

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JUNE, 1976, AT 5:00 P. M.

On the 15th day of June, 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:

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 Harvey Westerholm, City Manager.
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 June 1, 1976, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Hearing Re-Opened-Briar Meadow Annexation-Establishment of Hearing Date for First Reading of Ordinance

Mayor Garrison stated that annexation hearing on Briar Meadow Addition had been recessed from last regular meeting and recognized Mr. Jim Lovelady, spokesman for property owners in this area.

Mr. Lovelady stated that property owners still desired annexation, having met with members of the City staff regarding costs involved. Mr. Lovelady stated he was aware of the fact the City could not make immediate commitments and property owners in this area were desirous of paying extra to get immediate service.

Comm. Ricks inquired as to whether or not property owners in Briar Meadow were desirous of signing petition of agreement to share in costs involved and Comm. Wareing asked as to what Mr. L. F. McKinney's feelings were regarding this annexation. Mr. Lovelady stated that Mr. McKinney was trying to find buyers for the remainder of lots in this area. Comm. Wareing stated, in all fairness to home owners in this area, vacant lots should also share in costs. Comm. Wareing stated that there were 41 lots in this area which would involve an approximate cost of \$500 per lot. Comm. Wareing stated that these lots would be much more desirous on the real estate market if sewer was provided.

Mr. Lovelady stated that property owners present were aware of the need for sewer in this area and understood that annexation was a necessity.

A brief discussion developed regarding initial petition which was circulated in this area by Mrs. John Redd, Jr., who was present. Mrs. Redd stated that original petition was for \$52 per resident. Public Works Director stated that this amount was established for tap charge only and no definite policy had been determined at this time regarding exact cost that property owners would have to pay to receive sewer service. Mayor Garrison explained that the policy of the City was not to extend sewer lines to new residences unless they were willing to participate in costs involved. Mayor Garrison explained that new sub-divisions paid all costs and the City was not obligated in this regard.

Comm. Foley inquired as to when sewer lines could be laid in this area. Public Works Director explained that contractors' estimates had been received and all indications were that same could be constructed within the near future.

There were no property owners who lived in the area that were opposed to application for annexation and Comm. Ricks inquired as to whether or not property owners who were present were willing to participate in costs and proceed with annexation request.

Mayor Garrison stated that it was his understanding that all property owners present who were requesting annexation desired annexation and were willing to be considered by cost contribution to speed up the sewer line construction. Mayor Garrison closed hearing and no persons were present to speak in opposition to same.

Comm. Ricks then made motion that annexation request by Briar Meadow Addition be considered on first reading of ordinance at next regular meeting.

Prior to second of motion, Comm. Foley asked if motion should include a petition to be agreed upon by property owners for specific costs involved for the construction of sewer in this area. Mayor Garrison stated that this could be determined on first reading of ordinance.

Previous motion by Comm. Ricks was seconded by Comm. Pittman and a unanimous affirmative vote was recorded.

5. Open Hearing-Annexation & Permanent Zoning Request-Southridge Sub-Division-Recommendation for First Reading of Ordinance Approved

Mayor Garrison recognized Mr. Bill Fenley, attorney for application by Southridge Sub-Division for annexation and permanent zoning. Mr. Fenley stated that the Planning and Zoning Commission had recommended consideration of this area for annexation and permanent zoning as advertised in local paper.

Comm. Wareing inquired of Mr. Fenley as to why the triangular section next to Loop 287 had not been considered as a part of the annexation, for a more orderly growth. Mr. Fenley stated that he was not aware of why the Planning and Zoning Commission excluded this property, but same had not been discussed at the recommending Board.

Mayor Garrison recognized Mr. Robert Armstrong who requested whether or not a lift station would be constructed by the City or the developer in this area. City Manager Westerholm stated that the developer would pay for this construction. Comm. W. O. Ricks, Jr., made motion that this annexation and permanent zoning request be considered for first reading of ordinance at next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison declared hearing closed and City Attorney Flournoy stated that Mr. Rufus Duncan had recently forwarded a letter to members of City Commission requesting that his property be zoned Duplex as a part of the permanent zoning consideration inasmuch as same was being recommended for annexation. Mayor Garrison stated that this zoning consideration could be made on first reading of ordinance at next regular meeting.

6. De-Annexation Request-Ford Chapel Road, Renfro Drive & Valley Drive

Mayor Garrison recognized Mr. Robert Armstrong who stated that he had agreed to postpone further consideration of this de-annexation request at last regular meeting to provide City staff an opportunity to prepare information which would reflect a definite completion time for sewer in this area.

City Manager Westerholm reported that information from Public Works Department reflected specific labor costs involved in completion of sewer line "B" from Whippoorwill Drive to Renfro Drive at a distance of 2,790 feet and a cost of \$7,888, \$4,000 for manholes and \$4,200 for fuel and minor maintenance. Mr. Westerholm stated that figures supplied from the Finance Department indicated approximately \$10,000 from the current budget which could be made available for this project. Mr. Westerholm stated that if work began in July

it could probably be completed to Ford Chapel Road by October 1, 1976. Mr. Westerholm stated that provisions could be made in the 1976-77 budget to lay the line along Ford Chapel Road and possibly complete line "F" from Ford Chapel Road to Renfro Drive, at a cost of approximately \$35,000 to \$40,000.

Mayor Garrison stated that this information was based on estimates and same was provisional and depended on weather, funds and other circumstances that were not controllable, but same was the best estimate the City staff could make in this regard.

Comm. Brookshire inquired as to what the City's budget was in this area for the present fiscal year and it was determined that same was \$289,000. Comm. Brookshire asked if the City would still have \$100,000 in revenue sharing money that could be used, if necessary, in this area. It was determined by City Manager that this money would be available and it was the prerogative of the City Commission to consider same to improve this area. Comm. Brookshire expressed his personal desire that revenue sharing money be appropriated to improve sewer in this area.

Mayor Garrison stated that he was of the opinion that the City was obligated to extend sewer as soon as possible, but this area had only been annexed in an effort to extend the Loop which had also been an essential item.

Comm. Wareing expressed his concern that the City Commission should proceed with up-grading the sewer in this area as recommended by Comm. Brookshire, but was of the personal opinion that this area could not be completed to the detriment of areas annexed prior to 1970. Comm. Wareing stated that it would be mis-leading to say this area would be completed by next fiscal year.

Comm. Foley stated that he was in agreement with Comm. Wareing's comments and was of the opinion that other property owners in the area should be considered who were annexed prior to 1970.

Comm. Wareing then made motion to authorize City Manager to amend the present City budget to provide for a \$10,000 allocation in the Sewer Distribution Fund to provide construction of sewer lines to Ford Chapel Road. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mr. Armstrong stated that inasmuch as members of City Commission had agreed to amend the budget to provide sewer to Ford Chapel Road, that a possible consideration for petition by property owners in this area for completion of sewer lines to their individual facilities from Ford Chapel Road be considered.

Mayor Garrison stated that he was of the opinion that something could be negotiated with the City in this regard if members of Commission were in agreement and property owners were willing to review same.

Mayor Garrison, in response to questions asked by property owners living on Valley Drive, stated that the extension of sewer to only two customers in this area would cost the City \$13,200, which was not feasible and worked considerable hardships on the City for providing same.

7. Zone Change Approved 2nd Reading-E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop)

Mayor Garrison stated that zone change application by E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop), covering property located South of Abney Avenue, West of Cain Street at intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. G. Pittman made motion that zone change application by E. S. Creel from RM to RM & CB District, Special Use (Machine Repair Shop), be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Floyd C. Maddux from LB to LB & C District, Special Use (Erection of Sign)

Mayor Garrison stated that zone change application by Floyd C. Maddux from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), covering property located North of Highway 103 East between Traylor Street and Loop 287 at intersection with Loop 287, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. G. Pittman made motion that zone change application by Floyd C. Maddux from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 2nd Reading-John L. Casper from RL to NR District

Mayor Garrison stated that zone change application by John L. Casper from RL to NR District covering property located North of Highway 103 East, West of Oleta Street at intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. G. Pittman made motion that zone change application by John L. Casper from RL to NR District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading-Mary O. Hudgens from A to LB District

Mayor Garrison stated that zone change application by Mary O. Hudgens from A to LB District covering property located South of & fronting on Laurel Avenue, East of Timberland Drive between Everett & Timberland, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Mary O. Hudgens from A to LB 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-Charles P. Conaway from RL to C District

Mayor Garrison stated that zone change application by Charles P. Conaway from RL to C District covering property located West of Davisville Road, South of & parallel to Loop 287, had been recommended for approval by the City Planning and Zoning Commission.

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

12. Approval of Bid- Street Department-Tractor & Mowing Attachments

City Manager Westerholm stated that bids had been received for a new tractor with mowing attachments which were as follows:

Pineywood Tractor & Implement Company	\$13,911.49
E-TEX International	\$12,625.00
W. A. DuBose & Son Company	\$15,535.00
Plains Machinery Company	\$16,237.00

City Manager Westerholm explained that of the four bids listed above, E-TEX International, with a bid of \$12,625.00, met specifications required by the City and he would recommend low bid be awarded.

Comm. R. A. Brookshire made motion that bid by E-Tex International in the amount of \$12,625.00 be approved for the purchase of tractor and mowing attachments. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Civic Center Construction-Report by Hill, Weiner, Morgan & O'Neal Architects

City Manager Westerholm stated that a letter had been received from Mr. Jerry Hill, architect for construction of the Civic Center, reviewing certain items which had not been corrected to complete acceptance of the building. Mr. Hill stated that light fixtures were not complete to specifications and was of the opinion that same would be finalized in the next few days. Report by Mr. Hill also stated that the electrical folding doors were in need of part installations and the factory representative was not presently available for discussion of same. Mr. Hill's report also stated that the curtain contractor supplier had not finished his job and a few curtains remained to be installed.

Mr. Hill, who was present, was recognized by Mayor Garrison. Mr. Hill reviewed other items regarding Civic Center construction and possible refunds that were due City if they desired to accept same. Mr. Hill explained that lighting fixtures which were provided in the Civic Center did not meet specifications and City was due approximately \$1,480 in refunds in this regard if same were accepted. Mr. Hill stated that he would recommend this refund be accepted by the City to include an additional \$120 on reflectors which were not available for a total of \$1,600 in refunds.

Mr. Hill also stated that Taylor Brothers Paint Company in Lufkin had approximately 106 yards of carpet remaining that City Commission may desire to purchase for the purpose of patching places in carpet when repairs were necessary. Mr. Hill recommended the purchase of at least one-half of this carpet for future needs.

Comm. E. C. Wareing made motion that the City be authorized to purchase 50 yards of this 106 yards of carpet remaining for the purpose of future repairs. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing made motion that Mr. Hill be authorized to proceed with necessary information to secure \$1,600 in refunds as previously explained. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., requested that City Manager Westerholm furnish members of City Commission a final statement of condition on expenses for the Civic Center. Mr. Westerholm stated that he would have this information available at next regular meeting.

14. Southridge Sub-Division-Request by City Commission to Consider Additional Area for Annexation

Comm. E. C. Wareing stated that he was concerned with possible annexation of a triangular area near Southridge Sub-Division and property in the Mossfield Road area. Comm. Wareing stated that he would desire members of the City Planning and Zoning Commission review this area for possible future annexation inasmuch as same provided an ideal outlet from the proposed sub-division being considered for annexation.

Mayor Garrison stated that he was in agreement with Comm. Wareing's suggestion, but stated that same should be considered on a separate annexation.

Comm. Wareing further requested that members of City Commission receive an expression from the Planning and Zoning Commission as to a five-year development plan on the West Loop which was involved in this particular area to determine what the public interest would be for this area and provide a pattern in which to work toward to control residential as well as commercial development. Comm. Wareing stated that this area should be very carefully controlled and was of the opinion that a recommendation from the planning board in this regard would be beneficial to the City Commission.

15. Beautify Texas Council-Recognition for City's Award of Second Place in Beautification Project

Mayor Garrison thanked Mayor Pro Tem Wareing and members of the City Commission and staff for their recent trip to San Antonio for acceptance of the City's award of Second Place in the Beautify Texas Program. Mayor Garrison stated that he was pleased with this effort and all individuals involved should be commended for their success in this program.

16. Disc. of Possible Annexation Policy & Contribution by Property Owners for Extension of City Services

Comm. W. O. Ricks, Jr., stated that the City Commission should consider formulation of a policy for future annexations and Mayor Garrison stated that possibly a ten-year payback policy could be recommended for future considerations. Mayor Garrison stated that he would welcome a new plan for consideration.

Comm. E. C. Wareing suggested that the City Manager and his staff review the feasibility for a future annexation plan in this regard for consideration by the City Commission for possible implementation. Members of Commission were in unanimous agreement that the City Manager be authorized to proceed with a possible plan in this regard.

17. Lufkin Fire Department-Recognition for Award of 1st Place in Recent Antique Car Parade in Austin, Texas

Mayor Garrison stated that the Lufkin Fire Department had recently won first place in the Old Fire Engine Antique Car entry parade in Austin, Texas. Mayor Garrison stated that the members of the Lufkin Fire Department should be commended for their outstanding effort in this regard. Mayor Garrison stated that the old minutes from City Commission meeting of 1915 reflected that this old fire engine was purchased for the amount of \$435.

18. Local Businesses Encouraged to Clean Weeds & Grass

Comm. R. A. Brookshire stated that weeds and grass had been a problem in many areas and he would strongly encourage business people to be aware of this problem and clean weeds and grass from around their businesses. Comm. Brookshire stated that a letter to the Chamber of Commerce to encourage business people to make every effort to clean weeds and grass would be of extreme benefit to the City.

City Manager Westerholm was then authorized by members of the City Commission to write members of the Chamber of Commerce a letter in this regard to help encourage business people to clean weeds and grass from around their operations.

19. Sub-Division Plans Authorized for Advertisement Prior to Consideration by City Planning and Zoning Commission

Comm. Pat Foley requested that more information be distributed regarding advertisement when sub-division plans would be considered for approval by the City Planning and Zoning Commission. City Manager Westerholm stated that sub-divisions were approved by the Planning and Zoning Commission in accordance with sub-division ordinance and same were not considered by the City Commission.

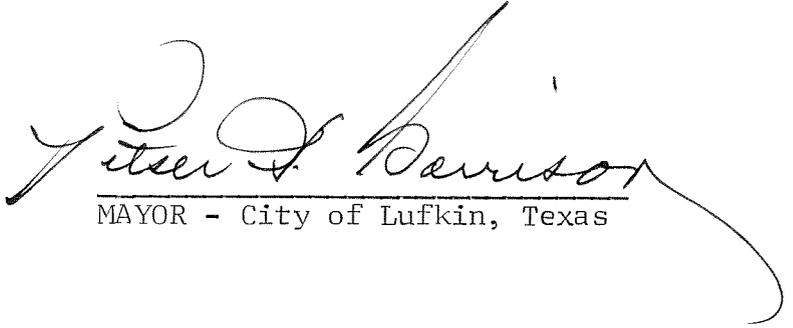
Following considerable discussion, it was the opinion of the City Commission that to accept direct control of the sub-division plan approval would be a considerable burden on the City Commission at the present time. Comm. E. C. Wareing requested that the next sub-division to be considered by the City Planning and Zoning Commission be advertised in the local paper prior to consideration and a map of the area and general plan be advertised in the local paper. Comm. Wareing stated that this advertisement could be considered initially and possible recommendation could be made at a future date for permanent implementation of this procedure.

20. Civic Center-Authorization to Locate Antique Fire Engine in Lobby

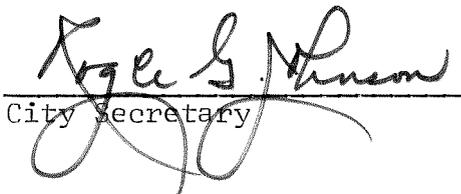
City Manager Westerholm stated it had been suggested that antique car which recently won recognition in Austin for 1st place in a parade be placed in the Civic Center lobby on display. Members of Commission were of the same opinion and authorized City Manager to proceed with this display as requested.

21. Adjournment-Executive Session-P&Z Members Reappointed

There being no further business for consideration, meeting adjourned to a brief executive session to discuss appointments to City boards, at 6:50 p.m. Meeting was re-opened to public by Mayor at 6:55 p.m. and Comm. E. G. Pittman made motion that Samuel D. Griffin, John Waak and Richard Thompson be reappointed as members of the City Planning and Zoning Commission for three-year terms. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded, and meeting was formally adjourned at this time.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary