

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF MAY, 1974, AT 5:00 P. M.

On the 21st day of May, 1974, 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
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. 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	City Secretary

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

1. Meeting opened with prayer by Roger G. Johnson, City Secretary, City of Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes of regular meeting of May 7, 1974, and special meeting of May 13, 1974, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Texas Power & Light Company & Others - Annexation & Permanent Zoning

Mayor Garrison stated that Texas Power & Light Company and others' request for annexation and permanent zoning had been approved on first reading of ordinances during last regular meeting covering property located immediately North of FM 1194 and West of Loop 287 (John Redditt Drive).

There were no persons present appearing in objection to annexation request. Comm. E. G. Pittman made motion that ordinance be approved on second and final reading annexing Texas Power & Light Company and others as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

There were no persons present appearing in objection to proposed permanent zoning of this property as previously advertised. Comm. E. C. Wareing made motion that ordinance be approved on second and final reading permanently zoning Texas Power & Light Company property and others as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

5. Zone Change Application - Mrs. J. A. (Dorothy) Flechtner from R-1 District to C District

Mayor Garrison stated that zone change application by Mrs. J. A. (Dorothy) Flechtner from R-1 District to C District covering property located parallel to and immediately South of Loop 287 on West side of FM 58 had been approved on first reading of ordinance during last regular meeting. There were no persons present appearing in objection to zone change application. Comm. R. A. Brookshire made motion that zone change application by Mrs. J. A. (Dorothy) Flechtner from R-1 District to C District covering property as previously described and recommended by the City Planning and Zoning Commission be approved on second and final reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Park Conduct Regulations - Ordinance Approved

It was determined that Park Conduct Regulations as discussed during last regular meeting had been approved on first reading of ordinance establishing regulations of conduct in city parks.

There were no persons present appearing in objection to Park Conduct Regulations. Comm. E. G. Pittman made motion that Park Conduct Regulation Ordinance as discussed during previous meetings be approved on second and final reading establishing regulations of conduct in city parks. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Zone Change Application - Mrs. Cecil Tilley from R-1 and R-3 Districts to LB District

Mayor Garrison stated that zone change application by Mrs. Cecil Tilley from R-1 and R-3 Districts to LB District covering property located South of Highway 69 and West of Esther Boulevard had been approved on first reading of ordinance during last regular meeting.

There were no persons present appearing in objection to zone change application as presented. Comm. W. O. Ricks, Jr., made motion that zone change application by Mrs. Cecil Tilley from R-1 and R-3 Districts to LB District covering property as previously described and recommended by the City Planning and Zoning Commission be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Application - John W. Haney from R-3 District to A District

It was determined that zone change application by John W. Haney from R-3 District to A District covering property located immediately South of Denman Avenue and North of Conn Avenue had been approved on first reading of ordinance during last regular meeting.

There were no persons present appearing in objection to zone change application as presented. Comm. R. A. Brookshire made motion that zone change application by John W. Haney from R-3 District to A District covering property as described and recommended by the City Planning and Zoning Commission be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Fruit Stands & Similar Food Establishments - Amendment to Chapter 12 of City Code of Ordinances

City Attorney Flournoy briefly explained that the City Commission, during a meeting in October 1973, had previously approved on first reading of ordinance an amendment to Chapter 12 of the City Code of Ordinances to control health standards in fruit stands and similar food establishments. It was further determined, however, that second and final reading of this ordinance had been delayed in order to allow further study.

City Attorney Flournoy explained that amendment to Section 12-36 of the City Code of Ordinances would provide the City authority to control health standards in fruit stands and similar food establishments in addition to other areas of enforcement. City Attorney Flournoy stated that the Angelina County-City Health Unit would be given this authority.

A brief discussion developed regarding enforcement of this ordinance and Comm. E. C. Wareing suggested that proposed ordinance as prepared by City Attorney Flournoy be approved allowing enforcement by the Angelina County-City Health Unit or some person designated by the City Manager. Comm. W. O. Ricks, Jr., then made motion that ordinance be approved on second and final reading amending Chapter 12 of the City Code of Ordinances as discussed in accordance with suggestion as presented by Comm. E. C. Wareing stated above. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Water Pollution Control Plant - Operational & Maintenance Manual

City Manager Westerholm stated that as requested by the City Commission, he had made an investigation regarding the cost of an Operational & Maintenance Manual for the Water Pollution Control Plant. City Manager Westerholm further reported that as a result of this study, several alternatives were available to the Commission that may be less than \$15,000 to \$18,000 figure discussed during last regular meeting. City Manager Westerholm further reported, however, that he had not received further information from Mr. Joe Copeland, an engineer who had indicated his interest in accepting this responsibility with the possibility of considerable savings to the City.

It was the unanimous consensus among members of the Commission that City Manager Westerholm be allowed further opportunity to discuss the preparation of this manual with Mr. Copeland and report back to the Commission regarding results as soon as possible. Members of the Commission were also of the opinion that, providing information reported by City Manager Westerholm involved the necessity of calling a special meeting, same be authorized.

Comm. Pat Foley then made motion that final decision regarding purchase of Operational & Maintenance Manual for the Water Pollution Control Plant be withheld until further information had been reported by City Manager Westerholm. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Street Easement Closing - Elmer O. Brumble III

Mayor Garrison asked City Attorney Flournoy to briefly report on request for street easement closing by Elmer O. Brumble III covering property located North of Howard Street and South of Hunter's Creek Drive between Blocks 19 and 20 of the Long-Bell Lumber Company Second Sub-Division of the J. L. Quinalty League.

City Attorney Flournoy reported that a 60-foot ROW existed between Blocks 19 and 20 owned by R. P. Huber and Elmer O. Brumble III, and Mr. Brumble had appeared before the City Planning and Zoning Commission during an open hearing. City Attorney Flournoy further reported that as a result of this hearing of the City Planning and Zoning Commission, recommendation had been made for closing of street easement subject to his review.

It was determined by City Attorney Flournoy that new State Statute provided property could not be deeded back to property owners by a City without appraisal and allowance for sale at fair market value. It was reported that this particular ROW had been appraised at a \$900 total valuation. City Attorney Flournoy recommended that 50-foot easement be deeded to Mr. Brumble and 10-foot easement be deeded to Mr. Huber in accordance with his study.

Mr. Brumble, who was present, stated that he was agreeable to the \$900 valuation as appraised. Mr. Clayton Dark, legal counsel representing Mr. R. P. Huber, requested that members of the Commission deny application to close street easement inasmuch as Mr. Huber was opposed to same.

Mr. Brumble stated that he was of the opinion this particular street ROW had no useful purpose ending at the back of a home on Hunter's Creek Drive and that he eventually planned to use this property for the location of a home.

Following considerable discussion, Comm. R. A. Brookshire made motion that decision to close street easement in accordance with request by Mr. Brumble be held in abeyance and placed on the agenda for next regular meeting with special request that Mr. Huber and Mr. Brumble meet regarding this problem to possibly resolve differences. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Zone Change Application - Cleve Day from R-2 District to C District

Mayor Garrison stated that zone change application by Cleve Day from R-2 District to C District covering property located East of Loop 287 at the South end of Maxwell Street had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

There were no persons present appearing in objection to zone change application as presented. Comm. E. G. Pittman made motion that zone change application by Cleve Day from R-2 District to C District covering property as previously described and recommended by the City Planning and Zoning Commission be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Zone Change Application - Everett Griffith, Jr., from LB District to CB District

It was determined that zone change application by Everett Griffith, Jr., from LB District to CB District covering property located South of Paul Avenue between Third and Fourth Streets and immediately North of Bremond Avenue covering Lots 10, 11 and 12, Block 31 in the Original Townsite of Lufkin, Texas, had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

There were no persons present appearing in objection to zone change application as presented. Comm. E. C. Wareing made motion that zone change application by Everett Griffith, Jr., from LB District to CB District covering property as previously described and recommended for approval by the City Planning and Zoning Commission be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

14. Zone Change Application - Woody Gann from R-1 District to A District

Mayor Garrison reported that zone change application by Woody Gann from R-1 District to A District covering property located West of Forest Hills Subdivision, adjoining Kentwood Subdivision East of U. S. Highway 59 South had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

There were no persons present appearing in objection to zone change application as presented. Comm. Pat Foley made motion that zone change application by Woody Gann from R-1 District to A District covering property as previously described be approved on first reading of ordinance as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Zone Change Application - John Lee Slaughter from NR District to CB District

It was reported that zone change application by John Lee Slaughter from NR District to CB District covering property located West of Bynum and South of Old Union Road near intersection with Bynum and Old Union Road had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

Mayor Garrison stated that although the procurement of ROWs along Pershing Avenue was not a subject to this discussion, he desired to ask Mr. John Slaughter, who owned property along Pershing Avenue to comment regarding the procurement of 60-foot ROW by the City on his property. Mr. Slaughter stated that he had not been available to sign ROW easement, but did not object to 60-foot ROW easement involving his property along Pershing Avenue.

There were no persons present appearing in objection to zone change application as presented. Comm. R. A. Brookshire made motion that zone change application by John Lee Slaughter from NR District to CB District covering property as previously described, be approved on first reading of ordinance as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. Civic Center Construction - Bids Discussed

Mayor Garrison called on Mr. Jerry Hill, of Hill, Weiner, Morgan & O'Neal Architect Firm, who reported that he had discussed bid revision of the Civic Center with Herman Bennett Company who was recent low bidder on Civic Center construction. Mr. Hill further stated that he was not totally prepared to make recommendations to the Commission regarding possible modifications of the Civic Center since contractor had not been available for discussion regarding same.

Mr. Hill distributed copies of proposed Civic Center modifications among members of the Commission and stated that he would be in a position to make recommendations concerning these modifications within 10 to 14 days which would be well within the 30 days allowed for bid acceptance.

Mayor Garrison then tabled further discussion of this item on his own volition to provide Mr. Hill an opportunity to further investigate modifications with contractor. Mayor Garrison further stated that a special meeting may be deemed essential for settlement of these modifications.

17. Lufkin Telephone Exchange Franchise - Request for Revision

City Attorney Flournoy explained that a letter had been received by K. W. Denman, Jr., Chairman of the Lufkin Telephone Exchange, who stated that Section 7b of the recently approved telephone franchise was in violation of the Civil and Penal Laws of the State of Texas and therefore previous ordinance could not be approved by the Lufkin Telephone Exchange. It was further determined that at the request of Mr. Denman, the Lufkin Telephone Exchange pay an additional 1% of the annual gross receipts in lieu of free telephone services as prescribed under Section 7b.

City Attorney Flournoy stated that Section 7b of the previously approved franchise ordinance had been deleted and a 3% charge had replaced the previous 2% for annual gross receipts subject to Commission members consideration in a newly prepared ordinance since previous ordinance was not in effect. Comm. E. C. Wareing then made motion that telephone franchise ordinance as previously approved be voided since Lufkin Telephone Exchange never accepted same and new ordinance be approved on first reading by deleting Section 7b in accordance with information as furnished by City Attorney Flournoy. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

18. Cousart Street & Timberland Drive - Discussion of Property

City Manager Westerholm reported that he had been requested by a local real estate agent to consult members of Commission regarding their opinion concerning the sale of a city-owned lot at Cousart Street and Timberland Drive.

Members of Commission unanimously agreed that consideration for possible sale could be made, but recommended an appraisal be completed at no cost to the City.

19. Annexation of Property - White House Road

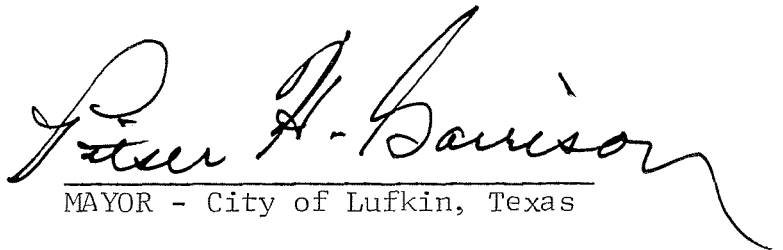
City Manager Westerholm reported that due to a recent request by property owners for annexation along White House Road, a question had been presented as to whether or not the Commission would sup-

ply sewer facilities within 300 feet of the City Limits. City Manager Westerholm further stated that due to recent action of the County Commissioners' Court regarding this subject, members of Commission may desire to consider allowance for sewer service under certain conditions.

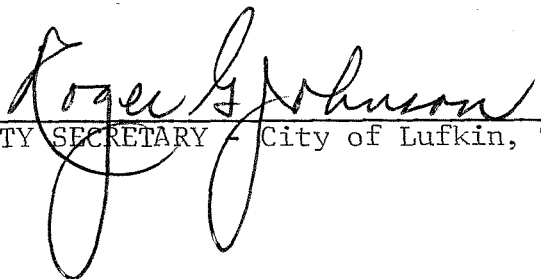
Members of Commission, however, did not desire to alter their previous decision which was not to provide further sewer extension to individuals outside the corporate limits and instructed City Manager Westerholm to report this information accordingly.

20. Adjournment

There being no further business for consideration, meeting was adjourned at 6:45 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas