

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 12TH DAY
OF FEBRUARY, 1980, AT 7:30 P.M.

On the 12th day of February, 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:

Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney

being present, and

Pitser Garrison	Mayor
Gayle Dickey	Assistant City Secretary

being absent, when the following business was transacted.

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

Minutes of the meeting of January 22, 1980, were approved on motion by Commissioner Dayle V. Smith and second by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Zone Change Application Approved Second Reading - Donald E. Beck - Residential Large to Residential Large and Local Business District, Special Use (Nursery, Retail Plant Sales, Special Conditions)

Mayor Pro Tem Wareing stated that zone change application by Donald E. Beck from Residential Large to Residential Large and Local Business District, Special Use (Nursery, Retail Plant Sales, Special Conditions), covering property fronting on Renfro Drive, located between Lufkin Avenue and Ford Chapel Road had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in opposition to this zone change application. Motion was made by Commissioner Dayle V. Smith that zone change application by Donald E. Beck from Residential Large to Residential Large and Local Business District, Special Use, as previously stated, be approved on second and final reading. Motion was seconded by Commissioner Richard Thompson and a unanimous affirmative vote was recorded.

5. Zone Change Application Approved Second Reading - John R. Bates - Residential Large to Local Business District, Special Use (Dental Office)

Mayor Pro Tem Wareing stated that zone change application by John R. Bates from Residential Large to Local Business District, Special Use (Dental Office), covering property fronting on Loop 287 south of and adjacent to Red Bud Lane, had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in opposition to this zone

change application. Motion was made by Commissioner Pat Foley that zone change application by John R. Bates from Residential Large to Local Business District, Special Use (Dental Office), be approved on second and final reading. Motion was seconded by Commissioner W. O. Ricks, and a unanimous affirmative vote was recorded.

6. Ordinance Approved Second Reading - Rates Established for Compacted and Noncompacted Garbage - New City Roll-Off System - Sanitation Department

Mayor Pro Tem Wareing stated that ordinance had been approved on first reading at last regular meeting establishing rates for the City's new Roll-Off garbage collection system in the amount of \$2.00 per cubic yard for compacted garbage and \$1.25 per cubic yard for noncompacted garbage. There were no persons present appearing in opposition to this ordinance. Motion was made by Commissioner W. O. Ricks to approve ordinance establishing these new rates as previously stated on second and final reading. Motion was seconded by Commissioner Don E. Boyd, and a unanimous affirmative vote was recorded.

Commissioner Pat Foley requested that City Manager Westerholm prepare a review of this system and report back to members of Commission in approximately three months regarding its status.

7. Dog Registration Fee and Licensing Procedure Eliminated - Ordinance Approved First Reading

Mayor Pro Tem Wareing explained that an ordinance had been considered at last regular meeting to eliminate the registration process required for dogs in the corporate limits and a question had been discussed regarding the necessity of collecting the licensing fee and continuing the registration process. City Manager Westerholm explained that it was the intent of the City Staff to recommend to members of Commission that the complete process of licensing and registration be eliminated inasmuch as this process seemed to be duplicated by local veterinarians and a state vaccination law was in effect which made this mandatory for dog owners.

Commissioner W. O. Ricks made motion that ordinance be approved on first reading amending the City Code of Ordinances to eliminate licensing and registration procedure for dogs. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Application Approved First Reading - Bruce Cunningham - Commercial to Commercial District, Special Use (Private Club)

Mayor Pro Tem Wareing stated that Mr. Bruce Cunningham had made application for zone change from Commercial to Commercial District, Special Use (Private Club), covering property located in the existing Overland Express facility adjacent to and immediately east of U.S. Highway 59 South. Mayor Pro Tem Wareing further stated that the City Planning and Zoning Commission had recommended approval of this zone change application and no persons had appeared at the Planning and Zoning Commission meeting in opposition to this application.

A brief discussion developed regarding the area of the Overland Express which was to be zoned for the private club and City Attorney Flournoy reported that state law would designate the area of the Overland Express facility which would be a private club and it was not necessary to designate any particular area be zoned if applicant preferred to zone the complete facility.

Motion was made by Commissioner Don E. Boyd to approve the zone change application on first reading in accordance with request by Mr. Cunningham for a private club. Motion was seconded by Commissioner Pat Foley. The following vote was recorded: Commissioner Don E. Boyd, affirmative; Commissioner Pat Foley, affirmative; Commissioner W. O. Ricks, affirmative; Commissioner Dayle V. Smith, affirmative; Commissioner E. C. Wareing, affirmative; Commissioner Richard Thompson, negative.

Commissioner Richard Thompson expressed his opposition to this application based on his opinion that private club facilities should not be allowed in dry counties.

Mayor Pro Tem Wareing declared motion approved by majority vote of 5 to 1.

9. City Commission Meeting Date Changed

City Manager Westerholm stated that the next scheduled meeting of the City Commission was February 26, 1980, at 5:00 p.m. as previously set by members of this Commission. City Manager Westerholm stated that, inasmuch as no items had been scheduled for the February 26 meeting, members of Commission may desire to proceed with their regularly scheduled meeting plans for the first and third Tuesdays of each month beginning with the month of March and eliminate the February 26 meeting since it would occur only one week prior to the scheduled first Tuesday meeting in March. Members of Commission were in agreement with this suggestion and Commissioner Pat Foley made motion that the previously established meeting for February 26, 1980, at 5:00 p.m., not be held and members of Commission return to their regularly scheduled first and third Tuesday meetings effective March 4, 1980.

10. Zone Change Application Approved First Reading - Angelina County et al - Residential Large to Residential Large District, Special Use (Senior Citizens Center)

Mayor Pro Tem Wareing stated that zone change application by Angelina County et al from Residential Large to Residential Large District, Special Use (Senior Citizens Center), covering property being a portion of Block 31 of Lufkin Land and Lumber Second Subdivision, had been recommended for approval by the City Planning and Zoning Commission. Mayor Pro Tem Wareing stated that there were no persons present at the Planning and Zoning Commission appearing in opposition to this zone change application.

City Manager Westerholm reported that County Judge Dan Jones had called indicating that he would not be present to represent application at this meeting due to a previous commitment out of town.

Commissioner Dayle V. Smith made motion that zone change application by Angelina County et al as requested for Senior Citizens Center be approved on first reading of ordinance. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

11. City Water Tap Fees - Discussion of Proposed New Rates - Approval of Commercial Use of 1½-Inch Meters - Deferment of Proposed Fees for Water Tap Connections - Possible Amendment to Subdivision Ordinance - Water Tap Locations

Mayor Pro Tem Wareing stated that the City Manager had recommended consideration of new fees for water tap connections and members of Commission reviewed proposed schedules submitted by the City Public Works Coordinator containing the City's

present cost for installation of water taps by various sizes ranging from 5/8" x 3/4" tap to 12" taps. Members of Commission also reviewed comparison cost water tap connection fees with other cities to include Huntsville, Nederland, Nacogdoches, Marshall, Tyler, Longview, and Jasper.

City Manager Westerholm stated that he would recommend a simple cost recovery with respect to these fees and members of Commission made various comments regarding the City's recovery cost in this regard.

Mayor Pro Tem Wareing expressed his concern that the City specify the exact locations of water taps and that same should be more convenient to locate.

City Manager Westerholm suggested that members of Commission consider an average cost in order to be fair to all citizens in this regard and that the recommended cost on the smaller taps be approved for at least a period of one year based on information furnished Commission.

Commissioner Richard Thompson expressed his opinion that the recommended rates be rounded off to the nearest \$10 higher and approved as submitted. Commissioner Richard Thompson also recommended that members of Commission approve use of a 1½" water tap for commercial concerns which had previously only been allowed for yearnd sprinkler systems. City Manager Westerholm stated that this could be approved by establishment of policy and vote of City Council.

Motion was then made by Commissioner Richard Thompson that 1½" water taps be allowed for use in commercial buildings. Motion was seconded by Commissioner W. O. Ricks and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing requested that City Manager Westerholm inform all concerned parties regarding this change to include plumbers, builders, and architects in the immediate area.

Mayor Pro Tem Wareing stated that, with regard to establishment of the various fees, he was in agreement with recommendation by Richard Thompson to round the proposed figure to the nearest \$10 as recommended. Commissioner Pat Foley stated that individuals living outside the corporate limits should be charged slightly higher for these water tap fees.

It was determined that inadequate history was available at this meeting to establish the 4" to 12" water tap fees and members of Commission were in agreement that further consideration for establishment of fees should be tabled until next regular meeting to allow City Manager Westerholm an opportunity to provide more information.

City Manager Westerholm also stated that information could be supplied regarding possible amendment to the subdivision ordinance to require that water taps be more accessible to individuals making installations in various parts of the City.

Motion was then made by Commissioner Richard Thompson that new water tap fees be considered at next regular meeting to include possible amendment to subdivision ordinance as discussed by City Manager Westerholm. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

12. City Zoning Ordinance Amended - Required Voting Procedure

Mayor Pro Tem Wareing stated that information had been received from City Attorney Robert Flournoy regarding necessity of amending the City Zoning Ordinance concerning required voting procedure. City Attorney Flournoy then explained that a discrepancy presently existed in the City Zoning Ordinance which required a four-fifth's majority affirmative vote in certain instances according to new state law requirements which had been changed to a three-fourth's majority affirmative vote. City Attorney Flournoy further stated that this would not affect the number of affirmative votes required by the City Commission inasmuch as both percentages would require six votes by the City Commission. There was no further discussion regarding this amendment and motion was made by Commissioner Don E. Boyd that the voting procedure be changed in accordance with state law which specified a three-fourth's vote in this regard. Motion was seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

13. City Taxicab Requirements - Proposed Ordinance Tabled

Mayor Pro Tem Wareing stated that members of Commission had received information from City Manager Westerholm indicating that there was a need for better control concerning taxicab operation within the corporate limits. City Manager Westerholm then reported that the City had been considering amendments to its present taxicab ordinance for the past several months with specific regard for cleanliness, taxicab meters, and other improvements. City Manager Westerholm further stated that the proposed ordinance which had been furnished members of Commission for review involved installation of taxicab meters, periodic inspections by the City, improved insurance requirements, and other improved methods of maintenance. City Manager Westerholm also stated that he had received letters and phone calls regarding complaints of the existing taxicab operations in the corporate limits which had prompted this review.

Members of Commission asked a number of questions regarding necessity of these amendments. Mayor Pro Tem Wareing expressed his concern that members of Commission be furnished information regarding exact changes under the proposed ordinance as compared with the existing taxicab requirements and that all parties concerned in existing taxicab operations be forwarded copies of this proposal to receive their feedback.

Commissioner W. O. Ricks expressed his concern that an additional individual be involved in the final consideration for rejection of applications as specified in the proposed ordinance other than the City Manager.

City Attorney Flournoy stated that this information could be made available but an appeal was allowed an individual through the City Commission in the event he was not satisfied with a decision made by the City Manager regarding his franchise.

Commissioner W. O. Ricks made motion that further consideration of this taxicab ordinance be tabled until next regular meeting to provide additional review as requested by members of Commission. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

14. Texas Department of Highways and Public Transportation - Authority Granted to Conduct a Transportation Feasibility Study for the City of Lufkin

Mayor Pro Tem Wareing stated that members of Commission had requested the Texas Department of Highways and Public Transportation furnish representation at this meeting to explain a need for a transportation feasibility study and the obligations that would be incurred regarding the City of Lufkin if same was considered. Mayor Pro Tem then recognized Mr. Johnny Dominey of the Texas Department of Highways and Public Transportation who was present to answer any questions members of Commission may have regarding this proposal. Mr. Dominey explained that the necessary information regarding this study was prepared by questionnaires sent to various people in the community at no cost to the City and this program was funded by the federal government. Mr. Dominey also stated that the results of the study would determine the specific need for a transportation system and the type of transportation system to be used for the City of Lufkin to include the necessary routes it should complete within the area. Mr. Dominey also stated that the City of Lufkin could assist in retrieving some of the questionnaires to expedite the study. Mr. Dominey explained that the funding would be 80% federal, 13% state, and 7% City participation if same was finally approved for funding and members of Commission decided to adopt a particular type of transportation system for Lufkin which had been recommended through the feasibility study.

Mr. Dominey emphasized the fact that there would be no cost to the City during the feasibility study and that all information concerning same would be reported to the City Commission and this information would become public record. Mr. Dominey explained that this could be a multi-county-wide project if all agencies agreed and the necessity existed from Nacogdoches to Diboll inasmuch as Nacogdoches and Diboll had already considered a feasibility study and same had been funded by the state pending final results.

Commissioner Pat Foley expressed his opinion that the City should at least conduct a study in view of the low cost and the extreme increase of fuel costs.

It was explained by Mr. Dominey that, if members of Commission desired to consider this feasibility study, it would be necessary for the City Manager to write a letter to the Department of Highways and Public Transportation indicating the decision of the Commission to consider a transportation feasibility study.

Commissioner Pat Foley then made motion that City Manager Westerholm be authorized to submit a letter to the Texas Department of Highways and Public Transportation authorizing the City of Lufkin to work with the Texas Department of Highways and Public Transportation to conduct a transportation feasibility study for the City of Lufkin. Motion was seconded by Commissioner Don E. Boyd and a unanimous affirmative vote was recorded.

15. Street Department - Asphalt Lay-Down Machine - Bid Approved - Asphalt Pavers Supply Company

City Manager Westerholm stated that bids had been received from Asphalt Pavers Supply Company in the amount of \$25,900 and Plains Machinery Company in the amount of \$37,500 for the purchase of an asphalt lay-down machine. City Manager Westerholm further stated that, with the City's trade equipment, the low bid was from Asphalt Pavers Supply Company in the amount of \$13,900 which he would recommend for consideration. Members of Commission inquired as to whether or not this was a budgeted item. City Manager Westerholm reported that he would recommend purchase of this equipment in lieu of a dump truck which had been budgeted for this approximate amount.

Commissioner W. O. Ricks then made motion that Asphalt Pavers Supply Company be awarded low bid in the amount as stated above to include trade cost. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

16. First Southwest - Fiscal Agent - Bond Sale Payment Authorized

City Manager Westerholm stated that members of Commission had been furnished a letter from Mr. Thomas J. Wolf, bond representative for the City of Lufkin, which contained his statement for financial advisory fees and bond rating fees in the amount of \$18,490. City Manager Westerholm further stated that it was necessary to approve this amount for services which had been rendered. Motion was then made by Commissioner W. O. Ricks that First Southwest statement in the amount of \$18,490 be approved as recommended by City Manager Westerholm. Motion was seconded by Commissioner Don E. Boyd and a unanimous affirmative vote was recorded.

17. City Election Date Set - Election Order Approved - April 5, 1980 - City Ward 1 New Plan and City Ward 3 New Plan - Executive Session - Appointments to Various City Boards and City Land Transactions Discussed

Mayor Pro Tem Wareing stated that the City Attorney had prepared an ordinance providing for the regular City election to be held April 5, 1980, at two voting places in accordance with newly prescribed single-member-district plan recently implemented. City Attorney Flournoy then read caption of proposed ordinance and explained new provisions of the single-member-district plan which provided that only City Ward 1 and City Ward 3 under the new plan be considered for election of a City Commissioner this year. City Attorney Flournoy also stated that individuals living in the designated wards must vote at the corresponding polling places for their particular commissioner.

City Attorney Flournoy also read additional information regarding election order which prescribed various election judges and alternates which were to be established by the City Commission and defining location of specific polling places involved throughout the City.

Mayor Pro Tem Wareing stated that it would be necessary to adjourn to Executive Session to discuss the proposed election judges and alternates in this regard and to discuss other Board appointments to include possible land transactions. Mayor Pro Tem Wareing then adjourned Open Meeting to Executive Session to discuss these appointments at 8:45 p.m. Meeting was re-convened at 9:15 p.m. and Mayor Pro Tem Wareing announced that Mrs. Archie Cornish had agreed to serve as election judge for City polling place #1 and Mr. Harvey Rowin had agreed to serve as alternate judge for this same polling place and that Mr. H. H. Melton had been appointed to serve as election judge at City polling place #3 and Mrs. Mertie Prescott had been appointed to serve as alternate judge for this same Ward. Mayor Pro Tem Wareing stated that judge and alternate judge for City Ward 3 could not be reached and should be considered for appointment subject to their acceptance of these positions.

Motion was then made by Commissioner Pat Foley that City election order be approved on first and final reading establishing City election date for April 5, 1980, as stated and designating the election judges and polling places as outlined in the ordinance. Motion was seconded by Commissioner Don E Boyd, and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing announced that members of Commission had made appointments to various City Boards to include City Planning and Zoning Commission and the Zoning Board of Adjustment and Appeals, announcements which would be made following acceptance by individuals appointed.

Mayor Pro Tem also announced that City Manager Westerholm had been authorized to negotiate for possible exchange or sale and purchase of City property.

- 18. There being no further business for consideration, meeting adjourned at 9:50 p.m.

Peter H. Garrison

Mayor City of Lufkin, Texas

ATTEST:



Abigail G. Johnson

Assistant City Manager