

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF SEPTEMBER, 1977, AT 7:30 PM

On the 6th day of September, 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	Asst. City Manager

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

1. Meeting opened with prayer by Dr. Steven Cook, Pastor of First Presbyterian Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of August 16, 1977, and special meetings of August 23 and August 24, 1977, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Open Hearing - City Budget Fiscal Year 1977-78

Mayor Garrison opened hearing for consideration of City Budget for fiscal year 1977-78 and invited comments from interested citizens with respect to same as advertised in Lufkin News.

Mayor Garrison recognized Mr. Howard Daniel of the Angelina Humane Society regarding their request for an additional \$6,000 to finance a new employee at the animal shelter. Mr. Daniel explained that the City Commission had previously helped the humane society and considerable progress had been made in the past three years. Mr. Daniel stated that if the City Commission could not provide the \$6,000, the humane society would do what it could to finance one-half of this amount.

Comm. W. O. Ricks, Jr., stated that the City Commission had not rejected the humane society proposal as discussed at last regular meeting. Mayor Garrison confirmed this statement by Comm. Ricks and explained to Mr. Daniel that the humane society proposal had been held in abeyance due to the small contingency figure which remained in the budget for this fiscal year. It was reported that the County only furnished \$500 per year for this program.

Mayor Garrison stated that members of the Commission would give the humane society every consideration possible and further discussion of this item was continued later in meeting following close of public hearing.

Comm. W. O. Ricks, Jr., inquired of City Manager Westerholm regarding an explanation concerning the number of employees in the Recreation & Parks Department and the amount of funds allocated for salaries in the Parks Department. Comm. Ricks requested that this item in the proposed budget be amended prior to final approval of same. It was reported by Royal Dunlap that approximately \$7,000 appeared to be in the figure to which Mr. Ricks referred and same could be corrected. Mayor Garrison stated that further discussion of this subject could also be continued at end of meeting if members of Commission desired, following close of public hearing.

There were no further comments from members of public with regard to proposed budget and Mayor Garrison closed public hearing concerning same.

9/6/77

5. Harmony Hill Annexation - Ordinance Approved 1st Reading

Mayor Garrison stated that open hearing had been held at last regular meeting for annexation of Harmony Hill area located South of Harmony Hill Drive between U. S. Highway 59 South and FM 58. Mayor Garrison stated that no opposition was present at hearing and Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first reading annexing this area as advertised. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, Comm. Wareing stated that he personally could not support the feasibility of this annexation due to the proposed amount of obligation to be incurred by the City and the small amount of revenue proposed for generation on an annual basis. Comm. Wareing stated that in all fairness to property owners, it seemed that the City should not consider this annexation.

Comm. Ricks stated that property owners in this area were aware of the City's situation with regard to extension of facilities on a priority basis, and obligations were not being incurred on the part of the City in this respect. Comm. Foley stated that he was in agreement with Comm. Wareing, but was of the opinion that property owners in this area should participate for extension of City services as did developers within the community.

Previous motion by Comm. Ricks to approve annexation of this area on first reading of ordinance received the following vote:

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

Voting Nay: Comms. Pat Foley and E. C. Wareing

Mayor Garrison declared motion approved by majority vote of five to two.

Discussion developed with regard to consideration of this annexation at next regular meeting on second reading due to previous discussion concerning delayed consideration of same. It was determined by members of Commission that second reading of this ordinance would be considered at next regular meeting.

6. Zone Change Approved 2nd Reading-B. G. Kistler from RL to A District

Mayor Garrison stated that zone change application by B. G. Kistler from RL to A District covering property located West of SPRR fronting on Southwood Drive, immediately North of Loop 287 overpass, had been approved on first reading of ordinance at last regular meeting.

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

7. Zone Change Approved 2nd Reading-Disabled Veterans of America from RL to RL District, Special Use (Lodge)

Mayor Garrison stated that zone change application by Disabled Veterans of America from RL to RL District, Special Use (Lodge), covering property located South of Moffett Road, West of Loop 287 at intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. R. A. Brookshire made motion that zone change application by Disabled Veterans of America from RL to RL District, Special Use (Lodge), be approved on second reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Weight Limits Established for Concrete Trucks-Ord. Approved 2nd Reading

City Manager Westerholm stated that the City Commission had previously approved first reading of ordinance on August 2, 1977, establishing weight limits for concrete trucks and providing for a \$15,000 surety bond under authority established by the state. City Manager Westerholm recommended the approval of this regulation on second and final reading for the protection of the City under certain circumstances.

Comm. R. A. Brookshire made motion that concrete truck regulation establishing weight limits as described and providing for surety bond be approved on second and final reading. Motion was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, Comm. E. C. Wareing inquired as to whether or not this regulation applied only to ready-mix concrete trucks. It was explained that same applied only to these type vehicles. A unanimous affirmative vote was then recorded to previous motion and second to approve ordinance on second and final reading.

9. Zone Change Approved 1st Reading-C. M. Hicks from LB & RS to CB Dist.

Mayor Garrison stated that zone change application by C. M. Hicks from LB & RS to CB District covering property being Lot 1 fronting on Thompson Street and Lots 4B, 5 & 6 fronting on North Raguet Street, Block 2 of the Angelina County Lumber Company Addition, North of Elm Street, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing inquired of Mr. C. M. Hicks who was present as to the responsibility for drainage from a nearby creek in this area. City Manager Westerholm stated that the present responsibility for this drainage was the City of Lufkin. Mr. Hicks stated that City Engineering Department was conducting a drainage study in this area and a recommendation would be prepared as to what corrections, if any, would have to be made.

Comm. W. O. Ricks, Jr., made motion that zone change application by C. M. Hicks from LB & RS to CB District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading-Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery), covering property located behind Bethel Church of the Nazarene, being same property on FM 58, East of York Drive, 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 Bethel Church of the Nazarene from RL to RL District, Special Use, Item 6 (Day Nursery), be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

11. Texas Power & Light Company-Disc. of Current Charges Under New Rate Increase

Mayor Garrison stated that since the Texas Power & Light Company had received its recent rate increase, which had been recommended by the Public Utility Commission, there had been considerable questions by consumers within the area. Mayor Garrison stated that the City had discussed these problems with Texas Power & Light Company representatives.

Mayor Garrison introduced Mr. James Kerbo of Texas Power & Light Company, who had been requested to be present to answer any questions members of Commission may have and invited comments regarding same. Mr. Kerbo reviewed various causes for higher bills received by consumers to include unusual dry and hot weather and, primarily, increases in fuel costs as received by TP&L. Mr. Kerbo also referred to a misunderstanding by consumers with respect to requirement imposed by PUC providing for the separate listing of the fuel adjustment cost on individual billing. Mr. Kerbo explained that TP&L had recently lost the services of Lake Striker and Martin Lake plants during this peak period of high costs. Mr. Kerbo stated that the fuel adjustment costs would be down to 1.09 in September and made reference to the fact that TP&L had experienced shortages in natural gas and reviewed the complete history of TP&L's intention to convert to the lignite fuel system, which essentially involved higher costs initially to provide for lower costs in the future for consumers.

Mayor Garrison referred to various points of comparison and asked Mr. Kerbo a number of questions regarding justification for information reflecting considerable profits received by TP&L during June 30, 1976 to June 30, 1977, fiscal year. Mayor Garrison requested that Mr. Kerbo furnish members of Commission information for a comparison reflecting the profit to be received by TP&L during June 30, 1976 to June 30, 1977 fiscal year, with and without increase as granted. Mr. Kerbo stated that he would provide members of Commission this information as soon as possible.

There were a number of individuals present who requested information regarding recent rate increases and Mr. Kerbo reported in more detail recent problems with the fuel adjustment billing and confusion same had created as a result of the decision by PUC to provide cost separation.

Comm. Pat Foley inquired of City Attorney Flournoy with regard to the possibility of reducing TP&L rates. City Attorney Flournoy reported that proper hearings could be established for this process, but TP&L would have authority to appeal this proposal to the PUC. Mayor Garrison stated that the PUC had authorized an 8.2 per cent net profit gain by TP&L and any gains over this percentage should be brought to the attention of the PUC. Mayor Garrison thanked Mr. Kerbo and interested citizens who had appeared with respect to this inquiry which would be discussed at a later meeting.

12. Randybrook Street ROW - Proposed Closing Postponed

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended the closing of street ROW on Randybrook from the existing deadend to Paul Avenue. Mr. Roger Langford was present regarding proposal to develop a cul de sac in this area.

There were no persons present appearing in opposition to this proposed ROW closing, and City Attorney Flournoy stated that of the approximately 11,000 square feet of property which would remain in the existing ROW unused, same would have to be offered to Mr. Langford or adjacent property owners for sale at an appraised fair market value. A question developed with regard to the possibility of an additional adjacent landowner other than Mr. Langford and Mayor Garrison stated that members of Commission could consider closing street by resolution at this meeting and dispose of it according to appraised fair market value at a later meeting.

Comm. E. C. Wareing suggested that an appraised fair market value be considered by members of Commission and Mr. Langford prior to making final determination concerning closing of ROW. It was a unanimous decision of members of Commission to defer further action of this item until appraisals of property could be obtained by City Manager and submitted to members of Commission for review.

13. Kiwanis City Park - Boundary Line Established by Resolution

City Manager Westerholm stated that it was necessary to establish definite boundary lines of the Kiwanis City Park due to submission for grant to finance street improvements in this area. City Manager Westerholm further stated that proposed resolution furnished members of Commission outlined definite boundary lines of Kiwanis City Park which would be used as a requirement for proposed grant to finance construction of bridges and street development in this area.

Comm. W. O. Ricks, Jr., made motion that proposed resolution outlining definite boundary lines of Kiwanis City Park be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. Traffic Engineering Survey - Consultant Proposal Postponed

City Manager Westerholm stated that when the City Commission approved development of a traffic engineering survey during meeting of August 16, 1977, it was requested that additional information be provided concerning prospective consultants to perform proposed survey. City Manager Westerholm stated that the following firms had been selected for consideration and all were recommended by the Office of Traffic Safety, who was sponsor of this program:

Carter & Burgess, Rady & Associates and Henningson, Durham & Richardson

City Manager Westerholm stated that letters of proposals had been submitted by each of these firms with the exception of HDR due to the fact that members of Commission were familiar with this particular firm.

Discussion developed with regard to particular firm to consider. City Manager Westerholm recommended the consideration of Rady & Associates, inasmuch as they had been considerably diligent in this particular adventure. City Manager Westerholm stated that he had not checked thorough backgrounds with respect to each of the above firms inasmuch as each was listed as qualified for completing this type survey.

Comm. W. O. Ricks, Jr., and Comm. E. C. Wareing recommended the consideration of HDR. Comm. Pat Foley requested that members of Commission consider more background investigation of the above listed engineering firms prior to final selection unless same was an urgent matter. Members of Commission were in agreement to defer further consideration of this item until next regular meeting to provide City Manager Westerholm an opportunity to review thorough background information.

15. Sewer Surcharge Rates Lowered for Restaurants-Ord.Approved 1st Reading

City Manager Westerholm stated that the City staff had received several complaints from local restaurants concerning the higher sewer surcharge and averages used in recent ordinance approved by this Commission were furnished by the EPA which, in his personal opinion, were too high. City Manager Westerholm also stated that the Texas Restaurant Association and the TWQB had made available test results of 89 restaurants in the Austin area, and a copy of same had been furnished members of Commission for review. City Manager Westerholm stated he would recommend that the Industrial Waste Ordinance be amended by adopting as sewer surcharge limits those on the high side from the Austin survey, which is 3,000 mg/l for BOD and 2,000 mg/l for TSS, which compared to the City's present limits of 4,836 mg/l for BOD and 5,041 mg/l for TSS. City Manager Westerholm stated that the national averages had proved to be higher than local establishments. City Manager Westerholm also recommended that if this regulation was approved, same be retroactive to allow for proper adjustments to June of the present year.

Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first reading lowering these rates as recommended by the City Manager providing for retroactive reimbursement. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. Pat Foley stated that he had been initially against approval of this ordinance establishing high rates. Mayor Garrison stated that he had also been against consideration of this increased surcharge and was very much in favor of reducing it from an arbitrary amount.

Considerable discussion developed with regard to installation of monitoring stations for commercial locations and several restaurant owners who were present and interested individuals involved in this process, asked members of Commission questions regarding same. Royal Dunlap stated that many commercial locations did not have to install sample stations due to low BOD ratings. Comm. W. O. Ricks, Jr., stated that Austin had required this process and City Attorney Flournoy explained that regulation, which had been approved on a local basis, also required sample stations and payment for same by property owners.

Comm. Pat Foley stated that he was not personally opposed to improving the City's present sewer problem if individuals who were being penalized were in fact in violation of regulation.

Mayor Garrison stated that it was his personal opinion that monitoring stations installed by commercial locations best controlled fair costs. City Manager Westerholm stated that it was the purpose of the City simply to find who the violators were which could only be determined by composite testing, which costs approximately \$175 to \$180 over a 24-hour sampling period.

Comm. R. A. Brookshire expressed his opinion that local businesses should desire to install sampling stations inasmuch as the City was under considerable pressure by the EPA who had established a deadline for compliance by December 17 of the present year. Comm. E. C. Wareing stated that the City should enforce its regulation according to value and require same according to useage above certain amount.

Previous motion and second to approve ordinance on first reading lowering these rates and establishing new BOD and TSS requirements received a unanimous affirmative vote.

City Manager Westerholm was instructed to furnish information regarding what amounts should be mandatory regarding volume and Comm. Pat Foley requested City Manager Westerholm continue monitoring these samples to determine whether or not the City was higher than the Austin area. Comm. W. O. Ricks, Jr., requested that the City Manager consider adoption of a common-design cover for monitoring stations to protect the location of this type facility and prevent future damage of same.

16. American Red Cross - Resolution Approved

City Manager Westerholm explained that the American Red Cross had proposed consideration for approval of a resolution or agreement which outlined the functions performed by the American Red Cross during an emergency and what local assistance could be derived from these services. City Manager Westerholm stated that a copy of this resolution had been provided members of Commission for their review. City Manager Westerholm stated that this resolution did not provide for reimbursement due to civil disorders and that approval of the resolution was not compulsory. Comm. W. O. Ricks, Jr., made motion that resolution as proposed by the American Red Cross be adopted. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

17. Morris Frank Park Baseball Complex-Everitt Griffith & Associates Selected

City Manager Westerholm stated members of Commission had requested at last regular meeting that he set forth a development schedule of the baseball complex project that could be completed with City forces and those that would need outside consideration. City Manager Westerholm stated that the City staff had worked with Griffith engineers in segregating those different functions and information furnished members of Commission from Mr. Jim Griffith of Griffith & Associates reflected the City's negotiations and the estimated cost that would be incurred. City Manager Westerholm stated that he would personally recommend the use of Griffith & Associates for this project in view of the fact that an amount of \$25,000 had been established as a high that would not be exceeded and same should be considerably lower than this projected amount.

Comm. W. O. Ricks, Jr., made motion that Griffith & Associates be selected to conduct this work in the construction of Morris Frank Park. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. City Budget Disc. - Fiscal Year 1977-78

Mayor Garrison stated that discussion by members of Commission with respect to items under proposed City Budget for fiscal year 1977-78 had been deferred from hearing to provide more thorough discussion. Mayor Garrison invited questions from members of Commission regarding same.

Comm. R. A. Brookshire inquired as to who was sponsoring the STEP program in the Police Department. City Manager Westerholm reported that the Department of Criminal Justice had sponsored this program. Comm. Brookshire inquired as to why the City was in need of more support in the Police Department inasmuch as three additional patrolmen in the budget did not appear to be necessary. Mayor Garrison stated his opinion that the City should consider retaining present personnel with the intention of providing programs for individual growth and development and salary increases.

Comm. E. C. Wareing stated that with regard to request by Mr. Howard Daniel for support of the animal shelter, he would propose that the City consider a two-thirds financing of this project, or \$4,000, and attempt to retrieve the additional one-third or \$2,000 from the County. Comm. W. O. Ricks, Jr., was in agreement with same as suggested by Comm. E. C. Wareing. It was requested also that City Manager Westerholm approach the County with Mr. Daniels to determine whether or not they would be desirous of contributing to this program and increasing their current contribution, which was only \$500 a year. Comm. W. O. Ricks, Jr., made motion that the City appropriate as much as \$4,000 or match the County funds to generate \$6,000. Mayor Garrison asked Comm. W. O. Ricks, Jr.,

if he would amend his motion to provide that the City furnish \$3,000 and the County consider furnishing the other one-half of the proposed \$6,000, based on request. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

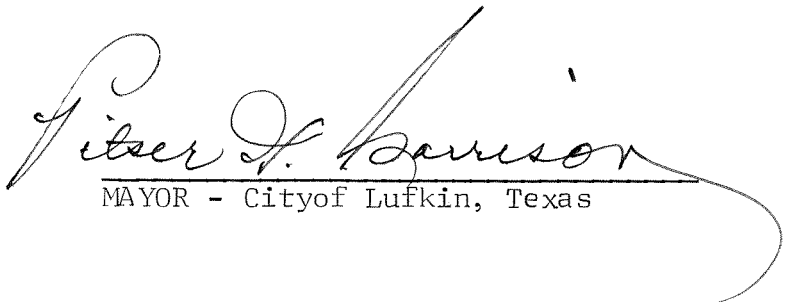
Comm. Pat Foley inquired as to whether or not members of Commission would be desirous of considering a tennis court development program in the next fiscal year inasmuch as same had not been considered in this present City Budget. Comm. E. C. Wareing suggested consideration of a proposal that would involve all available interested parties within the City, to include the school and the college, and same be evaluated prior to consideration of a formal grant by the City, and/or possible bond issue or other means of finance.

Comm. E. C. Wareing suggested that the City Commission consider the possibility of long-range needs through 1985 for this proposal. Each member of Commission was requested to comment concerning this proposal and it was unanimously agreed that a formal proposal should be reviewed at the support of the Lufkin Tennis Association and other members of the community prior to formal consideration to determine whether or not same was feasible prior to submission for financing.

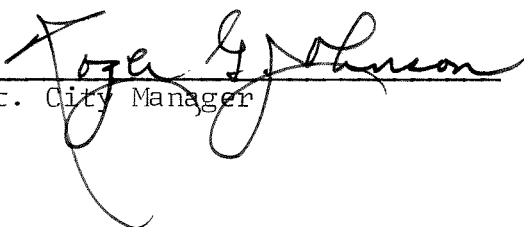
Mr. Jerry Kimmey, who was present, of the Lufkin Tennis Association, stated that he would be desirous of assisting in this program in any manner members of Commission desired.

19. Adjournment

There being no further business for consideration, meeting adjourned at 11:00 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
Asst. City Manager