

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF  
THE CITY OF LUFKIN, TEXAS, HELD ON THE 4th DAY OF  
MARCH, 1980, AT 7:30 P.M.

On the 4th day of March, 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
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)
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 L. Flournoy	City Attorney

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. John Duesterberg, Pastor of Keltys and Redland United Methodist Churches.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of the meeting of February 12 were approved on motion by Edgar Wareing with second by Richard Thompson. A unanimous affirmative vote was recorded.

4. Zone Change Application Approved Second Reading - Bruce Cunningham from Commercial to Commercial District, Special Use (Private Club)

Mayor Garrison stated that zone change application by Bruce Cunningham 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 had been approved on first reading of ordinance at last regular meeting.

Mayor Garrison asked if there were individuals appearing in opposition to application and recognized Rev. Joseph Duffner who stated that he was opposed to private clubs in Lufkin and that too many presently existed. Mr. Duffner explained that he had found an advertisement for free drinks on his vehicle on a local parking lot. Mayor Garrison explained that this requirement was not set by local standards and that State law established guidelines for same.

There were no other persons present appearing in opposition to application. Motion was made by Commissioner Don E. Boyd and seconded by Commissioner Pat Foley that zone change application by Bruce Cunningham for private club at previously described location be approved on second and final reading of ordinance. All members of Commission voted in favor of motion with the exception of Commissioner Richard Thompson; Mayor Garrison declared motion approved by majority vote of 6 to 1. Commissioner Thompson expressed his opinion that, until the citizens of this community voted their support of alcoholic beverage sales in a dry community, he could not support these applications.

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

Mayor Garrison 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 Addition had been approved on first reading of ordinance at last regular meeting. Mayor

Garrison also stated that County Judge Dan Jones was present to answer any questions members of Commission may have in representation of this application. There was no opposition present and Commissioner Dayle Smith made motion that zone change application by Angelina County et al as previously described be approved on second and final reading of ordinance. Motion was seconded by Richard Thompson and a unanimous affirmative vote was recorded.

Mayor Garrison stated that Judge Jones and the County Commissioners Court had performed a great service for this community in the fulfillment of a need for senior citizens of this area and the senior citizens center would be an asset to the community.

6. Dog Registration Fee and Licensing Procedure Eliminated - Ordinance Approved Second Reading

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting to eliminate the registration process required for dogs in the corporate limits due to the overlap of this same process by State requirements.

Motion was made by Commissioner W.O. Ricks that this ordinance be approved on second and final reading to eliminate this process. Motion was seconded by Commissioner Pat Foley.

Prior to vote on motion, Mayor Garrison recognized Mr. James Chmielewski who was in opposition to this ordinance. Mr. Chmielewski stated that he was not a resident of the City but was opposed to this type ordinance. Commissioner E. C. Wareing explained that one of the main reasons for consideration of this ordinance was due to the fact that most residents had not complied with the local requirement for registration which was duplicated by State requirement and veterinarian tags were available to protect the citizenry in this regard. Commissioner Wareing stated it was his personal belief that any ordinance, which was not going to be adequately enforced, should be removed from the code.

Commissioner Richard Thompson expressed his agreement with comments by Commissioner Wareing that these requirements were duplicated by State law and a unanimous affirmative vote was recorded to previous motion and second to approve this amendment on second and final reading.

7. City Zoning Ordinance Amended - Second and Final Reading - Required Voting Procedure

Mayor Garrison recognized City Attorney Flournoy to explain new State law requirement concerning voting procedure of the City Planning and Zoning Commission on certain zone change applications which had involved an ordinance approved by this Commission at last regular meeting. City Attorney Flournoy stated that City Commission had approved an ordinance on first reading at last regular meeting which would clarify discrepancies presently existing in the City Zoning Ordinance which required a four-fifth's majority affirmative vote in certain circumstances according to the new State law requirements which have been changed to a three-fourth's majority affirmative vote. It was explained by the City Attorney 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. Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Pat Foley that this ordinance be approved on second and final reading to comply with State law. A unanimous affirmative vote was recorded.

8. City Taxicab Ordinance Amended - First Reading

Mayor Garrison stated that a Taxicab ordinance amendment had been discussed at last regular meeting and it had been the request of the City Commission to place this item on the agenda for first reading.

Commissioner Pat Foley made reference to the City Staff analysis of this amendment and inquired regarding necessary health certificates and significance of same. City Attorney Flournoy explained that it was a requirement to check individuals for communicable diseases and vehicles would be inspected at various intervals on a six-month basis. Commissioner Foley also inquired as to the need for filing the taxicab meter reading. City Attorney Flournoy explained that this was the method by which the City would determine the gross receipts to be paid by the franchise holder on a monthly basis.

Mayor Garrison made reference to comments from Mr. Robert Tucker who was present. It was explained by Mayor Garrison that Mr. Tucker was on the agenda at a later point in the meeting for a taxicab franchise request under the new ordinance. Mayor Garrison stated that comments from Mr. Tucker were appreciated by the Commission and members of Commission should consider certain amendments as submitted by Mr. Tucker to the proposed ordinance regarding moral turpitude and a three-member screening committee.

Commissioner E. C. Wareing, in reference to comments made from Mr. Tucker regarding proposed ordinance, stated that Mr. Tucker's comments may best be incorporated into one amendment.

There were no other persons present appearing in opposition to or in behalf of the proposed amendment to the taxicab ordinance. Commissioner Pat Foley made motion that the taxicab ordinance be approved on first reading with the incorporated changes as recommended by Mr. Robert Tucker and discussed by members of Commission. Motion was seconded by Commissioner E. C. Wareing, and a unanimous affirmative vote was recorded.

9. City Water Tap Fees Established

Mayor Garrison stated that members of Commission discussed water tap fees at last regular meeting and members of Commission had requested the City Staff to furnish recommendations regarding same. Members of Commission then reviewed information from Public Works Coordinator Dwayne Humphrey regarding these recommendations. City Manager Westerholm explained that members of Commission may or may not desire to consider eliminating the cost of labor in these fees. City Manager Westerholm also explained that the City Commission had requested a better method for control of the location of sewer taps made in new subdivisions and a report indicating the City's present requirements was available for review. City Manager Westerholm stated that he did not feel these requirements could be improved unless an inspector could be present on a continuing basis during construction which was not economically feasible.

Mayor Garrison expressed his concern that doubling of the City's present fees was quite drastic with today's high building costs.

Members of Commission voiced various opinions regarding this proposal. Commissioner E. C. Wareing stated that someone had to pay for these costs and he was not opposed to approving the recommended rates without the labor which would still involve an increase in the fees as proposed. Mayor Garrison stated the City made an overall profit in the water system in the neighborhood of \$600,000 to \$700,000 per year which appeared to be adequate without increasing these rates. Commissioner W. O. Ricks expressed his agreement with Mayor Garrison in this regard and Commissioner Pat Foley expressed his approval of comments made by Commissioner Wareing.

Commissioner W. O. Ricks then made motion that the present fees be increased as follows:

<u>Size</u>	<u>Approved Change</u>
5/8's to 3/4 inch	\$125.00
1 inch	250.00
1 and 1/2 inches	420.00
2 inch compound	760.00
4 inch	175.00
6 inch	195.00
8 inch	235.00
12 inch	260.00

Motion was seconded by Commissioner E. C. Wareing and a unanimous affirmative vote was recorded.

10. Robert C. Tucker - Taxicab Franchise Request Approved

Mayor Garrison stated that Mr. Robert C. Tucker had made request for taxicab franchise under the new taxicab ordinance amendment approved on first reading at this meeting. Mayor Garrison stated that Mr. Tucker was present to answer any questions members of Commission may have regarding his application which had been previously forwarded to members of Commission for review. Mayor Garrison stated that Mr. Tucker's application simply stated that he would comply with all the requirements of the present ordinance and amendment which had been discussed at this meeting. Commissioner E. C. Wareing inquired as to whether or not it was true that Checker Cab Company would not continue business in the future. It was explained by Mr. Tucker that Checker Cab Company did not plan to continue their operation.

There was no further discussion by members of Commission and motion was made by Commissioner E. C. Wareing to approve franchise request by Mr. Robert C. Tucker. Motion was seconded by Commissioner W.O. Ricks and a unanimous affirmative vote was recorded.

Mayor Garrison thanked Mr. Tucker for his comments regarding proposed amendment to taxicab ordinance and complimented Mr. Tucker's efforts to upgrade the City's transportation system.

11. Hearing Dates Established - Annexation and Permanent Zoning Requests- John I. Everett et al - Sabine Investment Company

Mayor Garrison stated that two requests for hearings for annexation and permanent zoning were before this Commission for establishment of hearing dates to include requests by John I. Everett et al for annexation and permanent zoning to Residential Large and Residential Medium Districts covering property east and west of Ponderosa Drive and south of Fuller Springs Drive. Mayor Garrison also stated that a request by Sabine Investment Company for annexation and permanent zoning of property to Apartment District, Special Use (Lodge, Special Conditions), covering property located at the intersection of Crown Colony and Augusta Drives and fronting on Crown Colony Drive, was also being considered for establishment of hearing date.

Mayor Garrison explained that individuals present who desired to speak for or against these applications would have an opportunity to be heard at scheduled hearings which would be set by this Commission.

Mayor Garrison then asked for comments from members of Commission regarding same. There were no comments and Commissioner Dayle Smith made motion that hearing date be set for annexation and permanent zoning of property as requested by John I. Everett et al to Residential Large and Residential Medium Districts in area previously described for next regular meeting of the City Commission on March 18, 1980, at 5:00 p.m. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison then asked for comments regarding annexation and permanent zoning of property as requested by Sabine Investment Company. There were none and Commissioner E. C. Wareing made motion that hearing date for annexation and permanent zoning of this property as requested

for Apartment District, Special Use (Lodge, Special Conditions), as previously described, be set for next regular meeting on March 18, 1980, at 5:00 p.m. Motion was seconded by Commissioner W. O. Ricks and a unanimous affirmative vote was recorded.

12. Zone Change Application Approved First Reading - Jessie Mae Boykin-A to RS District

Mayor Garrison stated that zone change application by Jessie Mae Boykin had been recommended by the City Planning and Zoning Commission for approval from Apartment to Residential Small District, covering property located at 113-115 East Persimmon Avenue, being Lots 2 and one-half of 3 of Block 62 of the Lufkin Addition. There were no persons present appearing in opposition to application. Motion was made by Commissioner W. O. Ricks and seconded by Commissioner Pat Foley that this zone change application be approved on first reading of ordinance as submitted.

13. Cablecom of Lufkin - Authorization for Approval of Ordinance to Provide for New Optional Cable Package

Mayor Garrison recognized Mr. Wayne Neal of Cablecom of Lufkin concerning their request for implementation of an optional cable package for the City. Mr. Neal reviewed the proposal and made reference to a letter from Mr. Gerald Tschikof, Vice-President of Operations for Cablecom, which offered several options to be considered by the Commission. Mr. Neal explained that this would involve an additional \$2.00 per month fee which would be made optional for customers to receive the additional channels if they desired. Mr. Neal then reviewed various channels and the selections involved.

Mayor Garrison inquired as to whether or not it would be possible to provide operation of Channel 26 which carried certain sporting activities. Mr. Neal explained that this could be carried either by eliminating Channel 8 or 39 viewing.

Following considerable discussion, motion was made by Commissioner Dayle Smith that an ordinance be prepared for first reading at next regular meeting to adopt this optional cable package as requested by Cablecom. Motion was seconded by Commissioner Don E. Boyd and a unanimous affirmative vote was recorded.

Following inquiries by members of Commission, Mr. Neal explained that he would attempt to make these installations for approximately \$15.00 unless his costs proved to be in excess of this amount and he proposed to complete this operation by July of this year.

14. City Planner - Authorization for City Manager to Conduct Survey for Employment

Mayor Garrison stated that members of City Commission had previously discussed the employment of a City Planner for the City due to the City's present growth and needs. City Manager Westerholm reviewed a survey from various cities which had employed City Planners. This survey described the amount of money involved and the particular background and job descriptions for same.

Commissioner E. C. Wareing expressed his opinion that the City of Lufkin was large enough to consider employment of a City Planner who was necessary to monitor the City's Master Plan and make certain recommendations to the City Commission concerning the City's growth which was quite rapid at present.

The balance of the Commission was in agreement with comments made by Commissioner Wareing. Commissioner Richard Thompson stated that he was not as negative regarding employment of a Planner as in the past but still supported employment of an Engineer on the Staff. Commissioner Thompson inquired of City Manager Westerholm as to whether or not a Planner would have enough work within the City. City Manager Westerholm explained that much of the work presently done by himself, Assistant Manager, and Public Works Co-ordinator would be made a part of the Planner's responsibility to a greater degree. Members of Commission also discussed a proposed salary for this individual and City Manager Westerholm was asked to consider a proposed salary range of \$15,000 to \$18,000 for this individual.

Commissioner Pat Foley then made motion that City Manager Westerholm be authorized to conduct a survey for employment of a City Planner with the salary range of \$15,000 to \$18,000 and report his findings to this Commission at a later meeting. Motion was seconded by Commissioner E. C. Wareing and a unanimous affirmative vote was recorded.

15. Animal Control Ordinance - Amendment Approved First Reading - Increase in Initial Fine

Mayor Garrison stated that members of Commission had requested consideration for amendment to Animal Control Ordinance regarding first-offense violation be placed on the agenda. Mayor Garrison stated that information furnished members of Commission from other cities reflected charges and various recommendations from City Staff. Mayor Garrison stated that the present ordinance required a first-offense charge of \$5.00 with the second and third offenses left to the discretion of the judge.

Mayor Garrison stated that information from City Judge Kelly Newman recommended an increase in this \$5.00 fee for the initial violation.

Mayor Garrison expressed his opinion that the amount of the fee for first offense did not seem to be as important as the embarrassment of reclaiming an animal in violation.

Commissioner E.C. Wareing stated that the Commission should consider an ordinance to provide for a fine up to \$20.00 with the discretion of the Judge to establish an amount for first-offense violation from \$5.00 to \$20.00.

Following review by members of Commission, Commissioner E. C. Wareing made motion that ordinance be approved on first reading to provide for a minimum fine for the first offense violation of \$5.00 not to exceed a maximum of \$20.00 to be set by the discretion of the Judge. Motion was seconded by Commissioner Don E. Boyd and a vote of 6 to 1 was recorded. Commissioner W. O. Ricks voted in opposition to the motion and expressed his opinion that this amount was too high. Mayor Garrison declared motion approved by majority of 6 to 1.

16. City Audit Report Approved 1978-79 - Axley and Rode

Mayor Garrison stated that the City Staff had supplied members of Commission reports from Axley and Rode Audit Firm with the 1978-79 City Audit. Following a brief review by members of Commission, motion was made by Commissioner E. C. Wareing to accept approval of the 78-79 Audit by Axley and Rode as submitted subject to further consideration at the pleasure of City Commission. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

17. Abandoned Water Well Site - Easement Granted

Mayor Garrison stated that the Redland water supply corporation planned to construct a three-inch PVC water line along a county road fronting a 100' x 100' lot owned by the City which was described to members of Commission by a detailed plat. It was further explained by Mayor Garrison that the City had no further use for this property as a well site and an appraisal from the City Staff reflected its value.

Mayor Garrison stated that it was necessary to receive authority to allow this water line easement and to request bids for the sale of this surplus property.

Commissioner W. O. Ricks then made motion that easement be granted for this property. Motion was seconded by Commissioner Pat Foley and a unanimous affirmative vote was recorded.

Commissioner Pat Foley inquired as to whether or not the City was still furnishing Redland water, and City Manager Westerholm stated that the City was furnishing Redland water. Commissioner Foley also inquired as to whether or not it would be possible for City Manager Westerholm to prepare a report at next regular meeting regarding the City's water obligations and commitments.

18. Executive Session - Certain City Properties Authorized for Bids

Mayor Garrison stated that the City Commission agenda had been amended to provide for an Executive Session to discuss the disposition of certain City property for replacement. Mayor Garrison then recessed formal open meeting of the City Commission at 9:10 p.m. At 9:50 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcements to individuals present regarding results of Executive Session. Mayor Garrison stated that the City Commission had discussed the possible sale of Chambers Park property. Mayor Garrison stated that this park was already separated by a street intersecting two parcels of the total 12 acres and Angelina Street had been widened. Mayor Garrison stated that members of Commission were in agreement that the City should authorize the City Manager to search for an alternate park site in the immediate area if possible.

Commissioner E. C. Wareing then made motion that City Manager Westerholm be authorized to advertise for bids for the sale of Chambers Park property and provide that the zoning of this property be made available to the purchaser which would not be incompatible with the neighborhood.

Motion was seconded by Commissioner Pat Foley. Prior to vote on motion, Mayor Garrison stated that the City Commission could not announce where the park would be relocated but bids would not be accepted until a relocation site was decided. Mayor Garrison further stated that comments from the public would be invited by public hearing at a later date. Mayor Garrison stated that the park property was less suitable for park use as it was in the past and a new site would provide better park potential.

A unanimous affirmative vote was then recorded to previous motion and second to authorize City Manager Westerholm to offer this property for sale by the formal bidding process.

Mayor Garrison stated that members of Commission had also discussed the sale of an abandoned water well site in the Redland area and to consider advertising this property for sale inasmuch as same was no longer necessary for use as a well site.

Commissioner Pat Foley then made motion that this 100' x 100' tract be offered for sale and formal bids invited. Motion was seconded by Commissioner Don Boyd and a unanimous affirmative vote was recorded.

19. Asphalt Plant Construction - Status Report Reviewed

Commissioner E. C. Wareing inquired of City Manager Westerholm as to the status of the construction of the improved East Texas Asphalt Plant. City Manager Westerholm stated that he was not aware of any additional information regarding the proposed completion date. City Manager Westerholm stated that he would check with plant officials and report to members of Commission at a later meeting.

20. Promotion Discussed - City Police Department - Narcotics Dog (Rocky)

Commissioner Pat Foley stated that Commissioner Dayle Smith had previously commented regarding the talents of the City's narcotic-detecting dog, Rocky, and whether or not members of Commission desired to promote Rocky to the next highest rank which is that of Sergeant.

Mayor Garrison asked that Rocky and his trainer - patrolman be present at next regular meeting for formal promotional proceedings.

21. There being no further business for consideration, meeting adjourned at 10:05 p.m.

March 4, 1980



*Peter H. Garrison*  
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Mayor - City of Lufkin, Texas

ATTEST:

*Boyle G. Johnson*  
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Assistant City Manager