

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF MAY, 1972, AT 7:30 P. M.

On the 16th day of May, 1972, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Roy L. Leamon, M.D.	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Dep. City Secretary

being present, and

Pitser H. Garrison

Mayor

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

1. Meeting opened with prayer by Rev. A. M. Freeze, Pastor of the Glad Tidings Assembly of God Church, Lufkin, Texas.
2. Mayor Pro Tem E. C. Wareing welcomed a large group of visitors who were present in connection with items on the agenda or as observers and expressed appreciation for their interest.,
3. Approval of Minutes

Comm. Roy L. Leamon, M.D., and Comm. E. G. Pittman each indicated corrections to be made in minutes of regular meeting of May 2, 1972, and instructed Secretary to make corrections of Items 4 and 9. Comm. Roy L. Leamon, M.D., then made motion that minutes of regular meeting of May 2, 1972, be approved to include corrections of Items 4 and 9. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Annexation of Property South of State Highway 94

City Attorney Flournoy read caption of ordinance annexing property North of the T & SE Railroad and South of Highway 94 for second reading. There were no persons present appearing in objection to this annexation. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that ordinance annexing the area North of the T & SE Railroad and South of Highway 94 be approved on second reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

5. Zone Change Application - Home Savings and Loan Association from R-1 District to LB and A Districts

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-1 District to LB and A Districts as submitted by Home Savings and Loan Association on 190 feet of present 300 feet West of Loop 287 near intersection with Pershing Street. Mayor Pro Tem Wareing called on Mr. E. M. Tate, who was present. Mr. Tate stated that he was interested in the parking privileges that would be allowed Home Savings and Loan Association. Mayor Pro Tem Wareing stated that item number 6 of the agenda regarding an amendment to the present zoning ordinance to allow parking in an R-1 District would probably answer Mr. Tate's questions. Following discussion, Comm. Roy L. Leamon, M.D., made motion that ordinance be approved on second reading changing zone from R-1 District to LB and A Districts on 190 feet of present 300 feet, West of Loop 287 near intersection with Pershing Street; and that 110 feet next to Loop 287 remain R-1 District. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

6. Zoning Ord. - Amendment to Parking Provisions-Special Use Zones

City Attorney Flournoy read caption of ordinance for first reading amending Zoning Ordinance #1146 of the City by providing for a Special Use zone for certain parking lots and that all Special Use designations be indicated on the zoning map of the City. City Attorney Flournoy explained the contents of this amendment to the Zoning Ordinance and other details involved. Mr. John Henderson was present and asked members of the City Commission for an interpretation of the term "adjacent to" as used in the amendment to ordinance as read by City Attorney Flournoy. Mayor Pro Tem Wareing suggested that the words "contiguous with" may be considered in place of "adjacent to". Following a lengthy discussion, Comm. Roy L. Leamon, M.D., stated that he was in agreement with this change as suggested by Mayor Pro Tem Wareing and it was the general concensus of opinion by members of the City Commission that the words "adjacent to" as written in the amendment to ordinance be replaced by the words "contiguous with". Members of the Commission were also in agreement with the fact that property owners must still apply for zone changes with respect to parking privileges as discussed in this amendment subject to further provisions stated in the Zoning Ordinance. Comm. Roy L. Leamon, M.D., then made motion that this amendment to the Zoning Ordinance as read by City Attorney Flournoy and changed by members of the City Commission be approved on first reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Zone Change Application - Kye Lee and Elizabeth Hamilton Lee from R-3 District to C District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-3 District to C District covering property on portion of Lots 7, 8 and 9, Block 24 of the Lufkin Land and Lumber Company, Second Sub-Division, J. L. Quinalty League. There were no persons present appearing in objection to this zone change. Comm. W. O. Ricks, Jr., made motion that zone change application of Kye Lee and Elizabeth Hamilton Lee from R-3 District to C District be approved on second and final reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

8. Zone Change Application - Elliott W. Cavanaugh, Lyle Peden and A. G. Perry & Son, Inc., from R-2 District to LB District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-2 District to LB District covering property located between Ellis Avenue and Moore Avenue on the West side of Raguet Street. There were no persons present appearing in objection to this zone change request. Comm. J. T. Hopson then made motion that zone change of Elliott W. Cavanaugh, Lyle Peden and A. G. Perry & Son, Inc., from R-2 District to LB District be approved on second and final reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Pollution and Drainage of Property - Mr. & Mrs. Gerald L. Dotson-Water Pollution Abatement Program

Mayor Pro Tem Wareing called on Mr. & Mrs. Gerald L. Dotson, 1515 North Broadmoor, who were present in connection with problems caused by excessive run-off in a creek on their property and other property owned by neighbors in the immediate area. Mrs. Dotson was assisted by her husband who pointed out various sections on a map of the Broadmoor Addition where water pollution and excessive drainage were apparent. Mrs. Dotson explained that excessive drainage on her property had increased since the widening of Frank Avenue and that new buildings added along Frank Avenue increased the problem. Mrs. Dotson further expressed that the creek running through this area had a bad odor, was mosquito infested and recent tests made by the Angelina County-City Health Unit determined that raw sewage also appeared in this water. Mr. & Mrs. Dotson, along

with neighbors in the immediate area, were primarily concerned with the loss of land due to excessive drainage on private property. Other persons were present living in the Broadmoor Addition who asked several questions concerning previous problems in this area. Following a lengthy discussion, Comm. W. O. Ricks, Jr., made motion that the City Manager be authorized to conduct a study of the pollution problem in this area and make recommendations for changes to eliminate this problem at a later meeting. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., was concerned with a drainage problem in this area as well as other members of the City Commission and Mayor Pro Tem Wareing suggested that City Manager Westerholm check into the possibility of the City receiving financial assistance and conducting a drainage survey of this area. It was at this time that City Manager Westerholm suggested he report on the Water Pollution Abatement Program since it was directly concerned with this problem. City Manager Westerholm explained the Water Pollution Abatement Program pointing out positions on both City and County maps where natural gravity drainage occurred. City Manager Westerholm further explained that water samples would be made in various positions described on these maps and tests would be run to determine pollution content. City Manager Westerholm further explained that the success of the Water Pollution Abatement Program was dependent upon assistance from the Deep East Texas Development Council. City Manager Westerholm stated that until further arrangements could be made, water pollution tests would be made at the sewer treatment plant. Following considerable discussion, Comm. J. T. Hopson made motion that the Water Pollution Abatement Program be adopted as soon as the funds were available. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing also suggested that City Manager Westerholm find out to what extent City Engineers were studying the Broadmoor Addition. Mayor Pro Tem Wareing then assured persons present that solutions to their problems would be considered covering first the water pollution, and later to include excessive drainage. Mayor Pro Tem Wareing invited Mr. & Mrs. Dotson and other interested parties to return for the next regular meeting when any reports submitted concerning this area could be reviewed.

10. Zone Change Application - Mr. W. F. Prince, Administrator, from R-3 District to CB District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-3 District to CB District as submitted by Mr. W. F. Prince, Administrator, on portion of Lot 20, Block 1, of the J. L. Quinalty League located immediately East of Lufkin Auto Parts (Billy Prince) and approximately 150 feet West of Esther Street on South side of U. S. Highway 69 East. There were no persons present appearing in objection to this zone change. Comm. W. O. Ricks, Jr., made motion that zone change application of Mr. W. F. Prince, Administrator, from R-3 District to CB District be approved on first reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

11. Traffic Administration- Parking Prohibited - Admendment to Ord.193

City Attorney Flournoy read caption of ordinance prohibiting parking in various locations where streets would be widened throughout the City. City Attorney Flournoy further explained the details and circumstances involved in this situation. Comm. W. O. Ricks, Jr., inquired as to whether or not this prohibition of parking would be a temporary change. City Attorney Flournoy informed Comm. W. O. Ricks, Jr., that this prohibition of parking would be permanent. Following discussion, Comm. Roy L. Leamon, M.D., made motion that Ordinance 193 be amended as described in amendment read by City Attorney Flournoy prohibiting parking in designated areas. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Proposed Permanent Zoning of Newly Annexed Areas

Miller Enterprises, Inc. - Annexed by Ordinance 1493

City Attorney Flournoy read caption of ordinance for first reading covering proposed permanent zoning, as recommended by the City Planning and Zoning Commission, of area immediately South of Angelina College property and West of U. S. Highway 59 South known as Miller Enterprises, Inc., as annexed by Ordinance 1493. There were no persons present objecting to this proposed permanent zoning. Comm. Roy L. Leamon, M.D., was concerned as to the distance this newly annexed area would be from the newly proposed sewer plant. City Manager Westerholm stated that this newly annexed area was approximately one mile East. Following discussion, Comm. J. T. Hopson made motion that ordinance be passed on first reading. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

Brookhollow #5 - Annexed by Ordinance 1494

City Attorney Flournoy read caption of ordinance for first reading covering proposed permanent zoning as recommended by the City Planning and Zoning Commission on property known as Brookhollow #5 Sub-Division along both sides of Copeland Street and immediately West of Brookhollow #4, as annexed by Ordinance 1494. There were no persons present appearing in objection to this proposed permanent zoning. Following discussion, Comm. Joe E. Rich made motion that ordinance be passed on first reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Lufkin ISD Property & Others - Annexed by Ordinance 1495

City Attorney Flournoy read caption of ordinance for first reading covering proposed permanent zoning as recommended by the City Planning and Zoning Commission covering area immediately East of Loop 287 and South of FM 325 (Lufkin Avenue) covering property of Lufkin ISD & Others, as annexed by Ordinance 1495. There were no persons present appearing in objection to this proposed permanent zoning. Following a lengthy discussion, Comm. Roy L. Leamon, M.D., made motion that ordinance be passed on first reading and amended on second reading indicating Special Use Item Number 3. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

13. Rufus Duncan-Request for Water & Sewer Service-Rate Change

City Attorney Flournoy read a prepared ordinance providing that the City charge for water at the rate of $1\frac{1}{2}$ times the inside rate for its customers within the extraterritorial limits of the City which extends for one mile from the City Limits and further, that the City charge the customers outside the extraterritorial limits at the rate of 2 times that within the City. City Attorney Flournoy further explained that the sewer would be charged on the same basis except that it will be 2 times that within the City in the extraterritorial limit and $2\frac{1}{2}$ times that outside the one-mile extraterritorial limit. City Attorney Flournoy stated that this would allow the City to maintain complete control of the system and make it pay its way. City Attorney Flournoy stated that Mr. Duncan was in agreement with these contract procedures.

Comm. W. O. Ricks, Jr., was concerned that all people inside the City Limits and outside pay the same rates. Following considerable discussion in regard to an agreement with Mr. Duncan and amendment to present water rates, City Attorney Flournoy read ordinance amending Ordinance 1434 of the Civil Ordinances making changes in the water rates and repealing all ordinances in conflict therewith. Comm. W. O. Ricks, Jr., then made motion that this amendment to Ordinance 1434 as read by City Attorney Flournoy be passed on first reading. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

City Attorney Flourney then read caption of ordinance amending Ordinance 236 of the Penal Ordinances making a change in the sewer rates and repealing all ordinances in conflict therewith. Following discussion, Comm. W. O. Ricks, Jr., then made motion that ordinance amending Ordinance 236 changing sewer rates and repealing all ordinances in conflict be passed on first reading. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded. City Manager Westerholm was instructed by members of the City Commission to further research this area regarding cost studies on sewer taps and water connections for consideration at a later meeting.

14. Approval of Invoice - HDR - Invoice No. 56728

City Manager Westerholm stated that the City had received an invoice from Henningson, Durham & Richardson in the amount of \$64,958.40 for preparation of detail plans and specifications of the new sewer treatment plant. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to pay Invoice #56728 in the amount of \$64,958.40. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

15. Civic Center - Discussion


Comm. Roy L. Leamon, M.D., voiced his concern for the present status of the Civic Center plans. Mayor Pro Tem Wareing stated that the next possible step to take may be consideration of an architectural firm. City Manager Westerholm then stated that he had already conducted a survey regarding Civic Centers within areas having similar population and that this information had been compiled for release to the City Commission for consideration. City Manager Westerholm further informed members of the City Commission that the newly formed Citizens Advisory Groups working with Consulting Engineers toward the completion of the City's Comprehensive Master Plan would also be making recommendations regarding the new Civic Center eventually to be considered by the City Commission.

16. Hill Street Extension - Discussion

Mayor Pro Tem Wareing asked City Manager Westerholm about the extension of Hill Street. City Manager Westerholm stated that Perry Brothers had agreed to a tentative layout of Hill Street across their property. One other property owner needed to be contacted. The City Manager was asked to submit a sketch of the proposed route of Hill Street at the next regular meeting.

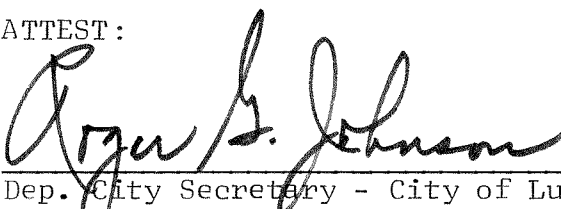
17. Adjournment

There being no further business for consideration, meeting was adjourned at 10:15 P. M.



Mayor Pro Tem - City of Lufkin, Texas

ATTEST:



Dep. City Secretary - City of Lufkin, Texas