

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF SEPTEMBER, 1980, AT 5:00 P.M.

On the 16th day of September, 1980, 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:

Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
Bob McCurry	Commissioner, Ward No. 3(new plan)
Pat Foley	Commissioner, Ward No. 4(new plan)
E. C. Wareing	Commissioner, Ward No. 4(old plan)
Richard Thompson	Commissioner at Large, Place B(old plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	Assistant City Secretary

being present, and

Pitser H. Garrison	Mayor
Don E. Boyd	Commissioner, Ward No. 2(new plan)

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Curtis L. Keith, Jr., Pastor of First Christian Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of September 2, 1980, and minutes of special meetings of August 27, 1980, and September 10, 1980, were approved on motion by Commissioner Richard Thompson with second by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

4. Annexation Policy - Approved

Mayor Pro Tem Wareing stated that the present Annexation Policy had been discussed at last regular meeting and was being reconsidered tonight after two weeks of study by Commissioners. Mayor Pro Tem Wareing stated that many areas that apply for Annexation and Permanent Zoning are not developed and if the cost of improvements is absorbed by the City, this becomes a liability to the taxpayers of Lufkin.

Commissioner Pat Foley stated that the City should begin implementing the Annexation Policy and Utility Extension Policy.

Commissioner Richard Thompson stated that policy was well written and should be provided to every person making application for Annexation.

City Manager Westerholm stated that several residents of Joe C. Lane had withdrawn names from petition for Annexation since Commission began discussing the use of Policy. Commissioner Richard Thompson stated that the City was negotiating with property owners for right-of-way to enlarge Joe C. Lane. City Manager Westerholm stated that residents of Joe C. Lane had received letters advising of a meeting to explain Annexation Policy, and one couple was present. Commissioner Pat Foley stated that the policy should not be applied to petitions presently being considered. Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson to adopt Annexation Policy and Utility Extension Policy. A unanimous Affirmative vote was recorded.

Mayor Pro Tem Wareing stated that street right-of-way and drainage plan should be considered on each annexation request. Mayor Pro Tem Wareing stated that the Planning & Zoning Commission should make applicants aware of the Annexation Policy.

5. Amendment to Garbage Ordinance - Second Reading - Approved

Mayor Pro Tem Wareing stated that Amendment to Garbage Ordinance had been approved at last regular meeting. Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that residential garbage rates be amended as stated in proposed ordinance. A unanimous affirmative vote was recorded. Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that roll-off rates be amended as stated in proposed ordinance. A unanimous affirmative vote was recorded.

6. Amendement to Water and Sewer Rate Ordinance - Approved -Second Reading

Mayor Pro Tem Wareing stated that Amendment to Water and Sewer Rate Ordinance had been approved at last regular meeting. Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that water and sewer rate ordinance be amended as stated in ordinance. A unanimous affirmative vote was recorded.

7. Amendment - Approved - Pool Hall - Private Club - Wilson McVicker -Walter Albro

Mayor Pro Tem Wareing stated that Wilson McVicker, Attorney for Walter Albro, had been asked to prepare a legal brief on amendment to Pool Hall Ordinance at previous meeting, and City Attorney Flournoy had received the brief and was prepared to make recommendation to City Commission.

City Attorney Flournoy stated that the State Legislature had declared cities could only regulate non-coin operated pool tables, and because most pool tables in Lufkin are coin operated, he would recommend that Lufkin discontinue regulation of pool and billiard tables. City Attorney Flournoy stated that he had prepared an ordinance amending Chapter 4, Amusements, by deleting all sections dealing with pool and billiard tables. Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that ordinance be approved on first reading. A unanimous affirmative vote was recorded.

8. Ordinance Levying Taxes & Appropriations Ordinance Approved - City Budget for Fiscal Year 10/1/80 through 9/30/81

Mayor Pro Tem Wareing stated that an ordinance levying taxes for the use and support of the municipal government of the City, providing for the interest and sinking fund for 1980-81 and appropriating each levy for the specific use had been prepared and should be considered for adoption by this Commission in line with requirements of City Charter for approval of new City Budget for October 1, 1980, through September 30, 1981. Commissioner Percy Simond made motion that above stated ordinance as explained by Mayor Pro Tem Wareing be approved on first and final reading. Motion was seconded by Commissioner Bob McCurry and a unanimous affirmative vote was recorded. Mayor Pro Tem Wareing also stated that it was necessary to approve an appropriations ordinance adopting City Budget for fiscal year beginning October 1, 1980, and ending September 30, 1981. Commissioner Pat Foley stated that the phrase "line by line" should be placed in Section I of this Ordinance to read as follows:

"Section I. That the City Manager's proposed line by line budget be adopted in compliance with provisions of Article 5, Section 2 of the City Charter."

Commissioner Pat Foley further stated that he felt the two (2) additional people added to the Parks Department should be eliminated in view of recent monetary problems. Commissioner Bob McCurry stated that priorities should be established and manpower is needed more in Street Department than Parks Department.

City Manager Westerholm stated that the number of employees in Parks Department would remain the same, the only change would be the transferring of two (2) part-time employees to full-time. Mayor Pro Tem Wareing stated that the Parks Department has gained more interest in the City than any other department.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond to eliminate \$10,000 from Parks Department Labor Budget. The following vote was recorded: voting "Aye" - Commissioners Foley, Simond & McCurry; voting "Nay" - Mayor Pro Tem Wareing & Commissioner Richard Thompson. Mayor Pro Tem Wareing declared motion was defeated by lack of majority vote and four (4) affirmative votes were required by Charter.

Commissioner Richard Thompson made motion that appropriation ordinance adopting City Budget for stated fiscal year be approved on first and final reading with addition as previously stated by Commissioner Pat Foley. Motion was seconded by Commissioner Percy Simond. The following vote was recorded: voting "Aye" - Mayor Pro Tem Wareing, Commissioners Simond, McCurry, Thompson; voting "Nay" - Commissioner Foley. Mayor Pro Tem Wareing declared motion approved by majority vote of 4 to 1.

9. Manufactured Dwelling Subdivision Ordinance - Tabled

Mayor Pro Tem Wareing stated that the City Planning & Zoning Commission had recommended the consideration and adoption of the Manufactured Dwelling Subdivision Ordinance. Mayor Pro Tem Wareing further stated that the City Commission needed more time to study the ordinance, and would table same on his own volition until next regular meeting of City Commission.

10. Curb & Gutter Paving Petition - Burton Avenue - Tabled until January 6th Meeting

Mayor Pro Tem Wareing stated that curb and gutter paving petition on Burton Avenue from Feagin Drive to Roger Street had been submitted for consideration. City Manager Westerholm stated that the City's itemized cost would be \$34,019.81 and that \$26,600 is for storm sewer work that should be charged to Angelina Street extension. City Manager Westerholm further stated that the budget would have to be amended to provide for this work. Commissioner Richard Thompson stated that if storm sewer work would be funded in Angelina Street Project it would be advantageous to delay approval.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that petition be placed on agenda for regular meeting of January 6, 1981. A unanimous affirmative vote was recorded.

11. Donated Property - Accepted - Davisville Road

Mayor Pro Tem Wareing stated that Ottis Lock offered a piece of property adjacent to Kit McConnico Park to the City. Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that the City accept offer of the land, not as park property, but for general use by the City. A unanimous affirmative vote was recorded.

12. Selection of Griffith Engineers for Park Improvements

Mayor Pro Tem Wareing stated that The Heritage Conservation and Recreation Service authorized the City's project for park improvements in the amount of \$51,064.80, and that matching funds by the City were designated in the 79-80 Revenue Sharing Budget.

City Manager Westerholm stated that Griffith Engineers prepared the plans and specifications for the last park improvements of a similar nature and the City would like to recommend they be considered for this project.

Commissioner Richard Thompson asked if work could be completed by City employees, and City Manager Westerholm stated that the Heritage Conservation and Recreation Service would not accept work if not completed by professional engineers.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Griffith Engineers be employed for project. A unanimous affirmative vote was recorded.

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13. Jones Park Lake Improvements - Approved

Mayor Pro Tem Wareing stated that the Commission had received a letter from Parks & Recreation Director, Don Hannabas, recommending improvements to Jones Park Lake to provide for fishing. City Manager Westerholm stated that restrooms for park were in budget and would be constructed this year, but if improvements to provide for fishing were approved, the budget would have to be amended. Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that improvements be approved if parks department remain within approved budget. A unanimous affirmative vote was recorded.

14. Bids for Oil & Gas Lease - Approved - Various City Parks

Mayor Pro Tem Wareing stated that bids were opened on September 15, 1980, for leasing certain City tracts for oil, gas and minerals. City Attorney Flournoy stated that Santa Fe Energy Company was high bidder, and the contract contained the Pugh Clause which provided that only the portion of land included in a unit can be kept under lease for longer than the five (5) years of the contract. City Attorney Flournoy further stated that the City would receive a bonus of \$56.51 an acre for a total of \$33,532.20, rental of \$5.00 an acre for four (4) years and one-sixth (1/6) royalty on oil, gas, and minerals removed. City Manager Westerholm stated that all money received from lease must be placed in a park improvement fund.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that Lease Agreement be accepted as bid. A unanimous affirmative vote was recorded.

15. Railroad Crossing - Glenn & O'Quinn Project - Junk Car Ordinance

Commissioner Percy Simond stated that railroad crossing at Bremond Street needed repairs. City Manager Westerholm stated that he would consult with railroad and report back to Commission.

Commissioner Percy Simond asked for a status report on Glenn & O'Quinn Street Project. City Manager Westerholm stated that a meeting was held last Friday and the engineers should have plans and specifications ready in two (2) or three (3) weeks.

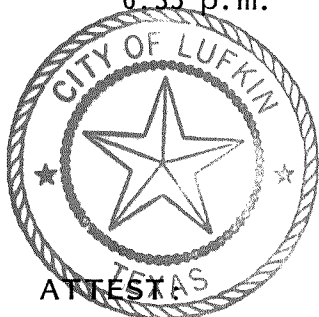
Commissioner Percy Simond asked for a status report on the Junk Car Ordinance. Assistant City Manager Roger Johnson stated that Ordinance had been published and the Police Department had an officer working with same.

16. Taxi Service - Department Budget Overages

Commissioner Richard Thompson asked for a status report on the Taxi Service. City Attorney Flournoy stated that Bob Tucker's loan had been approved and Mr. Tucker was now in the process of receiving a charter from the State which should be received in about three (3) weeks. City Attorney Flournoy further stated that if it were necessary, the City could possibly give some interim relief on meters for Taxi.

Commissioner Pat Foley stated that the budget for 1979-80 reflected overages in a number of departments last budget year, and Commission should approve same. City Manager Westerholm stated that items the department had no control over such as electricity, gasoline, etc. were not brought back to Commission, but others were considered by City Commission.

17. There being no further business for consideration, meeting adjourned at 6:35 p.m.



Ann Griffin
Assistant City Secretary

Edgar C. Wareing
Mayor Pro Tem, City of Lufkin, Texas