

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF JUNE, 1979, AT 5:00 P.M.

On the 19th day of June, 1979, 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
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old 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
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

being present, and

W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
------------------	---

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

1. Meeting opened with prayer by Comm. Richard Thompson.
2. Mayor Garrison welcomed visitors present.
3. Oath of Office Administered to Newly Appointed City Commissioner - Dayle V. Smith

Mayor Garrison stated that Dayle V. Smith had been selected by members of City Commission to fill the seat on the Commission which was vacated when Comm. Pat Foley had resigned his Commissioner's post in old City Ward No. 2 to become a candidate for Commissioner in new City Ward No. 4. Mayor Garrison then administered oath of office to Dayle V. Smith and congratulated him on his appointment.

4. Approval of Minutes

Motion was made by Comm. E. C. Wareing that minutes of regular meeting of June 5, 1979, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading - J. L. Porter from RM to RS District

Mayor Garrison stated that zone change application by J. L. Porter from RM to RS District covering property located at 2428 Old Mill Road, fronting on North side of street between Peggy Lane and Highway 69 (Loop 287), being Lot 87, Block A of the Keltys Addition had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Motion was made by Comm. E. C. Wareing that zone change application by J. L. Porter from RM to RS District be approved on second and final reading. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading - Emma Taylor from LB to LB District, Special Use (Day Nursery - Special Condition of Circular Driveway)

Mayor Garrison stated that zone change application by Emma Taylor from LB to LB District, Special Use (Day Nursery) covering property fronting on Ellis Avenue between Bynum and Bledsoe Streets, being Lot 3, Block 2 of the Oakland Addition, had been approved on first reading of ordinance at last regular meeting.

Mayor Garrison stated that this zone change application should have required construction of a circular driveway at Ms. Taylor's day nursery facility as recommended by the City Planning & Zoning Commission. Mayor Garrison then inquired of Ms. Taylor as to whether or not she understood this requirement; and Ms. Taylor stated that she was aware of this requirement.

There were no persons present appearing in opposition to zone change application. Motion was made by Comm. E. C. Wareing that zone change application by Emma Taylor from LB to LB District, Special Use (Day Nursery and Special Condition for Circular Driveway Construction) be approved on second and final reading. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading - Mrs. Mable Harris from RL to RS District

Mayor Garrison stated that zone change application by Mrs. Mable Harris from RL to RS District covering property being Tract 3 of the A. Varilla Survey, fronting on Ellen Trout Drive, containing .928 acres described in a judicial partition decree of record in Volume 484, Page 173 of the Deed Records of Angelina County, Texas, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Motion was made by Comm. E. C. Wareing that zone change application by Mrs. Mable Harris from RL to RS District be approved on second and final reading. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading - Youngblood Development Company from RL to LB District, Special Use (Medical Buildings)

Mayor Garrison stated that zone change application by Youngblood Development Company from RL to LB District, Special Use (Medical Buildings) covering property in Tract 2 located between Loop 287 and Card Drive and East of Tulane Drive had been recommended to City Commission for approval by the City Planning & Zoning Commission.

Mayor Garrison recognized Mr. David Porter, attorney appearing in representation of Youngblood Development Company's zone change application. Mr. Porter briefly reviewed application and provided drawings and plans for review by members of Commission. Mr. Porter also stated that certain special conditions had been agreed between developer and property owners in the Card Drive area to include: (1) buffer zones of 60' for property owners on Card Drive, and 20' to 25' for Weiner, Hill, Morgan & O'Neal Architects; (2) density not to exceed 28,000 square feet; (3) parking density of not more than 280 parking spaces; (4) 6' sight-bearing fence of durable construction and pleasing to the sight; (5) use of buildings to be confined to medical uses including the stipulation of no overnight care of patients; and (6) the stipulation that as much vegetation in the area be spared as possible.

There were no persons present appearing in opposition to zone change application. Motion was made by Comm. Pat Foley that zone change application by Youngblood Development Company from RL to LB District, Special Use (Medical Buildings) be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

9. Zone Change Approves 1st Reading - City of Lufkin from RS to RS, Special Use (Item 1 - Federal Building)

Mayor Garrison stated that zone change application by City of Lufkin from RS to RS District, Special Use (Item 1 - Federal Building) covering property located in Block 42 of the Lufkin Addition being Lots 1, 4, 5, 6, West $\frac{1}{2}$ of Lot 2, Southeast $\frac{1}{4}$ of Lot 2, South $\frac{1}{2}$ of Lot 3, and including adjacent alleys, had been recommended to City Commission for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition to zone change application. Motion was made by Comm. Richard Thompson that zone change application by City of Lufkin from RS to RS District, Special Use (Item 1 - Federal Building) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. City Depository Contract Bid Awarded - Lufkin National Bank

Mayor Garrison stated that in view of his official connections with Lufkin National Bank, he would ask Mayor Pro Tem E. C. Wareing to conduct this portion of the City Commission agenda regarding awarding of bids for city depository contract.

Mayor Pro Tem Wareing stated that bids for the City's depository contract were for a two-year period, and only one bid had been received from Lufkin National Bank for this contract. Mayor Pro Tem Wareing stated that the bid from Lufkin National Bank described bids for various services and percentages on investments. Mayor Pro Tem Wareing stated that the bid also included two alternatives for the City concerning: (A) a fixed percentage on investments over \$100,000, and (B) a variable percentage on investments over \$100,000, based on points above the current treasury bills rates.

Comm. Pat Foley inquired as to changes in the depository contract bid as presented over depository contract for the past two years. Representatives of Lufkin National Bank who were present, including Duncan Garner, Robert Richardson, and Travis Riley, indicated that the major change was the higher interest rates for investments. Representatives also stated that the interest rates for short-term loans would remain the same.

Mayor Pro Tem Wareing stated that a letter had been received from Linda Lively, Director of Administrative Services, recommending the City choose the fixed interest rates as presented in Plan A of the depository contract bid.

Motion was made by Comm. Dayle V. Smith that City depository contract bid for two years be awarded to Lufkin National Bank as submitted, including the adoption of Plan A for a fixed percentage on investments. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Denman Avenue Railroad Crossing Improvements - Action Postponed - State Department of Highways & Public Transportation

Mayor Garrison stated that plans for installation of grade crossing warning systems for improvements to the intersection of the Southern Pacific Railroad tracks and Denman Avenue had been submitted by the State Department of Highways & Public Transportation. Mayor Garrison recognized Mr. Al Luedecke of TDH&PT who was present in representation of this proposal.

Mr. Luedecke stated that the Denman Avenue-Angelina-Raguet crossing was an intersection which was eligible under a federal program which provided monies for off-system railroad crossings. Mr. Luedecke also stated that if the City chose to participate in the program to improve this intersection, the State would prepare plans and assist the railroad in any way possible with the renovation of the intersection.

Mr. Luedecke then reviewed problems present in the Lufkin area which had been caused by installation of crossing gates at various railroad crossings. Mr. Luedecke stated that the major problem with the gates was in the location of major switching areas. Mr. Luedecke stated that a certain period of time was required for the gates to raise and lower.

Comm. E. C. Wareing then inquired of Mr. Luedecke as to the cost of the project to the City. Mr. Luedecke stated that there would be no cost to the City of Lufkin for the proposed improvements. Mr. Luedecke also stated that the State would provide for construction of the concrete island in the intersection, to be included at no cost to the City, in addition to revision of the existing light/signals at the intersection.

Comm. Dayle V. Smith inquired of Mr. Luedecke as to whether or not renovations to the existing crossing would cause problems with trailer truck traffic on Harrell Street. Mr. Luedecke stated that when the signals at the crossing were working, there should be no problem with truck traffic in the area.

Discussion evolved regarding problems with crossing gate arms and lights at other railroad crossings in the City, and Mr. Luedecke stated that problems with this intersection would be decreased due to the fact that relatively little switching occurred in this area. Mr. Luedecke also stated that the problems at the Bremond Street railroad crossing occurred due to the switching mechanism at the crossing which was triggered approximately 12 to 15 yards either side of the crossing.

Mayor Garrison then inquired of Mr. Luedecke as to whether or not the TDH&PT was recommending these improvements to the Denman Avenue crossing. Mr. Luedecke stated that the TDH&PT could not recommend the improvements but simply offer same to the City of Lufkin for approval.

Motion was made by Comm. E. C. Wareing that action on this matter be postponed until further information could be obtained on switching patterns of the railroad in the area and information as to the layout of Angelina Street after its proposed extension. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

12. Fire Zone Revised - City of Lufkin

Mayor Garrison stated that members of Commission had recently requested the City staff conduct a study of the downtown fire zone to determine if certain areas could be deleted from same.

City Manager Harvey Westerholm stated that Fire Marshal Roscoe Gibson had performed a study of the fire zone in the downtown area and his proposal was included in a sketch, copies of which had been provided to members of Commission. Mr. Westerholm reviewed plan as proposed by Fire Marshal Gibson including areas to be added to fire zone and areas to be deleted.

Comm. Pat Foley made motion that City Manager and City Attorney be authorized to prepare an ordinance outlining changes in fire zone as presented. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Kentwood Addition - Request by Property Owners to Consider Correction to Traffic at Intersection of Kentwood and U. S. Highway 59 South

Mayor Garrison stated that property owners in the Kentwood Subdivision area of the City were present at tonight's meeting, even though this item was not included on the meeting agenda. Mayor Garrison stated that citizens in the area were concerned with truck traffic at the intersection of Kentwood Drive and U. S. Highway 59 South, and Texas Department of Highways & Public Transportation had been contacted in this matter and were involved with current planning for improvement of same. Mayor Garrison also stated that members of City staff and the TDH&PT had prepared a plan for improvement to the intersection and same had been presented to property owners. Mayor Garrison announced that he and members of City staff were of the opinion that the problem had been resolved. Mayor Garrison also stated that the City staff had later discovered property owners in the Kentwood area were not satisfied with the proposed plan, and were again desiring consideration by the City Commission. Mayor Garrison stated that City management and the Highway Department would address themselves to the problem in the Kentwood area and study traffic patterns at the intersection when they prepared plans for improvements. Mayor Garrison also stated that the City primarily relied on members of their professional staff and personnel at the TDH&PT for advice on problems of this nature.

Mayor Garrison then recognized Mr. Pat Hartman of the Kentwood Addition who stated that the most recent plan submitted by the TDH&PT and the City for improvements to the intersection had been received the night before this meeting, and time had allowed the plans to only be shown to one other person besides Mr. Hartman. Mr. Hartman also stated that there were 60 families in the Kentwood area and time would simply not allow for the plans to be shown to all persons involved. Mr. Hartman also stated that the plans he had been shown may not solve all of the problem, but they were definitely a step in the right direction. Mr. Hartman stated that the main concern of property owners in the area was the safety and welfare of families using the intersection. Mr. Hartman also stated that there were presently two subdivisions in the area and a third beginning construction in the area, with one exit onto Highway 59 which would add to the problem.

Mayor Garrison recognized Mrs. Pauline Fagala who stated that the property owners in the Kentwood area had been informed they would be included on this meeting's agenda, prior to having knowledge of the plans to which Mayor Garrison had referred.

Mayor Garrison stated that it was the desire of the Commission for all citizens to have the opportunity to appear before Council who desired, but it was also the responsibility of the Commission to rely upon professional advice concerning problems of this nature. Mayor Garrison also stated that the Commission usually had a professional recommendation on a particular subject prior to same being considered by the City Commission.

Mayor Garrison recognized Ms. Gwen Barber who stated that the only way for property owners to obtain access to Highway 59 South was to cut through the parking lot of the Okay Food Store in order to be able to see oncoming traffic traveling north on Highway 59. Ms. Barber stated that possibly the City might consider erection of no parking signs at the intersection.

Mayor Garrison stated that City staff would be working with personnel of the TDH&PT and they would do their best to eliminate the problem as soon as possible.

14. Zoning Question Considered - Spencer Knutson - Youngblood Development Company RL to LB District, Special Use (Medical Buildings)

Mayor Garrison recognized Mr. Spencer Knutson of the Card Drive area who inquired as to whether or not the City Commission, when considering approval of a zone change application such as the one approved in this meeting as submitted by Youngblood Development Company, could consider the impact of the zone change on property owners having adjacent property. Mr. Knutson also desired to inquire of Commission as to whether or not it would be more feasible to simply block zone certain property rather than considering piecemeal zoning.

Mayor Garrison stated that it was only the responsibility of the City Commission to act on zone change applications as they were presented and recommended by City Planning & Zoning Commission, and both methods of zoning had pitfalls. Mayor Garrison stated that the City Commission had the public interest in mind on all types of zone changes.

15. Angelina Street Traffic Flow Changes Discussed - Possible Erection of No Parking Signs

Comm. E. C. Wareing stated that various changes had occurred in traffic patterns by changing the course of the railroad crossing at the intersection of Angelina Street and Ellis-Shepherd extension, removing and rearranging stop signs, etc. Comm. Wareing stated that it was his opinion this section should be closely watched in order to minimize any difficulties with traffic hazards. Comm. Wareing stated that most of the problems occurring on Angelina Street at various street crossings were caused by vehicles parked on the sides of Angelina Street, and no parking signs should possibly be erected on Angelina Street.

16. Single Member District Plan - Commissioner Appointed - New City Ward No. 3

Comm. Don E. Boyd expressed his apologies for having missed the last two regular meetings due to other engagements. Comm. Boyd then stated he had nothing against Mr. Dayle V. Smith but it had been his understanding when Commission was considering appointing a member to fill the seat on the Council vacated by Pat Foley that the person chosen would be a resident of the new City Ward No. 3 instead of the old City Ward No. 2, as had been considered when Mr. Dayle V. Smith was appointed to the Commission. Mr. Boyd stated it appeared that it would be easier for the City of Lufkin to fully initiate the single member district plan as soon as possible in order that citizens of the City might be properly represented.

Mayor Garrison stated it was the understanding of the Commission that the geographic area which had been represented by Comm. Foley prior to his resignation to become a candidate for office in another City ward was the area from which the person should be appointed.

Comm. Boyd stated it was his opinion that the single member district plan should be initiated as soon as possible.

Mayor Garrison stated that the program designed for total utilization of the single member district plan called for gradual involvement in the program until entire plan was in effect. Mayor Garrison stated that when a position was vacated on the Council it was the obligation of the Commission to appoint someone to the vacancy who resided in the geographic area of the vacancy.

17. Texas Housing & Finance Corporations Act - Explanations by City Investment Agents

Comm. Pat Foley stated that the Texas Housing & Finance Corporations Act had been passed by the legislature and it would be advantageous for the City's bonding/investment agents to come before the City Commission for discussion of this act.

Mayor Garrison stated that this would be desirable, but it also might be profitable to members of the Commission for materials to be forwarded from the City's investment agents in order that members of Commission could familiarize themselves with provisions of the act prior to discussion. Mayor Garrison instructed City Manager Westerholm to work on obtaining pamphlets, etc., on this act for distribution to members of Commission.

18. Cablecom Service Discussed - Consideration for Possible Contract Termination

Mayor Garrison stated that he was concerned with the service provided to citizens of the Lufkin area by Cablecom. Mayor Garrison stated that there were a number of areas in the City which should be served by the cable company who were having to wait from eight to nine months to receive the cable service.

Mayor Garrison also stated that the City of Lufkin had received a check from Cablecom for \$11,000, which represented the 2% street rental fee charged the cable company on their revenues and this check had not included any street rental fees for the Home Box Office phase of Cablecom's service. Mayor Garrison stated that a letter had been written to Mr. Wayne Neal at Cablecom on May 17, 1979, asking Cablecom to submit an income statement to the City, to which no replay had been received. Mayor Garrison stated that the City had received a letter from Cablecom on May 22, 1979, stating that Cablecom planned a rate increase request to offset licensing fees and franchise fees, which included the 2% street rental fee to the City of Lufkin.

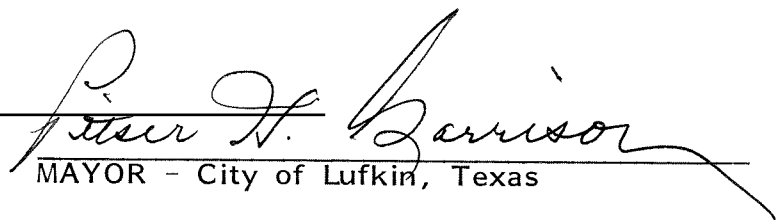
Mayor Garrison stated that in his opinion the attitude of Cablecom was one which he did not think was appropriate for conducting business with the City of Lufkin. Mayor Garrison stated the Cablecom's franchise with the City was begun on August 3, 1976, and the City had the right to cancel the franchise at the end of five years or ten years. Mayor Garrison stated he desired that the City consider inviting other cable companies to make proposals for service to the City of Lufkin at the end of Cablecom's five-year franchise contract.

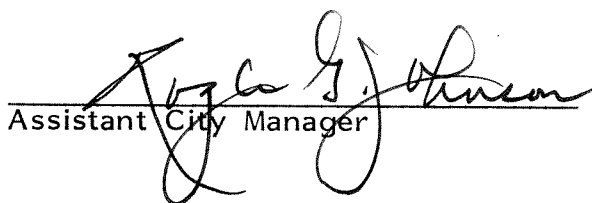
19. Adjournment

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



ATTEST:


MAYOR - City of Lufkin, Texas


Assistant City Manager