

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF FEBRUARY, 1979, AT 7:30 P.M.

On the 6th day of February, 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:

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
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager

being present, and

Pitser H. Garrison	Mayor
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. W. E. Lockett, Pastor of Long's Chapel C.M.E. Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed visitors present.
3. Approval of Minutes

Comm. Foley made motion that minutes of 1/16/79 be approved. Motion was seconded by Comm. McMullen and a unanimous affirmative vote was recorded.

4. Zone Change Denied - David C. Baer from RS to RS District, SU (Conditions), Item 6 (Day Nursery)

Mayor Pro Tem Wareing stated that zone change application by David C. Baer from RS District to RS District, Special Use (Conditions), Item 6 (Day Nursery), covering property fronting at 437 Montrose Street on East side of street, being Northeast corner of intersection with Conn Avenue, had been recommended for approval by the City Planning and Zoning Commission.

Mayor Pro Tem Wareing recognized Mr. David C. Baer appearing in representation of his zone change application. Mr. Baer directed attention to recommendations from the City Planning and Zoning Commission and invited additional comments regarding his application. Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had recommended this zone change application on a five-two vote with four conditions as explained in minutes furnished members of Commission.

Mayor Pro Tem Wareing also recognized Mrs. Velma Reese, a member of the City Planning and Zoning Commission who was present. Mrs. Reese explained the specific recommendations from the City Planning and Zoning Commission. Mayor Pro Tem Wareing also made reference to a petition presented by property owners in this area containing 12 signatures opposing zone change application as presented. A copy of petition has been placed in the application file for permanent record. Mayor Pro Tem Wareing recognized Mr. W. A. Terry, an adjacent property owner who stated his opposition to application due to nearness of proposed day nursery and additional traffic that would be created. Mayor Pro Tem Wareing also recognized Mrs. Lucille Beard and Mr. Arch C. Durham who expressed their opposition to application based on existing traffic volume in the area from the Calvary Church Nursery.

Comm. Richard Thompson inquired as to whether or not the proposed day nursery facility had been certified by the state. Mrs. Delores Kelley who was present stated that she had planned the use of this day nursery facility and acquired necessary state approval.

Comm. Pat Foley asked for clarification regarding whether or not property owners remained in opposition regardless of conditions which had been stipulated by the City Planning and Zoning Commission. Opposition was stated by property owners present regardless of conditions recommended by the City Planning and Zoning Commission.

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Comm. W. O. Ricks, Jr., made motion that zone change application by David C. Baer from RS District to RS District, Special Use (Conditions), Item 6 (Day Nursery), be denied. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. Concrete Paving Design Test - Approved to Conduct Study - R. H. Duncan Subdivision

Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had recently recommended approval for a test to be conducted in a new area of the R. H. Duncan Subdivision. Mayor Pro Tem Wareing further stated that this test involved experiments conducted by the Portland Cement Association in conjunction with several engineering firms who had re-evaluated street design specifications for cul de sac or deadend streets serving not more than 20 lots. It was further explained that this proposal would involve a monolithic concrete pour of a street and curb using four and one-half inches of concrete with no steel reinforcement.

City Manager Westerholm explained that representatives were present from Lufkin Redi-Mix to answer any questions members of Commission may have regarding same.

Mayor Pro Tem Wareing then recognized Mr. Gene Toigo of Lufkin Redi-Mix who explained in more detail the recommendation submitted by the City Planning and Zoning Commission. Mr. Toigo stated that the same type subgrade would be required for this type street as would be required for a steel reinforced street or asphalt street. Mr. Toigo also stated that this type street would be beneficial to the City from a financial standpoint after fifteen years due to the high cost of maintenance of an asphalt type street.

Comm. W. O. Ricks, Jr., expressed his concern for consideration of this type street throughout the City whenever possible if tests proved beneficial for same. Mayor Pro Tem Wareing stated that this request was only for test purposes and to allow a study of this type to be conducted on two cul de sacs as shown in exhibits provided members of Commission for review.

Comm. Richard Thompson made motion that this test be permitted as explained by representatives present. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, discussion developed regarding use of this type concrete street in other cities and information presented members of Commission revealed that a number of cities were using this type street design. Mr. Toigo also explained that the City of Lufkin had streets of this type in several sections which had been constructed for approximately three to four years, if members of Commission desired to investigate.

Comm. Pat Foley inquired as to the amount of time a project of this nature should be observed in order to make the best determination as to whether or not same would be successful. It was determined that same would require approximately three years and Comm. Pat Foley requested Comm. Thompson to amend his motion to provide that this test be conducted over a three-year observation period. Comm. Thompson amended his motion to this effect and a unanimous affirmative vote was recorded to previous motion to approve consideration of test as presented.

6. Townhouse Ordinance #248 - Proposed Amendment Postponed

Mayor Pro Tem Wareing stated that a proposed amendment to the Townhouse Ordinance had been submitted to members of Commission for review. Mayor Pro Tem Wareing stated that he personally desired to review in more detail the specific amendment due to conflict in information furnished by City staff. Mr. Ray Faircloth who was present stated that the particular changes which had been recommended by the City Planning and Zoning Commission would not delay construction in the Crown Colony area if same would be considered at next regular meeting.

City Attorney Flournoy explained that the changes in proposed Townhouse Ordinance were both substantive and grammatical and members of Commission may desire to review same in more detail.

Mr. Ray Faircloth of Sabine Investment Company explained that the existing Townhouse Ordinance was designed for row-type townhouse construction as opposed to a more innovative approach to townhouse construction with varying setback lines. Mr. Faircloth further stated that the existing regulation did not allow flexibility on the part of the City Planning and Zoning Commission to make minor changes which may be more innovative.

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Mrs. Velma Reese explained that the proposal as recommended by the City Planning and Zoning Commission for amendment to the Townhouse Ordinance would provide innovative techniques, flexibility of design, and more livability.

Comm. Richard Thompson made motion that further consideration of this amendment be tabled until next regular meeting to provide more time for review as stated. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

7. Bid Advertisement Authorized - Copeland Street Bridge and Water Well #11

Mayor Pro Tem Wareing recognized Mr. Jerry Clark of Griffith Engineers who explained in detail proposed building specifications for Copeland Street bridge. Mr. Clark stated that the construction of this bridge would involve a three-lane type consideration with walk paths which could be later converted to a four-lane bridge if necessary. Mr. Clark also stated that the bridge would be raised approximately one foot in height to meet the 100-year flood requirements.

Following review by members of Commission, motion was made by Comm. W. O. Ricks, Jr., that bids be authorized for advertisement. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Mr. Jerry Clark also reviewed construction plans for Water Well #11. Mr. Clark stated that due to the scarcity of water well construction crews, only very few bids may be received.

City Manager Westerholm stated that it would be convenient to the Commission if these bids were advertised for opening by March 20, 1979, if possible.

Comm. Pat Foley made motion that bid specifications for Water Well #11 construction be approved for advertisement and consideration by Commission on March 20, 1979, as recommended. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

8. Driveway Regulation - Discussion of Request by Mrs. Ezelle Johnson - Revision Postponed

Mayor Pro Tem Wareing stated that members of Commission had received a letter from Mrs. Ezelle Johnson, 1112 Pershing Avenue, regarding regulations affecting certain driveway entrances to streets. Mayor Pro Tem Wareing stated that Mrs. Johnson objected to construction of a five-foot reinforced concrete entrance to any new driveway on a curb and gutter street where the curb had to be removed as required by a new City regulation.

City Manager Westerholm explained that the City did not feel an exception should be made in this particular request.

Discussion of this item revealed the fact that the City had failed to make this a requirement of the project which was accomplished in the widening of Pershing Avenue by the State Highway Department.

Mayor Pro Tem Wareing stated that he did not see a particular advantage in the requirement of a concrete apron approach and brought attention to the fact that some conflict may exist in regulation which did not specify that all streets and driveways would be qualifiable under regulation.

Comm. Richard Thompson expressed his support of the concrete apron approach because of the water containment capability and the simplicity of construction as opposed to asphalt usage in this same type construction. Comm. Thompson also stated that cost was not extreme for the concrete apron on a comparative basis.

Mayor Pro Tem Wareing expressed his concern that the ordinance applied to all of the areas of the City or whether or not it applied under certain circumstances. City Attorney Flournoy could not clarify this question and requested members of Commission allow further review of regulation prior to making final decision.

Comm. W. O. Ricks, Jr., requested that Mrs. Johnson be informed of this conclusion following reconsideration of same.

Further discussion of this item was tabled by Mayor Pro Tem Wareing on his own volition until next regular meeting to provide further research by the City Attorney.

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9. Invoices Approved - Annual Audit (Alexander & Rogers) - Texas Department of Highways & Public Transportation (Tulane Drive Bridge)

City Manager Westerholm stated that members of Commission had been furnished copies of the City's annual audit for review to also include the revenue sharing audit. City Manager Westerholm stated that invoices for this work involved expenses in excess of \$2,000 which required authorization of Commission. City Manager Westerholm also stated that the Texas Department of Highways & Public Transportation had submitted invoice reflecting overruns in the construction of three bridges on Tulane Drive. City Manager Westerholm further stated that in a previous meeting of the City Commission only \$11,700 of this total had been authorized and a balance in the amount of \$2,964.81 was outstanding for overruns as explained.

Following review of invoices, motion was made by Comm. Jack McMullen that invoice by Alexander & Rogers for the City's annual audit report be approved in amount as stated. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion that invoice by the Texas Department of Highways & Public Transportation for the overruns on Tulane Drive bridge construction be approved for payment in amount as stated. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing requested as to whether or not City Manager Westerholm had implemented some of the recommended changes on the audit presented by Alexander & Rogers. City Manager Westerholm reported that several changes had been implemented and future changes were also being considered in accordance with recommendations.

10. Examining & Supervising Board of Electricians - Revocation of Electrician's License

Mayor Pro Tem Wareing stated that members of Commission had received recommendation from the Examining & Supervising Board of Electricians to suspend the Master's Electrician License of John Ellison.

City Manager Westerholm explained that Mr. Ellison had initially made appeal of this decision to the Commission, but attorney for Mr. Ellison, Mr. Clay Dark, had requested that this appeal be withdrawn. City Manager Westerholm then advised members of Commission that action must be taken on recommendation in accordance with regulation and it remained necessary for the Commission to consider same.

Comm. Pat Foley made motion that Mr. Ellison's Master's Electrician's License be revoked as recommended by the Examining & Supervising Board of Electricians. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire sustained from discussion or vote on this item due to his employment of this individual on a construction project.

11. Water Pollution Control Plant - Review of Report Submitted by Engineering Science, Inc.

Mayor Pro Tem Wareing recognized Mr. Maury E. Stiver, Professional Engineer of Engineering Science, Inc., regarding report submitted on condition of Water Pollution Control Plant as requested by members of Commission. Mr. Stiver answered questions regarding proposal and made comments as presented in report provided members of Commission for review. Mr. Stiver stated that the basic problem in the operations of the Water Pollution Control Plant was its inability to move solids. Mr. Stiver also stated, in his opinion, the plant was basically underutilized and correction of the solids problem would bring the plant more in line with normal operation.

Comm. W. O. Ricks, Jr., inquired as to the amount of assistance the implementation of the worm project would provide in this problem. Mr. Stiver stated that as soon as solids could be transferred for worm consumption, additional costs for transporting of solid materials from the treatment facility to a waste area would be saved. Mr. Stiver stated, in his opinion, no particular blame could be placed on any individual as to why the facility did not function in accordance with its potential. Mr. Stiver stated that at the time the plant was constructed, the Zimpro process appeared to be adequate for processing of the solid materials. Mr. Stiver also stated that the plant received too much inflow and infiltration during heavy rain periods, but same was not uncommon in other cities.

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City Manager Westerholm stated that the City was continuing to research inflow areas throughout the City and same were being marked for future consideration.

Comm. W. O. Ricks, Jr., expressed his personal approval of the report as submitted and Comm. Pat Foley inquired as to whether or not some of the recommended changes had been implemented by the City. City Manager Westerholm stated that a few of the changes had been implemented.

12. Resolution Approved - Angelina County Community Development Block Grant

City Manager Westerholm stated that Angelina County Commissioners' Court had requested members of Commission support a resolution which would assist them in obtaining additional points for their application for Community Development Block Grant inasmuch as the City was not making application under this program.

Comm. Pat Foley requested that resolution be amended to read: "endorsed by the County Commissioners' Court" instead of Dan Jones, County Judge. Members of Commission were in agreement with this proposed amendment. Comm. Pat Foley made motion that resolution as proposed by the County Commissioners' Court be approved with amendment as previously stated. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Tennis Court Construction Project - Status of Proposed Matching Fund Grant

Comm. Pat Foley inquired of City Manager Westerholm as to the status of the Texas Parks and Wildlife Department grant for tennis court construction. City Manager Westerholm stated that he would review the status of this proposal and check additional tennis court constructions in the area prior to last consideration by members of Commission. Comm. Pat Foley stated that a previous motion had been made by Comm. Brookshire to proceed with application for four new tennis courts with a matching fund grant possibility from the Texas Parks and Wildlife Department.


City Manager Westerholm stated that he would check with the Parks & Recreation Director and provide a grant proposal for consideration by members at next regular meeting.

14. Cablecom General of Lufkin - Status of Lawsuit

Comm. R. A. Brookshire inquired of City Attorney Flournoy as to the status of lawsuit with Cablecom General of Lufkin. City Attorney Flournoy reported that he was awaiting action from the Federal Court in Tyler from Mr. William Wayne Justice regarding whether or not the lawsuit would be held in either District or Federal Court and if same would be taken on the City's motion to remand which had been filed.

15. Adjournment

There being no further business for consideration, meeting adjourned at 9:45 p.m.

  
MAYOR PRO TEM E. C. Wareing,  
City of Lufkin, Texas

ATTEST:



  
Assistant City Manager