

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF SEPTEMBER, 1980, AT 7:30 P.M.

On the 2nd 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:

Pitser Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
Don E. Boyd	Commissioner, Ward No. 2(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 when the following business was transacted.

1. Meeting opened with prayer by Rev. Jack W. Shultz, Minister of First United Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of August 19, 1980, were approved on motion by Commissioner Don Boyd with second by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

4. OPEN HEARING - Proposed City Budget for Fiscal Year 10/1/80 through 9/30/81

Mayor Garrison opened hearing regarding proposed City Budget for fiscal year October 1, 1980, through September 30, 1981, and invited comments from visitors regarding same.

Mr. Buddy Hawkins, property owner in Thousand Oaks Addition, was present to request that persons living in Thousand Oaks Addition be allowed to pay one and one-half ($1\frac{1}{2}$) times the City water rate instead of two (2) times the rate. Mr. Hawkins stated that the Addition was one mile and one foot outside the Lufkin City Limits, and the increase in water rates would create a hardship on property owners if forced to pay two (2) times the rate charged inside City Limits.

In answer to question by Mayor Garrison, Mr. Hawkins stated that his average water bill during winter months was \$25. Commissioner E. C. Wareing stated that he recalled the City Commission authorizing 50 water meters in the Thousand Oaks Addition. City Manager Westerholm stated that 80 water meters were authorized and four (4) or five (5) unauthorized water meters were also on the water line.

Mayor Garrison stated that any subdivision within one mile of Lufkin City Limits was subject to control by the Subdivision Ordinance and many developers went just beyond the one mile to avoid City ordinances and build at a lower cost. Mayor Garrison further stated that if Thousand Oaks was the only subdivision receiving water and sewer outside the one mile limit, perhaps the one and one-half ($1\frac{1}{2}$) times would be justified.

In response to question by Commissioner Pat Foley, Mayor Garrison stated that water rates were higher outside City Limits because the City Commission felt it was unfair for the City to provide services to these areas without receiving City taxes.

Mayor Garrison stated that when official census figures are released, Lufkin would then have two (2) miles extraterritorial limits and with the language in proposed water rate ordinance, "...customers within the extraterritorial limits of the City of Lufkin shall be one and one-half ($1\frac{1}{2}$) times that rate inside the city limits," the Thousand Oaks Addition would then be required to pay only one and one-half ($1\frac{1}{2}$) times rate.

Mayor Garrison stated that the water rate ordinance would be considered later in the meeting. Mayor Garrison further stated the public hearing was to receive information and hear concerns of the people. Commissioner E. C. Wareing stated that a compromise might be in order to allow Thousand Oaks the same rate as property just outside City Limits with the understanding that service would not be extended to additional customers until the extraterritorial jurisdiction is increased as a result of the census. Mayor Garrison closed hearing.

5. Annexation & Permanent Zoning Request - Approved - Second Reading - R. H. Duncan - RL District

Mayor Garrison stated that request for Annexation and Permanent Zoning by R. H. Duncan to Residential Large District covering property located south of Little Hollow Drive between Little Hollow Plaza and Live Oak Lane in Brookhollow Addition No. 9-A had been approved at last regular meeting of City Commission. There was no opposition present.

Motion to approve Ordinance for Annexation on second and final reading was made by Commissioner Percy Simond, and seconded by Commissioner E. C. Wareing. A unanimous affirmative vote was recorded. Motion to approve Ordinance for zoning of property to RL District on second and final reading was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved - Second Reading - Angelina County Teacher's Credit Union - RL & RL,SU to C District

Mayor Garrison stated that zone change application by Angelina County Teacher's Credit Union covering property located on Loop 287 between Ford Chapel Road and Lufkin Avenue from Residential Large and Residential Large, Special Use to Commercial had been approved at last regular meeting of City Commission. There was no opposition present. Motion was made by Commissioner Percy Simond, and seconded by Commissioner E. C. Wareing, to approve ordinance for zoning to C District on second and final reading. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Maureen Hedrick & Karen Petty - C to C, SU(Item 6) Day Care Center

Mayor Garrison stated that zone change application by Maureen Hedrick and Karen Petty covering property located on Hwy. 94 from Commercial to Commercial, Special Use (Item 6) Day Care Center had been approved at last regular meeting of City Commission. There was no opposition present. Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing to approve ordinance for zoning to C,SU(Item 6) Day Care Center on second and final reading. A unanimous affirmative vote was recorded.

8. 1980 Tax Rate - Public Hearing Notice Date

Mayor Garrison stated that every taxing agency in the state was required to publish a notice in a local newspaper if local taxes were expected to be more than 3% greater than 1979-1980 taxes. Mayor Garrison stated further that a public hearing should be held on either September 10 or September 11, 1980, and after same, a notice would be published not less than three (3) days or more than fourteen (14) days to notify public of vote on proposed tax rate. It was stated that the notice must be published regardless of fact that the tax rate to individuals had not been increased.

Mayor Garrison stated that a resolution authorizing publication of the notice to set date for public hearing was in order. Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that resolution be adopted and date of hearing be set for Wednesday, September 10, 1980, at 5:05 p.m. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing made motion than an additional ad be published adjacent to the notice, if possible, stating that tax rates remain the same. It was stated that the ad should indicate that this was only a projected revenue increase. Motion was seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

9. Amendment to Garbage Ordinance - Rates Adjusted

Mayor Garrison stated that members of Commission had received copies of proposed ordinance adjusting the Sanitation (garbage pickup) rates as recommended for the new budget. Mayor Garrison stated that the following rates were proposed for amendment:

	<u>Present</u>	<u>Proposed</u>
Roll-Off Rate (Compacted)	2.00	2.25
(non-compacted)	1.25	1.50
Residential	3.00	3.34
Commercial	4.00	4.45
(per Cubic Yard)	1.00	1.15

City Manager Westerholm stated that some commercial customers were continuing to use 55 gallon drums because maximum weight and size of containers were not stated in ordinance. City Manager Westerholm stated commercial customers should either have garbage in dumpsters or same size containers as residential customers.

Motion to approve proposed ordinance adjusting the Sanitation (garbage pickup) rates as stated above was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

10. Amendment to Water and Sewer Rate Ordinance

Mayor Garrison stated that members of Commission had received copies of proposed ordinance adjusting the Water and Sewer Rates as recommended for the new budget. Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that wording be changed to state, "... customers outside the city limits of the City of Lufkin shall be one and one-half (1½) times that rate inside the city limits," rather than "... customers within the extraterritorial limits..."; and that third paragraph under Section 26-69 be removed from ordinance. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Section 26-70(c) be removed from ordinance leaving all rates for sewer service outside city limits at two (2) times rate inside city. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that Section 26-70(3)(b) should read T.S.S. in excess of 250 PPM instead of 300 PPM.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that Ordinance Amending Chapter 26 to adjust water and Sewer Rates be approved with amendments as stated. A unanimous affirmative vote was recorded.

11. Burke Water Supply Corporation Request - Approved - Interim Water Connection

Mayor Garrison stated that City of Lufkin had received letter from Burke Water Supply Corporation requesting that water be furnished on an interim basis to the City of Burke. Commissioner E. C. Wareing stated that at present the City of Lufkin was interested in selling water because there would be cut-backs in usage due to increased rates. City Manager Westerholm stated that Burke would have to fulfill State Health Department regulations and this agreement would not affect Lufkin's state approved rating with the Health Department.

Commissioner Richard Thompson asked what rate would be charged, and it was stated that recommendation had been made to increase rate to 65¢ per 1,000 gallons. Mayor Garrison stated that an escape clause should be in agreement assuring Lufkin's priority rights to the water. Motion to approve agreement was made by Commissioner Bob McCurry and seconded by Commissioner E. C. Wareing. A unanimous affirmative vote was recorded.

12. Annexation Policy - Discussed - Deferred

Mayor Garrison stated that the City's Annexation Policy was discussed at last regular meeting of Commission in his absence. Commissioner E. C. Wareing stated that all areas were not covered by present policy, i.e. drainage survey, and he would like a chance to study same. Commissioner Pat Foley requested that policy be placed on next agenda.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that discussion of Annexation Policy be deferred until next meeting. A unanimous affirmative vote was recorded.

13. Building Contractors - Municipal Court Report - Brandon Park Patrol

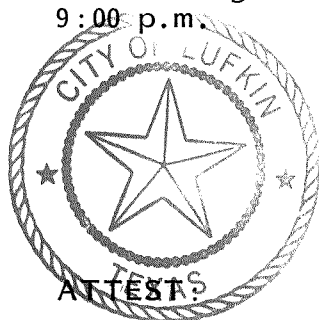
Commissioner Percy Simond stated that he would like information on why building contractors are required to purchase a performance bond to work in the City if insurance is not liable for uncompleted work. Hubert Stubblefield, Building Inspector, stated that the bond is not a performance bond but a license and permit bond. Mr. Stubblefield stated that the bond is a way for the City to license the contractor to do business and the bond can only be collected if the contractor owes a license fee to the City. Mr. Stubblefield further stated that every builder working on a structure has to have a license which he receives by posting a bond of \$20 a year with an insurance company. Commissioner Percy Simond stated that the State of Texas did not require builders to be licensed. Commissioner E. C. Wareing suggested that other cities be contacted to see how they handle the situation. City Attorney Flournoy stated that 80% of contractors would not be able to receive performance bonds which are very expensive.

Commissioner Percy Simond requested information on why Municipal Court Report indicated a larger number of cases in early part of year and decrease in later months. City Manager Westerholm stated that he would check with Police Chief Latham and report back.

Commissioner Percy Simond stated that City Manager Westerholm was to report back to Commission on police patrols in Brandon Park Area. City Manager Westerholm stated that the police department had increased patrols in this area.

City Manager Westerholm stated that he had checked on \$191,000 that appeared under Civic Center Operation Budget as Investment of Funds. This information should not have been printed in the budget. City Manager further stated that the figures reflected a cumulative total of funds invested over a period of one year.

14. There being no further business for consideration meeting adjourned at 9:00 p.m.



Edgar C. Wareing

Mayor, City of Lufkin, Texas
Pro Tem

Ann Griffin

Assistant City Secretary