MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF MARCH, 1981, AT 5:00 P.M.

On the 17th day of March, 1981, 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)
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	City Secretary

being present, and

Pitser H. Garrison	Mayor
Percy A. Simond,Jr.	Commissioner, Ward No. 1(new plan)
Bob McCurry	Commissioner, Ward No. 3(new plan)

being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Morris Goins, Pastor of Parkview Baptist Church of Lufkin.

2. Mayor Pro Tem Wareing welcomed visitors present.

3. Approval of Minutes

   Minutes of regular meeting of March 3, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

4. OPEN HEARING- Annexation and Permanent Zoning Request - Residents of Camelot Circle - Ordinance Set for First Reading

   Mayor Pro Tem Wareing officially opened hearing on Annexation and Permanent Zoning request by Residents of Camelot Circle covering property on Camelot Circle located south of Centralia Avenue and west of Largent Street to Residential Large.

   Commissioner Richard Thompson requested information on the connecting of White Street and Camelot Street. Ed Richie, City Planner stated that this had been discussed in Planning and Zoning Commission, but there is a large creek that would have to be bridged. Mr. Richie further stated that the residents understood they would assume all costs incurred with regard to sewer and water service, but a time limit for completion of curb and gutter was not set by Planning & Zoning Commission.

   Mayor Pro Tem Wareing recognized Mr. Ben Newsom, adjacent property owner, appearing in opposition to Annexation & Permanent Zoning. Mr. Newsom stated that the late Mr. Poulan had requested Annexation of the property, but because there were no specific plans for the area, his request was denied. Mr. Newsom stated that he would like to know the intended use of the property, and whether the completed houses meet the City's specifications.

   Mayor Pro Tem Wareing stated that the City of Lufkin had laws governing subdividing in its extraterritorial jurisdiction, but through error this construction was not detected early enough to enforce the subdivision ordinance. Mayor Pro Tem Wareing further stated that the Residential Large zoning is the most restrictive type of zone. Mayor Pro Tem Wareing stated that the area will have to conform to the same subdivision guidelines required inside the City, a time limit would be set for the installation of curb and gutter, and if the property is annexed, some of the requirements would be fulfilled at a later date.

Commissioner Richard Thompson stated that a complete subdivision plat indicating present development of the property and future construction plans would be necessary, and a time limit should be established for the completion of same.

Mayor Pro Tem Wareing stated that if the subdivision plat is approved by the Planning & Zoning Commission, and signed by the Chairman of the Planning & Zoning Commission, it is then filed with the County Clerk.

City Attorney Robert Flournoy stated that a procedure should be established to insure that the work will be completed in Camelot Circle. Mayor Pro Tem Wareing stated that once the plat is approved by the Planning & Zoning Commission, any items requiring completion should have a bond posted to assure that the work will be completed within a certain time frame. Mayor Pro Tem Wareing further stated that the bond is forfeited on any work not completed during the time limit, and the City would retain the money to complete the work. Mayor Pro Tem Wareing stated that the Ordinance could be set for first reading at the next meeting of City Commission and second reading be suspended until the plat is received and approved.

Commissioner Richard Thompson made motion that Annexation and Permanent Zoning request be tabled until an approved subdivision plat is received. Motion died for lack of a second.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Annexation and Permanent Zoning request be set for first reading at next regular meeting on April 7, 1981, providing residents of Camelot Circle meet with City Planner and Planning & Zoning Commission to begin work on the subdivision plat; and the second reading of the ordinance would be contingent on approval of the subdivision plat. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that consideration might be given to the annexation of the area up to the Hudson City Limits to insure control of the development in the area. Mayor Pro Tem Wareing stated that the Camelot Circle Annexation was complicated enough, but additional property could be considered at next meeting if the Planning & Zoning Commission desired to recommend same.

5. Ordinance Amending Water Service Charges - Approved - Second Reading

Mayor Pro Tem Wareing stated that the Ordinance amending water service charges was approved on first reading at last City Commission Meeting. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Ordinance be approved on second and final reading. A unanimous affirmative vote was recorded.

6. Amendment to Traffic Ordinance - Approved - Second Reading - Lufkin Ave. (FM 325)

Mayor Pro Tem Wareing stated that the Ordinance amending the speed zone on Lufkin Avenue (FM 325) had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Bids - Approved - Wheel Loader Backhoe - Sewer Department - Construction & Resurfacing Tennis Courts -Parks & Recreation Dept.

a. Mayor Pro Tem Wareing stated that bids on the Wheel Loader Backhoe had been tabled at the last meeting of City Commission.

City Manager Westerholm stated that low bid by Allen Machinery Company is recommended because the City Staff feels that it meets the minimum specifications needed in a backhoe to perform the type of work required in the Sewer Department.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that bid by Allen Machinery in the amount of $23,900 be approved. A unanimous affirmative vote was recorded.

b. Mayor Pro Tem Wareing stated that bids on construction and resurfacing of tennis courts were tabled at last meeting of City Commission to allow Commissioners to review the layout of the new tennis courts at Kiwanis Park. Mayor Pro Tem Wareing stated that the Commission had received a layout and a letter from Griffith Engineers recommending options for deductions to bring the project within the revenues available, through the elimination of lighting on the new courts, and various other items.

Mayor Pro Tem Wareing stated that the lighting could be added at a later date without damage to the courts.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that bid be approved and project be amended to reflect the following deductions: water fountain, fence curbing, electrical work, earthwork (Jones Park), and parking lot (Type D). A unanimous affirmative vote was recorded.

8. TP&L Rate Increase - Tabled

Mayor Pro Tem Wareing stated that TP&L had requested authority to change electrical rates in Lufkin effective April 10, 1981. Mayor Pro Tem Wareing stated that the City Commission has two options: (1) do nothing which would allow the rate to go into effect, (2) suspend the rate for a 120 day period and enter into a joint effort with other cities intervening in this case before the Public Utility Commission.

In response to a question by Commissioner Don Boyd, Mayor Pro Tem Wareing stated that the PUC has the final decision, but Lufkin needs to have input into the proposal. Mayor Pro Tem Wareing stated that the Commission should consider adopting a Resolution suspending the rate request for 120 days until the PUC has ruled on rates outside Corporate areas.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the rate request by TP&L be suspended for 120 days beginning April 10, 1981. A unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing stated a meeting will be held in Richardson, Texas, March 18, 1981, at 10:00 a.m. to allow representatives from various cities to join together. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Lufkin join with other cities in presenting the case before PUC. A unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing stated that TP&L would pay for legal counsel and rate experts used in the presentation of the City's case.

9. Zone Change Application - Approved - Cablecom of Lufkin - LB to LB,SU (Item 10)

Mayor Pro Tem Wareing stated that zone change application by Cablecom of Lufkin covering property located at 1415 South First Street between South First and Tulane Street from Local Business to Local Business, Special Use (Item 10) had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Mayor Pro Tem Wareing stated that the City Commission should look into portable signs being used in Lufkin, and excerpts from previous meeting minutes were distributed regarding previous discussions.

Commissioner Pat Foley stated that access roads were probably unnecessary on most roads and might be limited to the Loop.

Mayor Pro Tem Wareing stated that he would like the Planning & Zoning Commission to take the recommendations of the City Commission and prepare a new policy for consideration. Commissioner Pat Foley stated that he was pleased to see the City Planner begin his planning program for the City.

Mayor Pro Tem Wareing stated that a Thoroughfare Development Policy would help people developing businesses save time and money because they would know what was expected by the City.

Commissioner Richard Thompson stated that he felt it would complicate matters if "designated official" was removed from the authority to approve ingress or egress, because they would have the knowledge needed and the Planning & Zoning Commission is assigned enough duties without being totally responsible for all approvals of ingress and egress.

It was unanimously agreed to return the Thoroughfare Development Policy to the Planning & Zoning Commission and City Planner Richie for rewriting and the finished product would return to City Commission for approval.

14. Bids - Approved - Dump Truck - Street Department - Containers 4 cu. yd. - Sanitation Department

a. Mayor Pro Tem Wareing stated that bids had been received for a dump truck in lieu of a smaller truck previously budgeted for the Street Department to eliminate the waiting for asphalt delivery by City Patching Crews.

City Manager Westerholm stated that much time is wasted waiting for asphalt to be delivered to the crews, and the funds designated for street signs could be used to supplement the cost of a larger dump truck in line with the budget.

Commissioner Don Boyd requested information on when the sign program might go into effect. City Manager Westerholm stated that the Highway Department had informed him that Lufkin was not in the budget for this Fiscal Year, but the fund would still have money left for the sign program if it began later in the year.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that the low bid of Greater Lufkin Ford in the amount of $14,996.10 be approved and that budget be amended to transfer funds from the street signs to the purchase of dump truck. A unanimous affirmative vote was recorded.

b. Mayor Pro Tem Wareing stated that bids had been received on 15 - 4 cu. yd. containers for resale to customers, and there were two (2) bidders with identical bids.

City Manager Westerholm stated that it would be the responsibility of the City Commission to choose between the low bidders. Commissioner Pat Foley made motion that I.D.S. of Plano, Texas, be awarded the bid in the amount of $4,650, because they were a Texas based company. Commissioner Richard Thompson seconded the motion, and a unanimous affirmative vote was recorded.

Wayne Neal, representative of Cablecom, stated that an engineering survey would be completed before a decision was made to construct the proposed tower on South First Street property.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

10. Zone Change Application - Approved - Ottis Lock - RL to C

Mayor Pro Tem Wareing stated that zone change application by Ottis Lock covering property located south of Loop 287 and east of Davisville Road from Residential Large to Commercial District was recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that zone change be approved on first reading. A unanimous affirmative vote was recorded.

11. Zone Change Application - Approved - Larry G. Byrd - RS to D

Mayor Pro Tem Wareing stated that zone change application by Larry G. Byrd covering property located at 202 Fred Street west of North Timberland and north of Atkinson Drive from Residential Small to Duplex District was recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that zone change be approved on first reading. A unanimous affirmative vote was recorded.

12. Zone Change Application - Approved - Mirah Perkins Wiggins - RS to D

Mayor Pro Tem Wareing stated that zone change application by Mirah Perkins Wiggins covering property located at 1710 Lake Street east of Lake Street and south of Bonita Street from Residential Small to Duplex District was recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Zone Change be approved on first reading. A unanimous affirmative vote was recorded.

13. Thoroughfare Development Policy - Amended

Mayor Pro Tem Wareing stated that the Commission had received a copy of proposed Thoroughfare Development Policy prepared by the Planning & Zoning Commission and City Planner Edward Richie as a guideline for development along major thoroughfares in Lufkin.

Mayor Pro Tem Wareing suggested the following changes in the Thoroughfare Development Policy:

a. that the statement, "Any thoroughfare street which shows strong potential for development," be given a clearer definition.

b. under Commercial Districts . . ."unless all parking is located behind setback requirement," - if an access road were needed the 30 feet would not be adequate, and if property had to be condemned for widening of right-of-ways the building would have to be considered when property is condemned.

Commissioner Pat Foley had the following suggestions for changes:

a. that "designated official," be dropped from authority to approve ingress or egress.

b. that the statement, "but not required," be added to specifications for "Open Space."

c. that statement, "Portable signs are prohibited," be changed to refer to an ordinance to be developed for Portable Signs.

15. Authorization to Advertise - Approved - Bids on Timber - Hill Street Right-of-way

Mayor Pro Tem Wareing stated that the 80 foot right-of-way of Hill Street from Frank north to the T&SE Railroad would be cleared, and the City Manager was asking for approval to advertise for bids on cutting of the timber which would also inform the public of same.

Mayor Pro Tem Wareing stated that the City had committed themselves to provide the new daycare center on Frank & Hill Streets with access from Hill Street.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that City Manager be authorized to advertise for bids on the timber. A unanimous affirmative vote was recorded.

16. Street Repair - Glenn & O'Quinn Street Progress Report -Mud Creek Project - Elevated Tank Completed - City Secretary Promotion -Ann Griffin - Karber Lawsuit

Commissioner Don Boyd stated that Doss and Washington Streets had several large holes that needed patching, and he had received several calls from people in the Lakeview area about the need for repairs.

City Manager Westerholm stated that the culverts are complete on O'Quinn Street, the base is down on Glenn Street, and construction has begun on the base of O'Quinn Street.

City Manager Westerholm stated that on March 24, 1981, a meeting would be held by A&NRA at Crown Colony Clubhouse to discuss the Mud Creek Project, and all members of the City Commission are invited to be present.

City Manager Westerholm stated that the elevated storage tank has been completed, allowed to dry for seven days, and then water samples would be taken to the Department of Health prior to release of the tank for use.

Mayor Pro Tem Wareing acknowledged the fact that Ann Griffin had been promoted to City Secretary effective March 16, 1981.

City Attorney Flournoy stated that the date for the Karber hearing had been set for April 21, 1981, and it would be heard before Magistrate Houston Able.

17. There being no further business for consideration, meeting adjourned at 6:20 p.m.

CITY OF LUFKIN

E. C. Wareing

E. C. Wareing, Mayor Pro Tem

ATTEST:

Ann Griffin

City Secretary