MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF JULY, 1979, AT 5:00 P.M.

On the 17th day of July, 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:

Pitser H. 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)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager

being present, and

E. C. Wareing	Commissioner, Ward No. 4 (old plan)
Harvey Westerholm	City Manager
Gayle Dickey	Assistant City Secretary

being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

   Comm. Pat Foley inquired as to clarification of motion in Item #12 of City Commission minutes from regular meeting of July 3, 1979, regarding lease agreement by the Lufkin Historical & Creative Arts Center. Following discussion of this item, Comm. Foley made motion that minutes from regular meeting of July 3, 1979, be approved. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading - Fred Walker from RL & RL, Special Use to MH District

   Mayor Garrison stated that zone change application by Fred Walker had been approved on first reading at last regular meeting from RL & RL, Special Use to MH District covering property located North of and fronting on Lotus Lane, and immediately North of Lotus Lane Apartments. Mayor Garrison stated that he had also read in the local newspaper that there was some question as to whether or not he should have disqualified himself from this discussion inasmuch as he, as well as two other individuals, had a vendor's lien on the property being considered for zone change; but he had no right of ownership in the property and for him to disqualify himself would cause him first to assume that Mr. Walker was preparing to default and individuals would have to resort to the property to pay the debt. Mayor Garrison stated that he would also have to presume that the amount of the property would not equal the indebtedness and the zone change would increase the value from a value below to a value in excess of the debt for it ever to be of any personal value. Mayor Garrison further stated opposition present was of the opinion that this application would degrade the value of the property which would be in effect voting against his own personal interest. Mayor Garrison stated that he had scrupulously attempted to avoid any possible conflict of interest throughout his service with the Lufkin City Commission and extremely careful to disqualify himself when the occasion was in conflict and by virtue of oaths of office members of this Commission had pledged they were obligated to vote on all issues which were not in conflict and to vote their conscientious judgments on first, whether or not they were qualified; and second, if they were not disqualified, they were under obligation to vote in the public interest. Mayor Garrison stated it was personally shocking to him that this issue was raised through the press, particularly in view of the fact six members of the Commission other than himself voted to approve the zone change application.

Mayor Garrison stated that inasmuch as questions had arisen, he desired to recuse himself from further discussion or vote on this item and requested that Comm. W. O. Ricks, Jr., as senior member of the City Commission in absence of Mayor Pro Tem E. C. Wareing, conduct this portion of the City Commission meeting on zone change application by Fred Walker.

Comm. Ricks stated that he was of the opinion no conflict of interest existed, but would conduct this portion of the meeting as requested.

Comm. Ricks stated that second reading of zone change application was before this Commission as presented by Mr. Walker. Comm. Ricks requested individuals present speaking in opposition to zone change limit their oppositions to spokesmen in groups, if possible. Comm. Ricks recognized Mr. Dan Longacre who was previously present in opposition. Mr. Longacre inquired as to the number of people necessary to defeat a zone change application. City Attorney Flournoy stated that this was essentially a legal question, but there was no set number of individuals required for action of this nature. City Attorney Flournoy stated that it was a question of what was right for the owner to use his property versus the opposition of other individuals against his proposed use. Mr. Longacre stated that property owners in the area had previously presented petitions of opposition with major opposition focused on additional traffic, which would be created as a result of development in this area.

Comm. Ricks recognized Mr. David Parnell, an adjacent property owner in the area, who expressed his opposition to application and concern that he was not notified of same. It was explained to Mr. Parnell that the transaction regarding the purchase of his property had not cleared the tax records and his name was not on the property owner notification list. Mr. Parnell inquired as to the legality of failure to receive notice in this regard. City Attorney Flournoy explained that zone change application had only been approved on first reading prior to this meeting and the purpose of notification was to allow individuals an opportunity to voice opposition and Mr. Parnell was present at this meeting, which should be sufficient.

Property owners present also stated that Mr. Johnny Pickard, an adjacent land owner, failed to receive notice of application. It was explained that information received from tax records indicated Mr. Pickard owned property at 216 Garfield, Lufkin, Texas, at which notice was forwarded and same was returned. Property owners present stated that Mr. Pickard should have been forwarded notice in Pasadena, Texas.

Individuals present expressed their opposition to additional traffic that would be created in the area and loss of personal property values as a result of mobile home park construction.

Comm. W. O. Ricks recognized Mr. Fred Walker who stated that, in his opinion, the construction of a mobile home park in this area would provide 100 Lufkin families additional dwelling areas and same would be the nicest mobile home park in the City. Mr. Walker stated that only the sites or spaces for these mobile homes would be rented and individuals using same must own their mobile homes. Mr. Walker also stated that the only two planned exitways were on Lotus Lane and he would personally agree not to have any additional exits from this property other than represented on Lotus Lane in previous discussions.

Opposition present inquired as to the amount of traffic which was on Lotus Lane at present. It was reported by City staff that 930 cars utilized this area in a 24-hour period and additional studies by Public Works Coordinator confirmed this amount. Comm. Pat Foley stated that members of this Commission spent considerable time on zone change applications and zone changes were items of most concern by members of this Commission. Comm. Foley also stated that he personally lived within a very short distance of apartment dwellings and the additional traffic could be remedied in his opinion. Comm. Foley also stated that there was a shortage of housing in the City of Lufkin, and the development of mobile home parks would resolve an immediate need.

Comm. Richard Thompson stated that mobile home park development had virtually ceased in the past ten years for the City of Lufkin and members of Commission were quite concerned that new ordinance regarding development of mobile home parks had been too restrictive. Comm. Thompson stated that more recently developed mobile home parks were very nice on a comparable basis with any type mobile home park development outside the corporate limits.

Opposition present inquired as to whether or not Mr. Walker would construct a sight-bearing fence in some areas of his development. Mr. Walker stated that inasmuch as the area was virtually undeveloped at the present time, he proposed to keep a minimum 20-foot wooded barrier of growth in the area of uncut timber along residential property lines.

Comm. W. O. Ricks recognized Mr. Tommy Wood, a local mobile home sales representative. Mr. Wood stated that in mobile home sales for the City of Lufkin, many individuals did not have places to locate their mobile homes and a development of this nature would be of extreme value to these individuals.

Comm. Richard Thompson stated that mobile home sites inside the corporate limits were limited because of the sparsity of land and members of Commission were committed to attempt to develop property inside the corporate limits to protect the existing utility availability and development of a mobile home park would be in keeping with these guidelines.

Comm. Pat Foley made motion that zone change application by Mr. Fred Walker be approved on second and final reading of ordinance from RL & RL, Special Use to MH District. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded with the exception of Mayor Garrison who recused himself from vote or discussion.

5. Zone Change Approved 2nd Reading - Gaslight Square Development Corporation from A to LB District

Mayor Garrison stated that in view of his connections with Gaslight Square Development Corporation, he would ask Comm. W. O. Ricks to conduct this portion of the City Commission agenda.

Comm. Ricks stated that zone change application by Gaslight Square Development Corporation had been approved on first reading of ordinance at last regular meeting from A to LB District covering property being Lots 82 and 99, Block 72, located in Gaslight Square Development between Allendale and Gaslight Square Boulevard, South of Ellis Avenue. There was no opposition present.

Comm. Richard Thompson made motion that zone change application by Gaslight Square Development Corporation from A to LB District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded. Mayor Garrison abstained from vote or discussion of this item.

6. Zone Change Approved 2nd Reading - Etox, Inc., from RS to C District

Mayor Garrison stated that zone change application by Etox, Inc., from RS to C District covering property located South of and adjacent to Barto Drive between Wilson & Old Mill Road had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in opposition.

Comm. Dayle V. Smith made motion that zone change application by Etox, Inc., from RS to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading - Angelina Nursing Home from RL & C to A District, Special Use (Item 13 - Convalescent Home)

Mayor Garrison stated that zone change application by Angelina Nursing Home from RL & C to A District, Special Use (Item 13 - Convalescent Home), covering property located North of Highway 94 fronting on John Redditt Drive, adjacent to and extending North of the existing Angelina Nursing Home, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Comm. Dayle V. Smith made motion that zone change application by Angelina Nursing Home from RL & C to A District, Special Use (Item 13 - Convalescent Home), be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading - El Pollino Mexican Restaurant from C to C District, Special Use (Item 16 - Private Club)

Mayor Garrison stated that El Pollino Mexican Restaurant had requested a zone change from C to C District, Special Use (Item 16 - Private Club), covering property located in the existing El Pollino facility adjacent to and immediately East of U. S. Highway 59 South (Timberland Drive) between South Third Street and Tulane Drive. There were no persons present appearing in opposition.

Comm. Pat Foley made motion that zone change application by El Pollino Mexican Restaurant from C to C District, Special Use (Item 16 - Private Club) be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Pat Foley, W. O. Ricks, Don E. Boyd, and Dayle V. Smith; voting "Nay" - Comm. Richard Thompson. Mayor Garrison declared motion approved by majority vote of five to one.

9. Zone Change Approved 1st Reading - Charles Fredrick from LB to C District

Mayor Garrison stated that Charles Fredrick had requested a zone change from LB to C District covering property located at Northeast corner of intersection of Feagin Drive and John Redditt Drive and immediately East of Feagin Drive and Southern Pacific Railroad.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks made motion that zone change application by Charles Fredrick from LB to C District be approved on first reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading - Lufkin Independent School District from RL to RL, Special Use (erection of on-premise sign in excess of 18 sq. ft.)

Mayor Garrison stated that the Lufkin Independent School District had requested a zone change from RL to RL District, Special Use (erection of on-premise sign in excess of 18 square feet), covering property located on Denman Avenue on front lawn of Lufkin High School.

There were no persons present appearing in opposition. Comm. W. O. Ricks made motion that zone change application by Lufkin I.S.D. from RL to RL District, Special Use (erection of on-premise sign in excess of 18 square feet) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Air Conditioning & Heating Contractors Code - Ordinance Proposed

Mayor Garrison stated that members of Commission had discussed in considerable detail during a previous meeting a proposed ordinance by local air conditioning and heating contractors. Mayor Garrison also stated that it was discussed at last meeting the possibility of clarifying some items of the proposed ordinance and eliminating verbage involved.

City Attorney Flournoy stated that he had reviewed this ordinance quite carefully and had also met with Comm. E. C. Wareing regarding certain sections of ordinance. Mr. Flournoy referred to various sections of the proposed ordinance which had been further amended. Mr. Flournoy also stated that only three material changes had been made which he would review in more detail.

Mayor Garrison recognized Mr. Phil Ford, a local air conditioning contractor, who expressed his desire to be consulted prior to any changes being considered in proposed ordinance.

City Attorney Flournoy stated that he had only met with Comm. Wareing this date and any changes made would be discussed with the local air conditioning contractors prior to final consideration of ordinance. City Attorney Flournoy stated that he would make all amendments as requested prior to consideration of ordinance at next meeting and made additions as members of Commission had requested to include a "grandfather clause" and other items.

Comm. Pat Foley stated that in the interest of time he would submit his comments on this proposed ordinance to City Attorney Flournoy for inclusion prior to next consideration.

Mayor Garrison recognized Mr. Doug Thompson, a local mobile home dealer, who presented members of Commission the mobile home standards act requiring an exemption from this proposed code which only affected the installation of an air conditioning unit.

Comm. Dayle V. Smith inquired as to why individuals installing ductwork in air conditioning systems were required to be licensed under this proposed ordinance. Mr. Phil Ford stated that it was his personal opinion this would not be necessary, but same was a part of overall proposal. Comm. W. O. Ricks expressed his opinion that an air conditioning contractor should be responsible for the complete job in lieu of licensing individual ductwork contractors.

City Attorney Flournoy stated that he would make necessary changes and prepare ordinance for consideration at next regular meeting on first reading.

12. Bids Approved - Water Line & Fittings - Leslie Lane Water Improvements

Mayor Garrison stated that bids had been tabulated for purchase of water line and fittings for Leslie Lane water improvements. Mayor Garrison further stated that the City staff recommended acceptance of the low bid submitted by Central Utility Supply Company in the amount of $6,643.00. The following bids were received:

*	Central Utility Supply Company - Shreveport, LA	$6,643.00
	Bowles & Edens Company - Tyler, TX	$6,714.20
	Utility Supply Company - Houston, TX	$6,891.28
	Universal Palestine, Inc., - Palestine, TX	$6,955.33
	Fitting Supply Company - Waco, TX	$7,813.00
	Big State Utility Supply - Lufkin, TX	$6,717.40

* LOW BID RECOMMENDED

Following review of bids, motion was made by Comm. W. O. Ricks that low bid for the purchase of these materials be approved from Central Utility Supply Company in the amount of $6,643.00. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Ordinance Approved 1st Reading - Amendment to Fire Zone for City of Lufkin

Mayor Garrison stated that members of Commission had requested a change in the fire limits for the City of Lufkin during a previous meeting to best comply with the needs of the City of Lufkin. Mayor Garrison stated that ordinance before this Commission would reduce the size of the fire limits as recommended by the City staff and Fire Marshal.

Comm. Pat Foley made motion that ordinance be approved on first reading establishing new fire limits for the City of Lufkin as proposed. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

14. Housing & Finance Corporations Act - Request for Further Information - Section VIII Housing Discussed

Mayor Garrison stated that City Manager Harvey Westerholm and Comm. Pat Foley had recently attended a meeting concerning the Housing & Finance Corporations Act, but in his opinion from information received, this act would essentially reduce housing loans by approximately 2% below the construction level. Mayor Garrison further stated that City Manager Westerholm had furnished members of Commission a timing schedule for implementation of a program of this type which had been authorized by HB-1876 (Texas Housing & Finance Corporations Act).

Mayor Garrison recognized Comm. Pat Foley who stated that he and City Manager Westerholm had attended a meeting regarding this act and explained that same would allow the City to create a non-profit corporation to provide funds through tax-exempt municipal revenue bonds to be channeled into local mortgage and lending agencies in the City to be used in financing new and used housing.

Comm. Foley stated that the City did not issue the bonds and the City's housing and finance corporation would complete this task. Comm. Foley stated that the City was not obligated to the bonds nor any administrative costs assumed by the City. Comm. Foley further explained that the fees for administering the program were paid to the administrator in amounts as suggested, 3/8 of one percent per annum based on outstanding principle balances. It was further explained that the Housing & Finance Corporation sold the bonds to the normal market and any lending agency may participate. It was also explained that these loans would go to families in the $17,000 to $25,000 income bracket. Comm. Foley stated that the maximum issue annually for a City the size of Lufkin was $20 million dollars, an amount adequate to finance 300 loans and these loans must be made to individuals inside the corporate limits. It was also explained that 25% to 40% of these loans would be for new housing with the balance for existing housing.

Members of Commission reviewed a proposed schedule of events to implement this program.

Mayor Garrison stated that there seemed to be a considerable amount of information remaining to be reviewed by Commission prior to any definite implementation. Comm. Pat Foley stated that he was prepared to select applicants if members of Commission desired under Step 1. Mayor Garrison stated that he desired to have more knowledge as to what fees would be involved, and Comm. W. O. Ricks also desired to see a more complete proposal from First Southwest Colmpany as underwriter, Lomas & Nettleton as administrator, and McCall-Parkhurst & Horton as bond counsel.

Comm. Pat Foley then made motion that the above stated companies be authorized to make proposals to the City Commission to determine the amount of costs involved for the City of Lufkin and present same at next regular meeting. Motion was seconded by Comm. Dayle V. Smith and a unanimous affirmative vote was recorded.

Comm. Pat Foley requested that members of Commission consider Section VIII Housing at next regular meeting if possible. Mayor Garrison stated that he personally had reservations about Section VIII Housing, but inasmuch as the City had been disqualified on some grants because they did not participate in Section VIII Housing, possibly same should be considered for the future. Comm. Pat Foley stated that the City may be opposing the program from the wrong position inasmuch as the rental part of Section VIII program would apply to people who rented property. Mayor Garrison expressed his desire to review a succinct summary of the complete program in synopsis form.

Comm. Pat Foley stated that Mr. Mark Brown of DETCOG could furnish members of Commission more information regarding this subject. Mayor Garrison requested Assistant City Manager Roger Johnson to contact Mr. Brown regarding this discussion and provide members of Commission a summary of the Section VIII program for review at a future meeting.

15. <u>EPA Step 1 Sewer Project Grant - Interceptor - Amendment to Funds Approved</u>

Mayor Garrison stated that the City of Lufkin had made application for Step 1 and same had been approved under resolution from February 20, 1979, for $110,000, and it was now necessary to amend same in the amount of $5,000, due to new public hearing requirements of EPA. Mayor Garrison stated that this was a matching funds grant and the additional $5,000 would only cost the City 25% of this amount due to the 25/75% participation grant.

Comm. W. O. Ricks asked Mr. Chuck Thomas who was present, consulting engineer for this project from Griffith & Associates, to further clarify request. Mr. Thomas explained that the Step 1 part of this EPA grant only involved infiltration/inflow analysis facility plan and environmental assessment to include pre-treatment and administrative expenses for a total amended cost of $115,000.

Review of program was made by Mr. Thomas who presented members of Commission a schedule of Step 1 events for the EPA sewer project which would involve a 20-month implementation.

Comm. W. O. Ricks made motion that EPA Step 1 project grant be amended as proposed in the amount of $5,000. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Agreement Approved - State Department of Highways & Public Transportation - Signalization of Denman Avenue Railroad Crossing

Mayor Garrison stated that members of Commission had previously discussed the possibility of signalizing railroad crossing at Denman Avenue, but same had been withheld for recommendation from the State Department of Highways & Public Transportation. It was determined that no costs would be borne by the City in this project and Mr. Al Luedecke of the SDH&PT was present and answered questions from members of Commission regarding construction of this signalization. Mr. Luedecke stated that he was of the opinion the cross-arm construction at this location would be much better due to the lesser amount of train traffic.

Comm. Don E. Boyd inquired as to how close a train would have to stop prior to activation of crossing gates and signals. Mr. Luedecke explained that the train would have to be within 30 feet of crossing.

Comm. Pat Foley stated that he was still in opposition to cross-arm signalization due to problems experienced throughout the City in this regard. Comm. Foley then made motion that agreement with the SDH&PT for improved signalization at Denman Avenue railroad crossing be declined. Motion was seconded by Comm. Dayle V. Smith and the following vote was recorded: voting "Aye" - Comms. Pat Foley and Dayle V. Smith; voting "Nay" - Mayor Garrison, Comms. Don E. Boyd, W. O. Ricks, and Richard Thompson. Mayor Garrison declared motion was denied by majority vote of four to two.

Comm. Richard Thompson made motion to approve acceptance of agreement with the SDH&PT for improved signalization of Denman Avenue railroad crossing as recommended. Motion was seconded by Comm. Don E. Boyd and the following vote was recorded: voting "Aye" - Mayor Garrison, Comms. Don E. Boyd, W. O. Ricks, and Richard Thompson; voting "Nay" - Comms. Pat Foley and Dayle V. Smith. Mayor Garrison declared motion approved by majority vote of four to two.

17. First & Bremond Streets - Request for Traffic Report

Mayor Garrison recognized Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin, Texas. Rev. McIlveene stated that in the past two weeks accidents had occurred at the intersection of Bremond and First Streets. Rev. McIlveene also stated that this intersection at one time had a formal stop light. Rev. McIlveene stated that parking on First Street created a problem in traffic turning from Bremond Street which was part of the problem at this intersection. Rev. McIlveene asked whether or not members of Commission could consider some type of safety device to prevent further accidents at this location.

It was reported by Public Works Coordinator Dwayne Humphrey that calls had been received during the week due to accidents at this location and reports indicated that three accidents had occurred in 1979 and two in 1978. Mayor Garrison stated that a more complete review would be made by the City staff and same would be resolved if required.

18. Adjournment

There being no further business for consideration, meeting adjourned at 7:20 p.m.

Pitser H. Garrison
MAYOR - City of Lufkin, Texas

CITY OF LUFKIN TEXAS

ATTEST:

Assistant City Manager