.

7. Apartment Garbage Rate Complaint - Larry Lucas

Mayor Garrison called on Larry Lucas regarding complaint on recent garbage rate increase for apartment complexes. Mr. Lucas stated that he would like to recognize other apartment owners within the City who were in agreement with his feelings regarding the following objections to recent garbage rate increases in apartment complexes:

- (a) Believed recent rate increase was unjustified; and
- (b) Believed apartment dwellers did not create an equal amount of garbage as Residential dwellers.

Mr. Lucas further informed members of the Commission that since many apartment owners had built fences to contain loose garbage and control problems created by dogs and other animals, he believed recent rate increases were unjustified. Mr. Lucas further stated that containers had now been installed and apartment dwellers must place all of their garbage in these containers causing unequal treatment in comparison to Residential dwellers who only must carry bags as far as their front curb. Mayor Garrison expressed his concern that all citizens receive fair and impartial treatment regarding garbage rates and other services provided by the City. Mayor Garrison further explained that this recent increase received by apartment complexes should not be absorbed by apartment owners and suggested that this extra cost be transferred to the apartment dweller. Mayor Garrison further stated that the cost of garbage disposal for the City had increased approximately 100% since new State Regulations placed even more strenuous regulations on Municipalities each year. Mayor Garrison also called on Mrs. George Clark and Mrs. Ida Hall, who were present. Mrs. Clark stated her agreement to objections previously stated by Mr. Lucas. Mayor Garrison expressed his concern that garbage burden should fall on each family unit regardless of whether or not one lives in a private residence or apartment complex and that the disposal of garbage would be an even greater problem for the future. Following considerable discussion, Mayor Garrison stated that the City Commission would consider these proposals as presented by apartment dwellers and thanked those present for expressing their opinions.

8. Curb and Gutter Paving Projects - Bid Tabulations

City Manager Westerholm stated that bids were received for various curb and gutter paving projects on November 22, 1972, and opened at 2:00 P. M. City Manager Westerholm further informed members of the Commission that these bid tabulations were secured to determine if the City could save money by permitting some of its street construction work by way of contract. City Manager Westerholm further stated that construction already performed by the City on Wildbriar Drive would cost the City approximately \$5.00 per linear foot, less than the contractor due to equipment depreciation allowance not charged by the City. City Manager Westerholm further explained that the City could not proceed at a pace equal to that of a contractor and that the City could not presently afford all of these paving projects by way of contract. City Manager Westerholm recommended that the balance of Wildbriar Drive, Robdelk and Skip Streets be awarded to Moore Brothers Construction Company since these streets have complicated construction problems, namely, large storm sewers. City Manager Westerholm concluded his remarks by indicating that the City would assume the responsibility of constructing the extension of Live Oak Lane in front of the new Brookhollow school and that other street paving projects listed on the tabulation must be planned for future budget years. City Manager Westerholm distributed copies of these bid tabulations among members of the Commission for consideration. Mayor Garrison asked City Manager Westerholm if funds were available for the completion of Wildbriar Drive, and also, if the City Manager would recommend completion of Wildbriar Drive even though strip paving would be curtailed by approximately one-half of City's proposal for the year. City Manager

Westerholm stated that funds were available for the completion of Wildbriar Drive and that he would recommend completion of this street by means of contract. City Manager Westerholm further explained that completion of Wildbriar Drive would require more time if City employees were used, but the City would save approximately \$15,000. Mayor Garrison expressed his concern that extra information be gathered regarding cost of projects to allow a more detailed study by the Commission. Comm. E. C. Wareing expressed his concern for the interest of all citizens that the City should continue under its present policies regarding street construction to allow more strip paving of City streets. Comm. E. C. Wareing then made motion that bids on various street paving projects be held in abeyance and the City's own man-power and facilities be utilized. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Comm. R. A. Brookshire expressed his concern that more thorough reports be provided to members of the City Commission regarding the study of street paving projects as suggested by Mayor Garrison.

9. School Crossing Guard - U. S. Highway 69 East

City Manager Westerholm stated that he had received two letters requesting school crossing protection on U. S. Highway 69 East for the purpose of serving Slack School. City Manager Westerholm informed members of the Commission that he had received a letter from Mrs. Louise Brashear indicating her desire that a school crossing sign be erected on U. S. Highway 69 East near Leslo Sales. City Manager Westerholm stated that a copy of Mrs. Brashear's letter had been distributed among members of this Commission for consideration indicating desires requested by Mrs. Brashear and parents of children who cross U. S. Highway 69 East for bus transportation to Slack School. City Manager Westerholm also informed members that a copy of Dr. Langston Kerr's response to Mrs. Brashear's request was also provided for consideration. City Manager Westerholm further informed members that a petition had been circulated in this area requesting protection for school children who cross at this location to load on busses for Slack School; and that studies had been made by the Police Department to confirm a definite need for school crossing protection at this location. City Manager Westerholm stated that the situation existing at this location was extremely dangerous even though most parents were driving across intersections to unload children. City Manager Westerholm informed members of the Commission that 63% of those individuals who signed petition lived outside the City Limits. The City Manager stated that studies made by the Police Department indicated that traffic must be slowed considerably before a crossing guard could be utilized with any degree of safety. City Manager Westerholm also stated that installation of flashing signals, warning of a school crossing, should be installed along with reduced speed signs. Mayor Garrison suggested that this situation be further researched before any final conclusions were made and that Mrs. Brashear and other concerned parents be consulted. Members of the Commission were in unanimous agreement with suggestion as presented by Mayor Garrison.

10. Fire Department - Authority to Advertise for Bids

City Manager Westerholm stated that the Fire Department was in need of two vehicles previously included in the annual Budget, and authority to advertise for bids was necessary. Following a brief discussion, Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to advertise for bids on these two vehicles for the Fire Department in accordance with recommendations. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

11. Zoo Department - Addition of Animals

City Manager Westerholm stated that the City of Lufkin had been offered two rare black leopards on indefinite loan from the St. Louis Zoo and that these animals normally sold for \$2,500. City Manager Westerholm further stated that the City would only be required to return a pair of leopard kittens for the indefinite loan. City Manager Westerholm concluded by stating that Tim Jones, Zoo Director, had requested authority to accept these rare animals as an addition to Ellen Trout Park Zoo. A brief discussion developed regarding enclosure costs and other details. Comm. W. O. Ricks, Jr., then made motion that the Zoo Director be allowed to receive these animals under conditions as described above. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Water Department - Bids on Cement Asbestos Pipe

City Manager Westerholm stated that bids of November 16, 1972, for 20,000 linear feet of 8-inch cement asbestos pipe (water mains needed for projects listed through Revenue Sharing Funding) had been previously discussed at last regular City Commission meeting and deferred until this meeting regarding the acceptance of low bid submitted by Hydrotex Utility Supply Corporation. City Attorney Flournoy stated that a question had arisen at last regular meeting regarding the legality, under State and Civil Statutes and Tariff Act, of a bid proposal submitted by Hydrotex Utility Supply Corporation. City Attorney Flournoy further explained that this proposal offered by Hydrotex Utility Supply Corporation would allow \$35 per truck load for unloading expense allowance and it was his recommendation that since Hydrotex Utility Supply Corporation's bid was the low bid, the proposal should be incorporated into the bid and not be provided as a special allowance. City Attorney Flournoy explained that the City could legally negotiate with the low bidder in this respect. Mr. John LaRue of Hydrotex Utility Supply Corporation was present and stated that he did not have the authority to change the bid amount but could deduct only through the cash discount allowance. Following considerable discussion, Mr. LaRue stated that he would adjust his cash discount in order to allow the City credit for nine loads at \$35 per load. Comm. W. O. Ricks, Jr., expressed his concern that the City could not negotiate after the bids were received; however, City Attorney Flournoy assured members of the Commission that the City could negotiate with the low bidder. Following a brief discussion, Comm. R. A. Brookshire made motion that bid be awarded to Hydrotex Utility Supply Corporation for 20,000 linear feet of 8-inch cement asbestos pipe at \$1.73 per linear foot in accordance with increase of cash discount allowance to 3% as explained by Mr. John LaRue. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. Zone Change Application-Robert M. McDonald & William A. Bergfeld from R-1 District to LB District

City Manager Westerholm stated that this particular zone change request by Robert M. McDonald and William A. Bergfeld from R-1 District to LB District covering property located North of Teer Street at intersection of State Highway Loop 287 had been recommended by the City Planning and Zoning Commission and referred back to the City Planning and Zoning Commission to possibly include more property for the purpose of avoiding a spot zone situation. City Manager Westerholm further stated that Mr. Herman Bate was present to give a brief synopsis of this further investigation requested by members of the City Commission in meeting of October 3, 1972. Mayor Garrison called on Mr. Herman Bate to speak in behalf of his client regarding this zone change application. Mr. Bate stated that he had talked to Mr. Paul Radke concerning the possible extension of this zone to include Mr. Radke's property. Mr. Bate further stated, however, that Mr.

Radke declined to grant permission to include his property in this zone change request. Mr. Bate stated that Mr. Radke appeared not to understand the proposal and further that Mr. Radke believed he would not be permitted to reside within zone if zone change was granted. Following considerable discussion, Comm. R. A. Brookshire made motion that zone change application by Robert M. McDonald and William A. Bergfeld from R-1 District to LB District be approved on first reading. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, W. O. Ricks, Jr., E. G. Pittman and Joe E. Rich

Voting Nay: Comm. E. C. Wareing

Mayor Garrison declared motion approved by majority vote of 5 to 1.

Comm. E. C. Wareing expressed his concern that the approval of this zone change request was not a good practice and would create a re-occurring problem.

14. Texas Highway Department-Proposed Illumination of Intersection State Highway 103 East and State Highway Loop 287

City Manager Westerholm stated that he had received a letter from Frank D. Galloway, District Administrative Engineer, Texas Highway Department. City Manager Westerholm further stated that Mr. Galloway informed the City that the Texas Highway Department did not object to the installation of the proposed lighting system for State Highway 103 East and Loop 287. City Manager Westerholm also stated that the City would be responsible for this lighting system during and after construction of the project. City Manager Westerholm concluded his comment on the subject and stated that Texas Power & Light Company had been given authority to proceed with the installation of this system.

15. U. S. Forest Property - Discussion

City Manager Westerholm informed members of the Commission that the U. S. Forest Service property on North Raguet Street may be declared surplus within the near future. City Manager Westerholm further requested that the City be authorized to consider any possible grant or lease of this property if opportunity arises. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to request the possible grant or lease of this property if the U. S. Forest Service declared it surplus property. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. Highway, Roads & Transportation Committee - Discussion

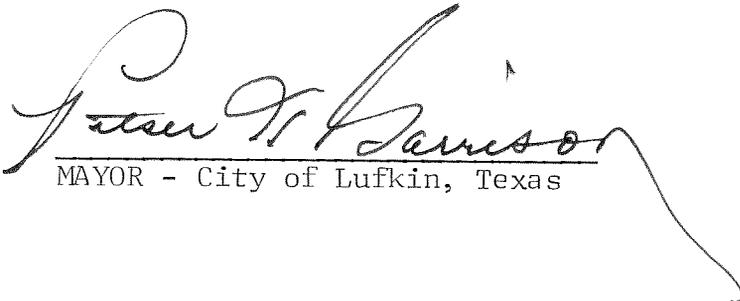
Comm. E. G. Pittman stated that the Texas Highway Department Roads and Transportation Committee had provided the City with many excellent suggestions and desired that the City express its appreciation for this Committee's contributions toward completion of the Comprehensive Master Plan. Mayor Garrison indicated that he had personally expressed the City's appreciation for their contributions by means of a personal letter.

17. Meeting Date Set

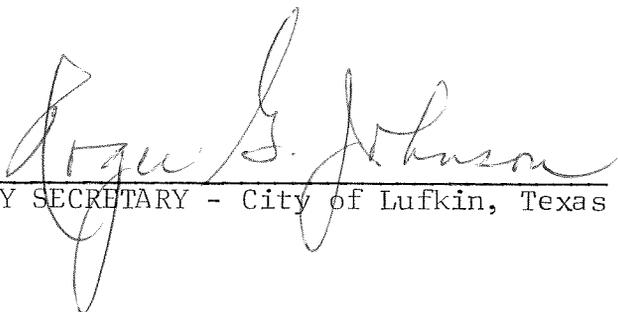
Comm. Joe E. Rich made motion that next regular City Commission meeting be held on January 2, 1973. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

18. Adjournment

There being no further business for consideration, meeting was adjourned at 9:25 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas