

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF NOVEMBER, 1977, AT 7:30 P.M.

On the 1st day of November, 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 Rev. Robert Castle, Pastor of the Forest Park Church of God, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of October 4, 1977, be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading-Joe & Mary Trevathan from RL to C Dist.

Mayor Garrison stated that zone change application by Joe & Mary Trevathan from RL to C District covering property fronting on West side of College Drive (FM 819), South of Angelina College between Highway 69 South and Daniel McCall Drive, being Lots 11 & 12 of Blount Subdivision, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. G. Pittman made motion that zone change application by Joe & Mary Trevathan from RL to C District be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-Foy Bradshaw from RL & LB, Special Use (Farm Tractor Repair) to RL & LB, Special Use (Conditions)

Mayor Garrison stated that zone change application by Foy Bradshaw from RL & LB, Special Use (Farm Tractor Repair) to RL & LB, Special Use (Conditions), covering property located North of Wayne Street at intersection with Lawnview being Lot 4, Block 2 of Pinedale Drive Addition, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. G. Pittman made motion that zone change application by Foy Bradshaw from RL & LB, Special Use (Farm Tractor Repair) to RL & LB, Special Use (Conditions), be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center)

Mayor Garrison stated that zone change application by R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center), covering property located South of Highway 94, East of Loop 287 in the J. A. Bonton League, containing 21.68 acres, had been approved on first reading of ordinance at last regular meeting.

There were no persons present present appearing in opposition to application. Comm. E. G. Pittman made motion that zone change application by R. H. Duncan Construction Company, et al, from C to C District, Special Use (Shopping Center), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison and Comm. R. A. Brookshire recused vote on this application due to their affiliation with same.

7. Zone Change Approved 2nd Reading-J. S. Allred from RL to NR District

Mayor Garrison stated that zone change application by J. S. Allred from RL to NR District covering property located West of & fronting on Loop 287, East of Largent Street across from Pin Oak Lane, had been approved on first reading of ordinance at last regular meeting.

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

8. DETCOG-Resolution Denied-Regional Section VIII Housing

Mayor Garrison stated that it had been requested that the City appoint DETCOG as administrator of Section VIII Housing on a regional basis. It was explained that this proposal recognized the need for low-income rental housing subsidies in the city and throughout the region as defined in HUD Section VIII Assistance Programs.

It was explained by Mr. Jim Wells, who was present representing the program which would be sponsored by DETCOG, that the Section VIII Housing replaced Section 23 of the Public Housing Act under which all public housing and construction was formally administered. It was explained that the Section VIII Housing Program was designed to support existing housing, substantial rehabilitation and new housing. Mr. Wells explained that individuals would eligible for housing rental subsidies on a first-come, first-serve basis.

Comm. R. A. Brookshire stated that the question before this Commission was to determine whether or not members should endorse DETCOG as an administrator of Section VIII Housing on a regional basis, of which he was not personally in favor.

Comm. Jack McMullen was in agreement with Comm. Brookshire. Mayor Garrison stated that he desired to keep DETCOG as a planning agency to which Mr. Wells agreed was a primary function. Mayor Garrison asked additional questions regarding the function of the Section VIII Housing Program. Mr. Wells explained that Angelina County had passed a resolution supporting this same process as well as all other counties in the region with the exception of Nacogdoches, which had its own housing authority administering the program.

Comm. Pat Foley stated that he was in agreement with Comm. Brookshire, and had been opposed to Section VIII in the past. Mr. Foley stated, however, that he would desire a further review of these programs in the future. Mayor Garrison stated that he was personally opposed to government expenditures on private property, but he was personally concerned as to whether or not the City had a complete affirmative action program which included a housing program. Mayor Garrison stated that the money spent by the Federal government was under Federal law, and he personally was of the opinion that the City should participate in this program with one limitation, being that the City would administer the program. Mayor Garrison stated that he was of the opinion that the City should not deny its citizenry of any possible money provided by the government.

Comm. R. A. Brookshire stated that he was of the opinion that the City of Lufkin could administer its own affairs and made motion that this Commission not endorse DETCOG by resolution as administrator of the Section VIII Housing Program. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Following vote on motion, Mayor Garrison recognized Mr. Howard Walker who expressed his personal opposition to any form of public housing. Mr. Walker made reference to previous petitions presented to this Commission in 1963 supporting the community's opposition to any public housing program. Mr. Walker stated that the Public Housing Program, in his opinion, was a fraud and would not benefit the citizenry.

9. Zone Change Approved 1st Reading-Joennette Whisenant from D to D District, Special Use, Item 6 (Day Nursery)

Mayor Garrison stated that zone change application by Joennette Whisenant from D to D District, Special Use, Item 6 (Day Nursery), covering property fronting on South side of Paul Avenue at intersection with Fourth Street, being Southeast corner of intersection, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Joennette Whisenant from D to D District, Special Use, Item 6 (Day Nursery), be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading-Charles Fredrick from RL to C District

Mayor Garrison stated that zone change application by Charles Fredrick from RL to C District covering property located East of Highway 59 North, North of Loop 287 between Davisville Road & Highway 59 North, had been recommended for approval by the City Planning & Zoning Commission.

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

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

Mayor Garrison stated that zone change application by C. M. Hicks from RS & LB to CB District covering property located North of Elm Street between Thompson & N. Raguet Streets, being Lots 2, 3, and 4B, Block 2, Angelina County Lumber Company Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. E. G. Pittman 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. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-John W. Perkins & Ernie Teer from RL to C District

Mayor Garrison stated that zone change application by John W. Perkins & Ernie Teer from RL to C District covering property fronting on Loop 287, North of Highway 103 East, and East of Teer Street, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by John W. Perkins & Ernie Teer from RL to C District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. Federal Unemployment Compensation Act-Contract Approved for Participation

City Manager Westerholm stated that effective January 1, 1978, Cities would be responsible to the Unemployment Compensation Act and the City of Lufkin needed to select one of two options for providing this new requirement; self-reimbursement or taxpayer.

City Manager Westerholm explained that the reimbursement plan provided that the City pays the Texas Employment Commission only the claims charged to the City, and the taxpayer plan provided that the City pays one percent of all salaries up to \$6,000 annually, regardless of claims submitted. It was reported that the City's estimated claims should average approximately .05 percent. City Manager Westerholm explained that the Texas Municipal League, following their study, had recommended the reimbursement option, and the employment of a claim handling firm to administer the claim program. City Manager Westerholm stated that R. E. Harrington, Inc., had been the successful bidder through TML providing this service for an annual cost of \$1.80 per employee. City Manager Westerholm stated it was his personal recommendation that the City enter into a contract with this firm and follow the reimbursement option as recommended by TML.

Following discussion, motion was made by Comm. W. O. Ricks, Jr., to employ R. E. Harrington, Inc., to administer this program in accordance with costs as explained in recommended procedure presented by City Manager Westerholm. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Resoution Approved-Amendment to National Flood Control Ordinance

City Manager Westerholm explained that the National Flood Control Act provided Cities would be required to adopt minor amendments to the Flood Control Resolution by February 1, 1978, in order to comply with the Act. Provisions of this amendment were reviewed by members of Commission and City Manager Westerholm recommended Commission adopt this amendment which would also later be amended following the City's complete Flood Control Study within the corporate limits. City Manager Westerholm stated that the City really had no choice with respect to approving this amendment in order to comply with the Flood Insurance Program.

Comm. Jack McMullen made motion to approve resolution adopting amendments as recommended by the National Flood Control Act. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

15. Loop 287 Lift Station Improvements-Authority Granted to Advertise for Bids-City Water Wells-Time Warrants or Certificates of Obligation Recommended for Financing of Improvements.

City Manager Westerholm stated that the City's new budget provided for improvements to the Loop 287 lift station in order to comply with the enforcement order from the Texas Department of Water Resources. City Manager Westerholm explained that the infiltration-inflow repairs had been conducted on the West side of town and it was this area's sewage which must flow through the lift station at this location. City Manager Westerholm stated that authorization was requested for the City to advertise for bids for improving this lift station's capacity and constructing the additional force main to eliminate the problem of by-passing sewage into Cedar Creek.

City Manager Westerholm stated that the improvements to this lift station were budgeted in the amount of \$85,000. City Manager Westerholm also stated that it would be necessary to appropriate funds for improvements to water wells which had also been budgeted and would involve lowering the pump setting on three City water wells. City Manager Westerholm stated that two proposals had been presented to members of Commission for repair of these water wells and he personally would recommend the lowest proposal submitted by Layne-Western Company in the amount of \$80,853.00.

Considerable review of proposals for improvements and consideration of financing was made by members of Commission and City Manager Westerholm presented members of Commission a recommendation for financing which involved consideration of junior lien bonds supported by water and sewer revenues.

Mayor Garrison recognized Mr. Jimmy Griffith of Griffith Engineers who explained details of proposed lift station improvements. Mayor Garrison expressed his personal concern for the City considering a bond indebtedness to cover cost of these improvements as previously discussed. Mayor Garrison stated that he was of the opinion the City should pay these type improvements out of its annual budget, if possible. Comm. R. A. Brookshire suggested consideration of time warrants and Mayor Garrison expressed his opinion that consideration of bonds for only \$160,000 of construction costs did not seem ample enough to provide bond financing.

Comm. R. A. Brookshire made reference to the present City Budget and brought attention to the fact that various City departments had exceeded their budgets. Comm. Brookshire encouraged the City staff to stay within the framework of the budget, if possible, in order that monies would be left over at the end of fiscal year to finance these type improvement programs.

Mayor Garrison explained that the City Commission should be reminded of any cost overruns in order that better control could be maintained by the Commission.

City Manager Westerholm expressed his concern that some type of financing should be decided with respect to these improvements as stated. Mayor Garrison inquired as to whether or not the budget could be revised to reconsider another method of financing these improvements.

Comm. W. O. Ricks, Jr., suggested the possibility of the City borrowing the required amount for these improvements under time warrants for a short period of two to five years. Comm. E. C. Wareing suggested that time warrants or certificates of obligation be considered with a payback period of approximately one year, if possible. Comm. E. C. Wareing also stated that the City did not have adequate financing to complete a gravity flow line at the present time in this area, and improvements to the lift station was the only feasible route at the present time.

Members of Commission were in agreement that time warrants or certificates of obligation were better methods of financing these improvements. Comm. R. A. Brookshire then made motion that the City staff be authorized to submit to bids the improvements on the lift station and to negotiate an agreement for the lowering of the City's well pumps with the lowest of the two proposals received and to finance both projects through either a time warrant or certificates of obligation program payable in a period not more than three years. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

16. City Commended for Improvements to Streets-City Services Rendered-Proposed Fence Ordinance Discussed

Comm. E. C. Wareing stated that members of Commission had received a letter from a Mrs. Barbara A. Shettles complimenting Mr. Wesley Byrd and his staff on behalf of their quick response for completion of a street in her area, 120 Lemans Drive. Comm. Wareing complimented the efforts of the new Public Works Coordinator.

Comm. R. A. Brookshire stated that he had received, in his distribution, a proposed fence ordinance as recommended by the City Building Inspector. Comm. Brookshire stated that he personally was of the opinion that a fence ordinance should not be considered by the City regardless of the procedure by which it may follow with respect to construction.

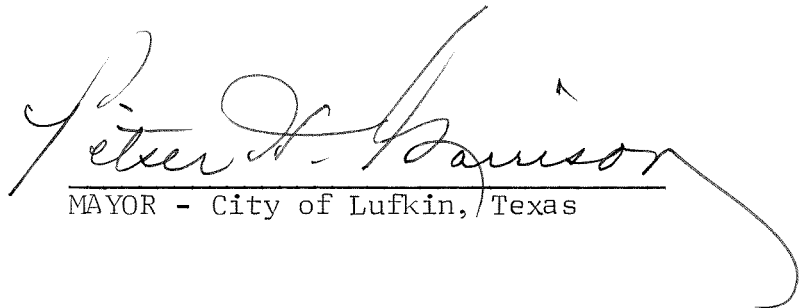
City Manager Westerholm stated that the proposed ordinance had received several comments with respect to its contents and a new proposal would be presented members of Commission in the future.

17. City Re-Districting Suit - Pretrial Hearing Date Set

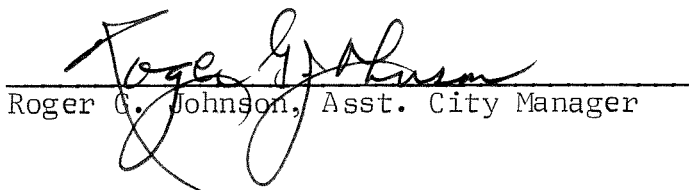
City Attorney Flournoy reported that a pretrial hearing date had been set for the City's single member district suit which would be considered on November 30, 1977, in Tyler, Texas, in the court of Judge William Wayne Justice. City Attorney Flournoy stated that the Fifth Court of Circuit Appeals had sent the case back to William Wayne Justice for pretrial hearing date setting.

18. Adjournment

There being no further business for consideration, meeting adjourned at 9:25 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


Roger G. Johnson, Asst. City Manager