

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF APRIL, 1976, AT 5:00 P.M.

On the 20th day of April, 1976, 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:

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| 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 |
| Harvey Westerholm | City Manager |
| Robert L. Flournoy | City Attorney |
| Roger G. Johnson | City Secretary |

being present, and

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| E. G. Pittman | Commissioner at Large, Place B |
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Hayne Stokes, Director of Public Works, City of Lufkin.
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. Pat Foley made motion that minutes of regular meeting of April 6, 1976, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Westbury Addition - Ed Bollier - Purchase of City Property

Mayor Garrison stated that previous City Council minutes reflected denial of a previous motion to reject bid by Mr. Bollier for purchase of property known as the Westbury Addition containing approximately 11 acres which had been donated to the City of Lufkin. Mayor Garrison stated that the only bid received from Mr. Ed Bollier in the amount of \$11,600 was reviewed by this Commission during last regular meeting. Mayor Garrison stated that a motion and second to reject Mr. Bollier's bid was denied by majority vote of five to two. Mayor Garrison stated that to clarify the record, members of Commission should consider formal acceptance of Mr. Bollier's bid. Comm. Pat Foley then made motion that Mr. Bollier's bid in the amount of \$11,600 be accepted for the purchase of this property in the Westbury Addition, containing approximately 11 acres. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Joe E. Rich - Presentation of Service Award

Mayor Garrison stated that Comm. Joe E. Rich could not be present to receive special service award which had been prepared for presentation at this meeting and award should be presented in absentia. Mayor Garrison displayed a special plaque and framed resolution indicating service dates of Comm. Rich and asked City Manager Harvey Westerholm to present awards to Comm. Rich as soon as possible.

6. J&S Development Co.-Southridge Sub-Division-Annexation Request Withdrawn

Mayor Garrison recognized Mr. Bill Fenley, attorney representing J&S Development Company, who presented a special slide presentation regarding proposed development by J&S Development Company for the Southridge Sub-Division located West of Loop 287 and South of Wooded Acres in the Brookhollow area.

Mr. Fenley stated that he represented Mrs. Evelyn Johnson and Robert B. Shelton, Jr., and these individuals had an option to purchase a 175-acre tract owned by Mr. Pete Allbritton and wife. Mr. Fenley stated Mrs. Johnson and Mr. Shelton desired to create a special incorporation providing annexation of this property was approved. Mr. Fenley stated that Mrs. Johnson would be the majority stock holder in this property if incorporated.

Mr. Fenley reviewed the basic street layout as proposed in initial application for annexation in Phase I. Mr. Fenley stated that only the annexation question was before this Commission, but due to information presented members of Commission, same involved consideration of the entire proposal. Mr. Fenley extensively reviewed the four-phase development which was the initial proposal for annexation of this property and explained why same had been proposed for four developments due to the amount of cost involved in financing and bond requirements which would be imposed by the City for undeveloped area.

Mr. Fenley also reviewed recommendation of the City Planning and Zoning Commission which had been approved under the four-phase development. Mr. Fenley stated that the primary opposition as previously discussed during earlier Commission meeting was due to the fact that a secondary access had not been provided into the addition and congestion would occur on Copeland Street. Mr. Fenley stated that due to this opposition, various plans of development had been considered by his clients. Mr. Fenley then reviewed a three-phase plan of development proposed by his clients as a new plan for consideration which would involve, in Phase I, a secondary outlet extending to Gobbler Knob Road. Mr. Fenley stated that his clients were faced with several expensive adventures in this development to include the cost of re-channelization, approximately \$78,000; bridges, approximately \$40,000, and street extension which was approximately \$100,000. Mr. Fenley stated that the four-phase plan of development was abandoned due to these high costs and the new Phase III plan was projected as a more feasible solution.

Mr. Fenley stated that under the three-phase plan, Mr. Louis Parise, a county road commissioner, had sent a letter to J&S Development which expressed his willingness to improve Gobbler Knob Road as a secondary outlet which will be proposed under Phase I of the new plan. Mr. Fenley stated that Gobbler Knob Road was a county road and would need certain repairs to provide adequate access and Mr. Parise had indicated in his correspondence that Gobbler Knob Road would be repaired as a secondary outlet and available for travel by July 30, 1976. Mr. Fenley stated that, as a result of this construction, a large amount of traffic would be diverted off Loop 287. Mr. Fenley further stated that following the completion of Phase I, Phase II would be completed, which would provide a direct access to Loop 287. Mr. Fenley stated that the profits gained from the Phase I development would provide enough capital to extend a direct access from Loop 287 into this property.

Mr. Fenley stated his clients were asking that members of City Commission consider the old Phase I development of the four-phase plan as proposed for annexation at this meeting in order to avoid delay and immediate action would be initiated by his clients for the annexation of the remainder of this property as proposed under the three-phase plan with an extension to Gobbler Knob Road. Mr. Fenley further stated that his clients fully intended to annex the entire 175-acre tract within the future and create as little problem as possible in the construction of same.

Considerable discussion developed regarding cost for development of this area and Mr. Fenley stated that the cost of the road and the bridge was within the realm of feasibility, but re-channelization could not be afforded.

Comm. Foley inquired of Mr. Fenley as to whether or not Woodlawn Street would still be open. Mr. Fenley stated that this street would be open and new three-phase proposal contained 95 lots. Mr. Fenley stated that provided Gobbler Knob Road was used in this area, approximately one-third of traffic could be reduced at access on Loop 287, and if half the owners used Gobbler Knob Road as an outlet, Copeland Street traffic would be reduced by one-fifteenth.

Comm. Wareing asked Mr. Fenley if Phase II of the new proposal was profitable. Mr. Fenley stated that it was profitable and Comm. Wareing then asked if it was profitable, why Phase II was not projected as an initial development. Mr. Fenley explained that Phase I would create enough capital to develop Phase II and same had been projected as a second phase of development.

Comm. Brookshire stated his opinion that members of Commission should not consider whether or not this development was profitable and the question of compatibility should only be concerned with this Commission and whether or not same was with the favor of the community. Comm. Brookshire stated that all other developers in this area had made commitments on first phases and he saw no reason why this development should be an exception. Mr. Fenley stated that if this area would not develop locally, an outside developer would be open to consider the development of same.

Comm. Brookshire also expressed his opinion that there was no guarantee that Gobbler Knob Road would be maintained by the county inasmuch as the county did not adequately maintain its present roads.

Comm. Ricks expressed his personal concern for the amount of traffic presently on Copeland Street and how much more traffic could be maintained in this area. Comm. Ricks stated that if the streets were over-crowded, the City should make provisions for reducing traffic. City Manager Westerholm reported that approximately 1,232 automobiles passed on Copeland Street daily and certain peak points did create excessive traffic on Loop 287. Mr. Westerholm stated that he was of the opinion that Copeland Street had more capacity than 1,232 cars daily, but new lanes should be considered for access to Loop 287 from Copeland Street.

Mayor Garrison recognized Mr. Rufus Duncan, a local developer, who reviewed a plat of this area that he had personally prepared indicating certain areas of construction during previous development in the Brookhollow area to include construction of two bridges and access routes to this property. Mr. Duncan stated that he saw no reason why J&S Development should not also provide adequate access to their properties inasmuch as he had been involved with the City toward re-channelization, bridge and street construction and Trailwood Village developers had also provided bridges and accesses to their properties. Mr. Duncan also stated that he had approximately 100 acres of undeveloped property in this area which he hoped to have priority access on Copeland due to his previous development in the area. Mr. Duncan stated that he was in agreement with Comm. Brookshire's opinion that Mr. Parise would not complete this construction as indicated in his correspondence which has been attached to minutes for permanent record.

Mayor Garrison asked Mr. Duncan several questions regarding Gobbler Knob Road and it was determined that this road would contain approximately 25-foot ROW.

Mr. Fenley asked Mr. Duncan several questions regarding the re-channelization of the creek that extended through this property and Mr. Duncan stated that he had worked with the City in the past to help re-channel certain sections of this creek and Mr. John Henderson, who had developed Trailwood Village, had also assisted in this re-channelization on certain portions of the creek. It was determined that Angelina County Commissioners had not in the past appropriated money for the re-channelization of this creek.

Mayor Garrison then recognized Mr. John Hershiser who presented petitions signed by property owners in this area containing signatures of approximately 200 individuals expressing their opposition to annexation as proposed by J&S Development Company. Mr. Hershiser asked Mr. Fenley several questions regarding the development of this property to include what experience J&S Development had in the development of residential property, whether or not Mr. Robert Shelton, Jr., was still associated with the Arrangement Apartments, assurances property owners in this area had that the rest of this property would be developed, size of lots being proposed for the development of this area, effect new zoning changes would have on same, and finally, whether or not individuals on Gobbler Knob Road should be renotified if this area was being considered for annexation.

Mr. Fenley, in regard to questions asked by Mr. Hershiser, stated that Mr. Robert Shelton, Jr., of J&S Development, Inc., had previously developed seven residential areas and Mr. Shelton was no longer affiliated with the Arrangement Apartments. Mr. Fenley also stated that the developer would furnish bonds to the City of Lufkin to assure development for the remainder of these properties as required by sub-division regulations. Mr. Fenley also stated that proposed development within this area was being considered for RL, residential large, lots under the 80-foot requirement.

Mayor Garrison also recognized Mr. Jim Odom, a property owner within the area, who inquired as to the consideration of proper drainage requirements and what assurances property owners had regarding same. Mr. Fenley stated that developers must comply with the 50-year flood plan required to be approved by the City Planning and Zoning Commission which assured proper storm drainage construction and protection to all property owners within area.

Mayor Garrison recognized Mr. Rufus Duncan who indicated for the record that he had approximately 300 sub-divided lots within this area and approximately 40 remained which did not have houses constructed on them. Mr. Fenley inquired of Mr. Duncan as to how long it normally took to develop a sub-division. Mr. Duncan stated that a good example of development could be compared to Trailwood Village, which had completed a 100-lot development within five years. Mr. Fenley pointed to the fact that within this period of time, adequate access would be provided to care for the amount of lots projected for development within this area being considered for annexation.

Mayor Garrison recognized Mr. Walter Borgfeld, a local attorney and property owners within the area. Mr. Borgfeld stated that the residences in this area were being asked to gamble on J&S Development proposal inasmuch as no guarantees were available that the remainder of this property would be later developed. Mr. Borgfeld stated that the best insurance that could be obtained by property owners that this would not occur would be the construction of an access by J&S Development to Loop 287.

Comm. Brookshire restated his position regarding this annexation request indicating that he had not recalled this much opposition to any annexation since his membership with the City Commission. Comm. Brookshire stated his primary concern was compatibility with adjoining property owners and application for annexation was not acceptable in his opinion unless access road was constructed to Loop 287 which he was of the opinion, would justifiably satisfy property owners. Comm. Brookshire then made motion that annexation request by J&S Development be denied. Motion by Comm. Brookshire failed to receive a second and Mayor Garrison requested Comm. Brookshire withhold motion for further discussion by members of Commission. Comm. Brookshire then withdrew his previous motion.

Comm. Ricks requested visitors present indicate a show of hands regarding comment made by Comm. Brookshire on whether or not they supported same. Visitors present indicated by majority show of hands their agreement to Comm. Brookshire's comment to provide access to Loop 287 as discussed.

Comm. McMullen inquired of John Waak, member of the City Planning and Zoning Commission who was present, if it was a requirement of annexations that access be provided in situations of this nature. Mr. Waak stated that accesses must be made available in this regard. Comm. Wareing, regarding question by Comm. McMullen, stated that comments made by Mr. Duncan were correct and the City had insisted on access in these areas to also include the construction of bridges to provide adequate outlets from the sub-division. Comm. Wareing further proposed that Stacy Street, which was proposed in sub-division drawing, be extended to Loop 287 as the more ideal outlet than the suggested Gobbler Knob Road exit which would provide an evenly spaced street arrangement and accessibility to property. Mr. Fenley stated that the extension of this street had been considered, but property, which would be necessary for purchase between the Loop and same, contained approximately 10 acres, which was on the market for \$10,000 an acre.

Mayor Garrison stated that he had mixed feelings regarding this proposal and decision regarding same was difficult. Mayor Garrison stated that it was his personal opinion that a secondary access to Gobbler Knob Road would be adequate, but based on information presented at this meeting, Gobbler Knob Road exit seemed to have certain inadequacies as an alternative. Mayor Garrison also stated that if traffic congestion at Woodlawn and Copeland was apparent, in keeping with other developers who had provided adequate accesses, it would be more feasible to bring access to Loop 287, which would better justify the investment.

Mayor Garrison recognized Mr. Bill Fenley who stated that initially the basic opposition was due to only one access being proposed, but information presented at this meeting by property owners indicated that the only access acceptable would be to Loop 287. Mr. Fenley requested members of Commission comment regarding Loop access and whether or not same would justify their consideration for approval of this request for annexation. Mayor Garrison stated it was generally agreed by property owners present and members of Commission that direct access to Loop 287 would be an adequate compromise to consider approval of application. Mr. Fenley inquired of members of Commission regarding re-channelization of creek in this area and whether or not the City would be willing to assist in same. Mayor Garrison stated that the City Commission considered flooding a major problem and proposed that in the future, re-channelization should be considered, but members of Commission could not committ money for this venture at the present time. Mayor Garrison stated that members of this Commission desired to encourage development, if possible, where the public interest was involved.

Mr. Fenley also asked Mr. John Waak of the City Planning and Zoning Commission as to whether or not the Zoning Commission would consider approval for a development which did not include creek area on this property without re-channelization at the present time. Mr. Waak stated that he would be unable to answer this question until same was proposed.

In regard to consideration of application before Commission, Comm. Pat Foley stated that development of this property should be a benefit to the public and not a burden and many individuals were present at this meeting who were of the opinion that development as proposed would be a burden and members of Commission should consider the numbers of comments made in opposition to proposal. Comm. Foley suggested consideration for possible access to Loop 287 as discussed.

Further consideration of application was delayed for a short period to provide time for proponents and opposition to review comments presented by Commission before further discussion was continued.

Mr. Bill Fenley was later recognized following a brief meeting with individuals present appearing in opposition to application. Mr. Fenley stated that he had asked these individuals to work with his clients and new engineering study be presented before Commission at a later date to include access to Loop 287.

Mayor Garrison recognized Mr. Walter Borgfeld who reminded members of Commission of legal requirements regarding annexation requests and notices involved. Mr. Borgfeld urged Commission to act on request presented at this meeting, if possible, to protect these requirements inasmuch as all individuals would have to be appraised of changes made in application.

Comm. Brookshire inquired as to whether or not application should be reconsidered by the City Planning and Zoning Commission and same should include additional area to fill a gap in the area which would be isolated under present request.

Mr. Fenley then requested that further consideration of this application be withdrawn. Comm. Ricks made motion to grant request by Mr. Fenley. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mr. Fenley expressed appreciation to members of Commission for their consideration.

7. Ordinances Approved 1st Readings-Annexation & Permanent Zoning Request to C District-Mrs. George Powell

Mayor Garrison stated that annexation and permanent zoning hearing had been held at last regular meeting on request by Mrs. George Powell covering property located South of Loop 287 between Mott Drive and Old Diboll Highway.

There were no persons present appearing in opposition to either annexation or permanent zoning of this property to Commercial District. Comm. E. C. Wareing made motion that annexation of property as requested by Mrs. George Powell be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing made motion that permanent zoning of this property to Commercial District in conjunction with annexation request be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Mrs. George Powell from R-1 to C District

Mayor Garrison stated that zone change application by Mrs. George Powell from R-1 District to C District covering property located North & South of Loop 287 between Old Diboll Highway and Mott Drive 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 Mrs. George Powell from R-1 District to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 2nd Reading-City of Lufkin from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building)

Mayor Garrison stated that zone change application by City of Lufkin from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building), covering property located between Rhodes & Paul Streets and First & Second Streets of Blocks 36, 37 and 43 had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Pat Foley made motion that zone change application by City of Lufkin from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building) be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

10. City Zoning Ordinance #1146 & City Sub-Division Ordinance #1170-
Amended Second Reading

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting amending City Zoning Ordinance which established certain changes in zoning requirements as reviewed at that meeting.

City Attorney Flournoy read caption of proposed amendment to zoning regulations. Comm. E. C. Wareing expressed his concern that this amendment also include a provision for large, medium and small definitions in Article II, Section I, to add more meaning to the regulation in lieu of R-1, R-2 and R-3 zones. City Attorney Flournoy was in agreement with suggestion by Comm. Wareing and Comm. Foley inquired regarding "R" zones and property that was annexed in new sub-divisions. Comm. Wareing stated that all newly annexed property would be brought in "R" District and ordinance provided for individuals who desired property be zoned in conjunction with annexation for a specific zone.

Comm. E. C. Wareing then made motion that ordinance be approved on second and final reading amending the zoning regulation in accordance with discussion at last regular meeting and establishing certain requirements to include amendment as stated above. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

City Attorney Flournoy read caption of ordinance amending Sub-Division Ordinance which was also reviewed at last regular meeting and passed on first reading. Comm. E. C. Wareing inquired as to what section included new ROW requirements and City Manager Westerholm stated that these requirements were indicated in exhibits which would be attached to the ordinance.

Comm. Pat Foley made motion that ordinance be approved on second and final reading amending the Sub-Division Ordinance in accordance with requirements described at last regular meeting. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. City Zoning Ordinance #1146-Amendment Approved First Reading

Mayor Garrison stated that members of Commission had deferred consideration for amendment to the zoning requirements at last regular meeting regarding lot widths, depths and sizes for RL, RM and RS lots and same had been recommended for consideration at this meeting. Members of Commission then reviewed the following information regarding same:

| <u>Item Considered</u> | <u>Existing</u> | <u>Proposed</u> |
|------------------------|--|--|
| Lot Width | 80' for R-1 60' for R-2, R-3 | 80' for RL 60' for RM 40' for RS |
| Lot Depth | 110' for R-1 100' for R-2, R-3 | 100' for RL No Minimum |
| Lot Size | 10,000 sq.ft. R-1 7,000 sq.ft. R-2, R-3 | 10,000 sq.ft.-RL 6,000 sq.ft.-RM 4,000 sq.ft.-RS |

Comm. Pat Foley expressed his agreement with each of the above changes with amendments for 40-foot lots in the RS zone and 4,000 square feet lot sizes for RS zones. Comm. Foley made motion that above requirements be included and ordinance be approved on first reading amending zoning regulations as outlined with amendments as stated above. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

12. City Zoning Regulation-Authority Granted to City Staff for Writing
New Regulation With All Amendments Incorporated

Comm. E. C. Wareing stated that due to the many amendments to the City Zoning Ordinance in the past and the new amendments as recently approved, he would recommend members of Commission consider re-writing the regulation to incorporate all changes to prevent burdensome amendments which were necessary for attachment to regulation. Comm. Wareing stated that a new regulation would be more convenient and useable.

Comm. Pat Foley asked City Manager Westerholm to comment regarding same. City Manager Westerholm stated that this recommendation seemed to be feasible and one that could be handled by the City staff without problems.

Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to incorporate necessary changes in regulation and same be re-written with incorporated amendments. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Examining & Supervising Board of Electricians-Members Appointed-Robert Sisk & C. D. Lowery

Mayor Garrison stated that members Robert Sisk and C. D. Lowery of the City Examining & Supervising Board of Electricians had reached expiration of their terms of office and were willing to serve new two-year terms on this Board. Comm. W. O. Ricks, Jr., made motion that Mr. Robert Sisk and Mr. C. D. Lowery be appointed to serve on this Board for new two-year terms. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. City Auditing Firm Selected for 1975-76 Fiscal Year-Smith & Green

Mayor Garrison stated members of City staff had asked that City Commission consider audit firm for the 1975-76 fiscal year. Comm. R. A. Brookshire expressed his concern that Axley & Rode be extended permission to continue audit for the 1975-76 year due to their familiarity with the present workings of the City and made motion that they be extended for an additional year in this regard and accepted as the official auditing firm for the City of Lufkin. Motion by Comm. Brookshire died for lack of second and Comm. Pat Foley expressed his personal concern that City Commission continue on a rotating basis for the selection of their auditing firm. Comm. Brookshire requested his previous motion be withdrawn and City Manager Westerholm explained that Mr. Travis Taylor and Mr. Jerry Thompson who were local accountants had requested consideration in the future on rotation basis to conduct the annual City audit.

Comm. W. O. Ricks, Jr., made motion that Mr. Ken Smith and Mr. Keith Green be selected as the next auditing firm on the regular rotation basis for the 1975-76 fiscal year and authorized to conduct annual City audit involved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

15. Disc. of Turn Lane at Loop 287 & Copeland Intersection

Comm. E. C. Wareing asked City Manager Westerholm to discuss with the Texas Highway Department the possibility of constructing a turn lane at Loop 287 and Copeland intersection. City Manager Westerholm stated that he had previously discussed this construction with the Texas Highway Department and was of the opinion that construction would be forthcoming.

16. Bicentennial Film Approved for Showing at Civic Center

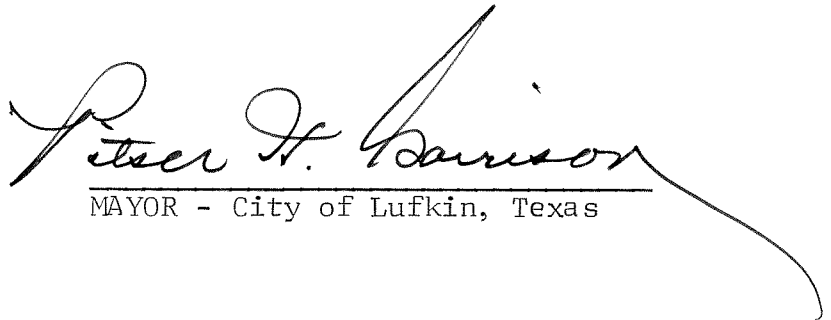
City Manager Westerholm explained that May 11, 1976, would mark the date in which the Texas Bicentennial Commission would meet in Austin and would have available a six-projector slide presentation of the nation's birthday. City Manager Westerholm further stated that Mr. Bayo Hopper, Bicentennial Chairman, had made arrangements for the two showings at the high school and two showings could be made available at the Civic Center on an evening and afternoon basis.

Mr. Westerholm stated that the City would sponsor this showing and have an open house for the general public to display the new Civic Center. Mr. Westerholm stated that this open house could include the afternoon and evening showings, but consideration by this Commission was necessary.

Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to conduct this activity as explained. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. Adjournment

There being no further business for consideration, meeting adjourned at 7:10 p.m. to an executive session for consideration of personnel discussion.


MAYOR - City of Lufkin, Texas

ATTEST:


Roger G. Johnson - City Secretary