

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF MARCH, 1977, AT 5:00 P. M.

On the 15th day of March, 1977, 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 H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. 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, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Raymond Robbins, Pastor of First Congregational Methodist Church, Lufkin, Texas.

2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers, and invited Mr. Richard Thompson, member of the City Planning and Zoning Commission, to sit with members of City Council, with respect to recommendations.

3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of March 1, 1977, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Annexation & Permanent Zoning Request-Tom Gann-First Reading of Ordinance Postponed

Mayor Garrison recognized Mr. Tom Gann on behalf of his request for annexation and permanent zoning of property located between FM 58 and Highway 59 South, near Whitehouse Cemetery, North of Whitehouse Road. Mr. Gann stated that he did not desire to add any information to his request unless members of Commission had questions regarding same.

Mayor Garrison recognized Mr. Natt Gann appearing in opposition to this annexation. Mr. Gann stated that he desired to appear in opposition to the proposed annexation because he could not obtain access to his property nor apparently obtain apartment zoning to which he proposed to use this property. Mr. Gann stated that he did not desire to have his property zoned residential as a result of the annexation.

Mayor Garrison explained that as a result of withdrawal from this annexation, a problem could be presented with regard to minimum width of property which must be no less than 500 feet at its narrowest point without personal request for annexation from all property owners concerned.

Mr. Gann stated that he did not desire to be bound for payment of City taxes under the circumstances without access on Whitehouse Road, which was not being considered for improvements by the City.

City Attorney Flournoy suggested that members of Commission obtain a letter from Mr. John Henderson with regard to this annexation indicating his personal desire for his property to be annexed in order that 500-foot width requirement could be waived by personal request.

Mayor Garrison explained that individuals who would live in proposed sub-division to be constructed by Mr. Gann would feel the burden was on the City of Lufkin to provide improvements to Whitehouse Road, which was not being considered a part of proposed annexation. Mayor Garrison further stated that as a result of this annexation, property owners would be disappointed to find that the City did not own the property to improve Whitehouse Road. Mayor Garrison also reminded Mr. Gann that the City would almost be encircling an area outside the City Limits by annexing this property which would not be a good planning process.

Comm. W. O. Ricks, Jr., made motion that annexation and permanent zoning request by Mr. Tom Gann be approved subject to the deletion of the Natt Gann and M. L. Gann property on request by Mr. Natt Gann.

Prior to second of motion, City Attorney Flournoy suggested that a letter be obtained from Mr. John Henderson indicating his personal request for annexation of his property inasmuch as narrowest point would be less than 500 feet.

Previous motion by Comm. Ricks was seconded by Comm. R. A. Brookshire. Prior to vote on motion, discussion developed with regard to whether or not Mr. Gann was certain he did not want to be annexed inasmuch as future development of his property, which may require City services, would be difficult to obtain under present policy. Mr. Gann stated he did not desire to change his mind with respect to exclusion of his property.

Discussion also developed with regard to whether or not Sabine Investment Company and Mr. Tom Gann would be desirous of giving necessary ROW for a street in this area. Mr. Tom Gann stated that he would give 30 foot of ROW on his property and was of the opinion Sabine Investment Company would not be objectionable to same.

Mayor Garrison recognized Dr. Michael Sabo who expressed his concern for improving Whitehouse Road. Dr. Sabo stated that property owners in the area were not aware of the fact that this was a County problem, instead of a City problem. On inquiry by Comm. Foley, Dr. Sabo stated that he had not talked with the County with regard to improving Whitehouse Road.

Comm. E. G. Pittman suggested that further consideration of this annexation not be considered on first reading until the City had an opportunity to receive further information from Mr. John Henderson regarding whether or not he desired to have his property annexed and additional information with regard to the improvements to Whitehouse Road and whether or not easements could be obtained for widening of this street.

Comm. W. O. Ricks, Jr., withdrew his previous motion as agreed by Comm. Brookshire and Comm. Ricks made a new motion to postpone further action with regard to this annexation request by Mr. Tom Gann until information as requested by Comm. Pittman be presented members of Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. Resolution & Ordinance Approved-Lufkin Industries-Request to Close Portions of Kiln Avenue, Douglas & Bonner Streets

Mayor Garrison recognized Mr. Frank Stevenson and Mr. Stanley Beck who were present in behalf of request by Lufkin Industries to close portions of Kiln Avenue, Douglas and Bonner Streets for future expansion of existing facilities in this area.

Prior to review of information, Comm. E. G. Pittman requested to be excused from any consideration with regard to this request by Lufkin Industries due to his employment affiliation.

Mayor Garrison then recognized Mr. Frank Stevenson who stated that he had nothing to add to the request as presented at hearing during last regular meeting. Mayor Garrison reviewed proposal from last regular meeting, to include the fact that recent information received from City Manager Westerholm, with regard to proposal, indicated that Lufkin Industries was willing to pay the City as much as \$150,000 for street improvements and purchase of property as a result of the proposed street closings. Mayor Garrison explained that construction estimates had been received from Moore Brothers in the amount of \$302,426.00, but improved estimates of this amount indicated that reduction in this estimate could be made by using City work forces.

City Attorney Flournoy requested that resolution be considered approving the specific agreement between the City of Lufkin and Lufkin Industries, and an ordinance be considered on first and final reading for the necessary closing of streets and additional details. City Attorney Flournoy then read copy of proposed resolution and Comm. W. O. Ricks, Jr., made motion to approve this resolution confirming agreement between the City of Lufkin and Lufkin Industries with regard to their proposal for expansion of their facility. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded. Comm. E. G. Pittman abstained from vote.

City Attorney Flournoy then read copy of proposed ordinance which established the street closings being considered and specific amounts of money involved with regard to sale of City property at appraised fair market value to Lufkin Industries, Inc. Comm. W. O. Ricks, Jr., then made motion that ordinance be approved on first and final reading closing necessary streets and confirming amounts to be paid by Lufkin Industries for purchase of ROW and property involved and closing streets as requested. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded. Comm. E. G. Pittman abstained from vote.

6. Zone Change Approved 1st Reading-Vada Mae Singleton from RM to A Dist.

Mayor Garrison stated that zone change application by Vada Mae Singleton from RM to A District covering property located North of & fronting on Kiln Avenue, West of Raguet Street intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. Pat Foley made motion that zone change application by Vada Mae Singleton from RM to A District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 1st Reading-A. B. Youngblood from RL to A District

Mayor Garrison stated that zone change application by A. B. Youngblood from RL to A District covering property located North of & fronting on Harmony Hill Drive, West of Tulane Drive, South of Holiday Inn and Ramada Inn, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by A. B. Youngblood from RL to A District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Chestnut Village Shopping Center-Proposed Extension Approved

Mayor Garrison recognized Mr. R. B. Thompson appearing in representation of proposal by R. B. Thompson Construction Company to enlarge the Chestnut Village Shopping Center facility. Mr. Thompson stated that this proposal had been presented to members of the City Planning and Zoning Commission who had recommended approval by this Commission for extension of a 5.4 acre area and various building sites were noted and information was reviewed by members of Commission on proposed plat.

Mr. Thompson introduced Mr. Tom Dormstedter, a working associate, who also brought attention to the fact that these improvements did not necessarily include the location of all trees on site plan. It was determined that proposal was within the 100 year flood requirement to fulfill a pre-requisite for loan to finance this construction.

Mayor Garrison requested that an official plat be filed with the City determining these 5.4 acres in accordance with development outline as proposed. Comm. W. O. Ricks, Jr., made motion that proposed shopping center extension of Chestnut Village be approved in accordance with 5.4 acre site-plan, a copy of which was to be filed in the City Engineering Department. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire and Mayor Garrison abstained from voting on this item.

9. First State Bank Corp.-Alley Closing Request Approved-Jackson & Jodie

Mayor Garrison stated that First State Bank Corporation had made application to close alley extending South of Jackson Street to Jodie Avenue between South First and South Second Streets, which had been recommended by the City Planning and Zoning Commission.

City Manager Westerholm stated that a report had been submitted by the City Tax office which determined the fair market value of this alley, 20 feet wide and 532 feet long. City Manager Westerholm reported the existence of a 4" gas line, a 6" sewer line, electric power line and two 12" storm sewer pipes in this alley and necessary easements should be obtained regarding same.

There was no opposition present to this request. Comm. E. C. Wareing made motion that resolution be approved authorizing the Mayor to close this alley subject to easement provisions as outlined and payment of fair market value by individuals concerned at appraised cost submitted members of Commission from City Tax office. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. State Highway & Public Transportation Minute Order Approved-Pershing Avenue Widening

City Manager Westerholm reported that a resolution was attached in distribution for members of Commission to review which was proposed by the State Highway & Public Transportation Minute Order #72411 for improvements by the State Highway Department of Public Transportation of Pershing Avenue previously recommended by this Commission.

Comm. Pat Foley then made motion that resolution be approved adopting Minute Order #72411 as previously passed by the State Highway Department & Public Transportation Commission on February 28, 1977, for improvements to Pershing Avenue. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. DETCOG-Proposal for Consortium Approved

Mayor Garrison stated that the City Commissioners had received a letter from Mr. Raymond Vann, DETCOG, which explained the need for adopting a resolution to join in a consortium with other governmental entities in the Deep East Texas area. City Manager Westerholm stated he would personally recommend that the City join in this consortium, which once established, would seek designation as a prime sponsor of Manpower Programs under the Comprehensive Employment & Training Act of 1973. Comm. E. C. Wareing made motion to approve resolution adopting entrance by the City of Lufkin into the consortium as proposed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. Bids Awarded-Annual Supply of Vetrified Clay Sewer Pipe-Traffic Signal Controllers-Chestnut Village Water/Sewer Relocation

City Manager Westerholm reported that bids had been opened by City staff for purchase of traffic signal controllers, Chestnut Village water/sewer relocation and one-year supply of clay sewer pipe and tapping materials in accordance with information as outlined:

Traffic Signal Controllers

Crouse Hinds	\$2,332.50
Eagle Signal Corporation	\$6,190.00
Signal Engineering Company	\$2,095.00

Chestnut Village Water/Sewer Relocation

Utility Supply Company	\$8,526.14
East Texas Service	\$9,016.95
Universal Palestine	\$9,633.75
Central Utility Supply	\$9,762.65

Sewer Pipe & Tapping Materials

Can-Tex Industries	\$46,602.00
Dickey Clay Manufacturing Company	\$49,961.75

City Manager Westerholm stated that he would recommend bid submitted by Crouse Hinds for traffic signal controllers. Comm. W. O. Ricks, Jr., made motion that bid be awarded to Crouse Hinds in the amount of \$2,332.50 for the purchase of traffic signal controllers. Comm. E. G. Pittman seconded the motion and a unanimous affirmative vote was recorded.

City Manager Westerholm also recommended the purchase of materials for Chestnut Village water/sewer relocation from Utility Supply Company. Comm. W. O. Ricks, Jr., made motion that bid be awarded Utility Supply Company in the amount of \$8,526.14 for the purchase of materials for Chestnut Village water/sewer relocation. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded. Comm. R. A. Brookshire abstained from voting on this item.

City Manager Westerholm recommended the purchase of one-year supply of sewer materials and tapping materials from Can-Tex Industries. Discussion developed with regard to how this material would be delivered. City Manager Westerholm reported that the City would draw from this annual supply on a truck-load basis until all materials were used for a period of one year.

Comm. Pat Foley inquired as to why only two bidders had submitted bids for these materials. City Manager Westerholm stated that there were only two clay pipe manufacturers within the state of Texas.

Comm. W. O. Ricks, Jr., inquired as to whether or not this pipe was bell and spigot to include seal. City Manager Westerholm reported that these specifications were included in low bid submitted by Can-Tex Industries.

Comm. E. G. Pittman made motion that Can-Tex Industries be awarded bid in the amount of \$46,602.00 for the purchase of a one-year supply of clay sewer pipe and tapping materials. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Abandoned Vehicles-Proposed Consideration for City Ordinance Regulating Impoundment

Comm. R. A. Brookshire stated that members of Commission had received report from City Manager with regard to his previous inquiry concerning abandoned vehicles within the City Limits. Report by City Manager was reviewed by members of Commission which indicated 1976 abandoned vehicle impoundment total of 38 vehicles, which were towed to various wrecker lots as determined according to rotation schedule maintained by the Police Department.

City Manager Westerholm reported that the City did not have sufficient space enclosed by fence in which to store the impounded vehicles and considerable expense would be involved to establish a record and control system that would allow vehicles to be removed by owner after payment of charge. City Manager Westerholm recommended that the City continue its present method of impounding vehicles, with closer observation by the City on owners reclaiming their vehicles.

Mayor Garrison and Comm. Brookshire expressed their opinions that accurate records should be maintained for any vehicle which was moved by the City. Comm. Brookshire also suggested a local ordinance which would specify the amount individuals would have to pay to release a vehicle from impoundment and establishing a prescribed time for claiming the vehicle.

City Attorney Flournoy stated that the Texas Abandoned Motor Vehicle Act being used by the Police Department established methods for demolition and notifying owners of the vehicles for an eventual sale by the City. City Attorney Flournoy stated that the City had no ordinance for retrieving off-street vehicles, and suggested the City may consider an ordinance that would establish this authority.

Comm. Brookshire expressed his concern for the City not being able to remove all of these vehicles and indicated the fact that certain liabilities were being unduly placed upon the City if individuals placed claims for personal items which were left in abandoned vehicles.

Members of Commission were in unanimous agreement that an ordinance should be considered for recommendation by the City Attorney to alleviate these problems, and Comm. E. C. Wareing suggested proposal include the number of vehicles that would be maintained at any one time by the City. Comm. Wareing also suggested that the City Manager determine the amount of cost for establishing a holding area, to include construction of site-bearing fences, etc.

14. Homestead Exemption Tax Disc.

Comm. W. O. Ricks, Jr., suggested that due to the inflationary trends, considerable hardships were being placed on retired individuals within the community with regard to taxes. Comm. Ricks suggested review of the possibility for the City to increase its homestead exemption tax from \$3,000 to \$5,000.

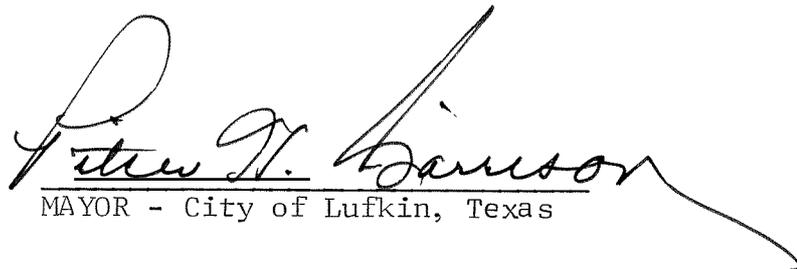
Comm. E. C. Wareing asked City Attorney Flournoy as to what the maximum was for Homestead Exemptions. City Attorney Flournoy stated that he was not familiar with any maximum.

Comm. Ricks stated that he was personally aware of the fact that the City of Houston had recently increased their Homestead Exemption to \$10,000.

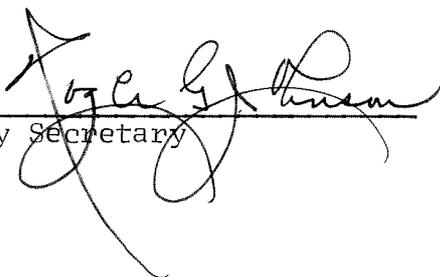
City Manager Westerholm was authorized by members of Commission to submit a future report with regard to the possibilities of the City increasing its Homestead Exemptions based on information acquired.

15. Adjournment

There being no further business for consideration, meeting adjourned at 7:05 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary

BIDS ON TRAFFIC SIGNAL CONTROLLERS

* Crouse Hinds \$ 2332.50
Eagle Signal Corporation \$ 6190.00
** Signal Engineering Company \$ 2095.00

* We recommend acceptance of Crouse Hinds bid

** We have never heard of this controller; have no parts in stock they could use in case of malfunction; there accompanying parts price list actually makes this controller more expensive than the Crouse Hinds bid.

BIDS FOR MATERIAL FOR CHESTNUT VILLAGE WATER/SEWER RELOCATION

* Utility Supply Company \$ 8526.14
East Texas Service \$ 9016.95
Universal Palestine \$ 9633.75
Central Utility Supply \$ 9762.65

* We recommend acceptance of Utility Supply Company bid

BIDS FOR ONE YEAR SUPPLY OF SEWER PIPE AND TAPPING MATERIAL:

* Can-Tex Industries \$46,602.00
Dickey Clay Mfg. Co. 49,961.75

* We recommend acceptance of Can-Tex Industries bid for the one year supply of sewer pipe and tapping material.

Dated: 3-14-77