

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JULY, 1975, AT 5:00 P. M.

On the 15th day of July, 1975, 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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Bill Hines, Pastor of Parkview Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a standing room crowd 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 July 1, 1975, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading-Jeanette M. Harrison from R-2 District to LB & C District & Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet)

Mayor Garrison stated that zone change application by Jeanette M. Harrison from R-2 District to LB & C District & Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet) covering property located between N. Raguet and Douglas Streets and immediately South of Oak Street, being Lots 1 & 2, Block 54 of the Townsite of Lufkin, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Jeanette M. Harrison from R-2 District to LB & C District & Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet) be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-W. O. "Bill" Roberts from R-1 District to LB District

Mayor Garrison stated that zone change application by W. O. "Bill" Roberts from R-1 District to LB District covering property located between Loop 287 and Largent Street, immediately South of property owned by John E. Moreland, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by W. O. "Bill" Roberts from R-1 District to LB District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-E. Gordon Horn from R-1 & R-3 Districts to LB District

Mayor Garrison stated that zone change application by E. Gordon Horn from R-1 & R-3 Districts to LB District covering property located North of Cunningham Drive at intersection of Cunningham Drive and Ford Chapel Road, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by E. Gordon Horn from R-1 & R-3 Districts to LB District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-L. Richardson & Son from R-2 & LB Districts to C District

Mayor Garrison stated that zone change application by L. Richardson & Son from R-2 & LB Districts to C District covering property located West of FM 58 and South of Virgil Street near intersection of Chestnut and Denman had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by L. Richardson & Son from R-2 & LB Districts 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.

8. Zone Change Approved 2nd Reading-Page Perry from CB District to C District & Special Use, Art. XV, Section 16 (Private Clubs)

Mayor Garrison stated that zone change application by Page Perry from CB District to C District & Special Use, Article XV, Section 16 (Private Clubs), covering property located South of Burke Street between S. First and S. Second Streets, formerly Old Elks Lodge, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Page Perry from CB District to C District & Special Use, Article XV, Section 16 (Private Clubs) be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 2nd Reading-A. E. Poulan from R-3 District to NR District

Mayor Garrison stated that zone change application by A. E. Poulan from R-3 District to NR District covering property located South of Lilac Street and North of U. S. Highway 69 South behind Poulan's Rite-Way Air Conditioning, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by A. E. Poulan from R-3 District to NR District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Texas Power & Light Company-Rate Increase Request Deferred Until September, 1975

Mayor Garrison recognized Mr. J. B. Manning of Texas Power & Light Company, who stated that he was present to answer any questions members of Commission may have regarding recent increase request which had been tabled from two previous meetings. Mr. Manning further stated that Mr. Gary Price, Assistant Treasurer of Texas Power & Light Company, was present to assist in answering questions.

Comm. W. O. Ricks, Jr., inquired of Mr. Price as to whether or not Texas Power & Light Company had a Texas Utility Fuel Company and to explain the function of this company if it existed. Mr. Price stated that the Texas Utility Fuel Company was a completely-owned subsidiary and Texas Power & Light Company purchased oil and gas from this company at cost. Mr. Price further stated that this company did not make a profit being separately operated and Texas Power & Light Company had contracts with other gas companies to purchase oil and gas.

Mayor Garrison inquired of Mr. Price if he was familiar with the recent application for rate increase in the City of Houston as submitted by Houston Power & Light Company concerning a \$9 million consumer overcharge. Mr. Price stated that it would be difficult to explain the reasons for this particular observation inasmuch as he was not totally familiar with the Houston Power & Light Company organization. Mr. Price stated, however, that this discrepancy would most probably be corrected in the future.

Mr. Price stated that the local ordinance required expenses not be passed on to the customer for a 90-day period which created considerable cost to Texas Power & Light Company. Comm. W. O. Ricks, Jr., inquired as to whether or not the ordinance could be amended to make payments to Texas Power & Light Company at a more rapid pace. Comm. W. O. Ricks, Jr., also inquired as to how Texas Power & Light Company compared with Houston Power & Light Company. Mr. Price stated that Texas Power & Light Company was the larger of the two utility companies.

Comm. R. A. Brookshire asked City Manager Westerholm to inform members of Commission regarding his recent trip to Waco, Texas, to attend a meeting scheduled by Texas Municipal League concerning Texas Power & Light Company's increase request. City Manager Westerholm stated that the Cities of Waco, Cleburne, Brownwood, Tyler, Hillsboro and Lufkin were represented to include other cities in the area who were interested. City Manager Westerholm further stated that the Mayors and City Managers of Waco and Tyler were asked to select a nationally-known rate consultant who was impartial and preferably having a Texas office to accumulate information regarding Texas Power & Light Company's increase request and report findings to all interested cities with the assistance of the Texas Municipal League in distributing information.

Considerable discussion developed concerning Waco meeting and City Manager Westerholm explained that this study would hopefully begin within a two-week period and information would be furnished in the future to those cities who were interested. It was further discussed that the City of Lufkin would not be responsible for payment of this study, which would be billed to Texas Power & Light Company.

Comm. R. A. Brookshire inquired as to whether or not information in this regard would be available for consideration by the City Commission on August 19, 1975. City Manager Westerholm stated that he did not anticipate information prior to first meeting in September.

Comm. W. O. Ricks, Jr., made motion to delay further consideration of request until information was available from Texas Municipal League study. Motion was seconded by Comm. Joe E. Rich.

Comm. E. C. Wareing inquired as to whether or not a time limit should be placed on Comm. Ricks' motion, and stated that he was in favor of taking advantage of the Texas Municipal League study, but a reasonable length of time should be considered.

Mayor Garrison proposed that Comm. W. O. Ricks, Jr., motion be revised to reschedule further consideration of increase request by Texas Power & Light Company at first meeting in September.

Comm. W. O. Ricks, Jr., then withdrew previous motion and made new motion in agreement with suggestion of Mayor Garrison and with agreement of Comm. Joe E. Rich to postpone present consideration of increase request by Texas Power & Light Company until first meeting in September, 1975. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mr. Manning stated that it was brought to his attention this date that the City of Waco did not have a consultant to assist in the Texas Municipal League review and Waco had been in the process of reviewing their rate increase proposal for a considerable length of time. Mr. Manning then requested that the City Commission consider first reading of Texas Power & Light Company's rate increase request and second reading at a later date when more information would be available.

Members of Commission were in agreement, however, that previous motion to defer consideration of Texas Power & Light Company's rate increase request until first meeting in September be upheld.

11. Zone Change Denied-Buford Fancher from LM District to LM District & Special Use, Item 19 (Dancehall)

Mayor Garrison stated that the City Planning and Zoning Commission had previously recommended members of City Commission deny zone change application as presented by Buford Fancher from LM District to LM District & Special Use, Item 19 (Dancehall) covering property located between Homer-Alto Road and Lotus Lane behind A. C. Chemical Company on West Loop 287. Mayor Garrison further stated that members of Commission had been presented minutes from the meeting of the City Planning and Zoning Commission which were quite detailed covering considerations on both sides in favor of and in opposition to application. Mayor Garrison suggested that individuals present limit themselves to discussion of new material not previously reviewed at the City Planning and Zoning Commission, and spokesmen representing both sides summarize their positions for members of City Commission.

Mayor Garrison recognized Mr. Jim Weber, attorney appearing in representation of Mr. Buford Fancher and who reviewed a brief description of property being considered for zone change. Mr. Weber stated that his client was not initially aware of the requirements of zoning for a dancehall facility and applied for a permit after same was brought to his attention. Mr. Weber further stated that his client would be willing to work with the Commission, if possible, in an effort to continue the operation at this location. Mr. Weber stated that his client had spent a considerable amount of money and was in good faith in the processing of his application to this point.

Mayor Garrison inquired as to what Mr. Weber would propose regarding revision of application on behalf of his client. Mr. Weber stated that Mr. Fancher would be agreeable to almost any set of restrictions that would be imposed by the City Commission under the Special Use provision.

Mayor Garrison stated that members of Commission had been furnished petitions by applicant containing the signatures of 324 individuals who were in favor of zone change application.

Mayor Garrison recognized Mr. Homer Greenville, a property owner within 200 feet of proposed zone change. Mr. Greenville stated that he was of the opinion members of Commission could not place enough restrictions on this property to render same for residential use. Mr. Greenville further stated that his church located in this area had, on the second night of the Showboat's operation, been shot into by an unidentified person at approximately 11:00 p.m. and he was of the opinion that the Showboat operation activities had produced these type individuals who were disrespectful to the church and what it represented.

Mayor Garrison recognized Mr. Bill Fenley who stated that he was appearing in representation of various home owners living within 200 feet of this area and members of the Memorial Baptist Church. Mr. Fenley stated that his clients were of the opinion that this type dancehall facility should not be located within a residential area even though same was within an LM zone since residential property bordered the area. Mr. Fenley further stated that this dancehall facility would disturb the residents in this area and implementation of restrictions on the property would be difficult to enforce as evidenced by recent violation of injunction which stipulated certain restrictions regarding same which were not enforced. Mr. Fenley stated that for these reasons and previous reasons as discussed at the City Planning and Zoning Commission meeting, his clients desired application by Mr. Fancher be denied.

Mayor Garrison recognized Rev. Grady Higgs, of the Ministerial Alliance Association, who inquired of City Commission if they were familiar as to whether or not Mr. Fancher was individually involved in the ownership of the Showboat or if the ownership was shared by other individuals. Mayor Garrison informed Mr. Higgs that they were not aware of any additional owners and City Attorney Flournoy explained that same would not have any relevance to zone change application.

Mayor Garrison recognized Mrs. Billy R. Horton who explained that she had heard gunshots on the night of the Showboat second opening which she believed were the ones fired into the church facility as discussed by Mr. Greenville. Mrs. Horton emphasized, however, that she had only heard one shot.

Comm. R. A. Brookshire inquired as to how many individuals were in opposition who lived within 200 feet of this location. Mr. Fenley stated that previous petitions had been filed with the City Planning and Zoning Commission indicating approximately 1400 individuals who were against zone change, a number of which were present at this meeting. There were no persons present who lived within 200 feet of this area who were in favor of this application.

Mayor Garrison recognized Mr. Jim Weber who stated that parking had been previously discussed at the City Planning and Zoning Commission and as to whether or not substantial land would be available to provide same. Mr. Weber stated that his client had prepared for parking, but it was difficult to make expenditures at this point until final consideration had been made by this Commission. Mr. Weber further stated that recent activities at the Showboat had indicated that control could be established in the parking area as well as inside the facility, and he was not aware of any new complaints in this regard.

Mayor Garrison recognized Mr. Jim Griffith, of Griffith Associates Engineering, who stated that members of Commission had authority to control, under the Special Use provision of the Zoning Regulation, the number of spaces necessary, but under the LM zoning as presently zoned, approximately 241 spaces could be placed on property South of the Showboat and 60 on property behind the existing facility. Mr. Griffith stated that under the present LM zone ample parking could be provided, but members of Commission could make any adjustment deemed necessary under the Special Use provision.

Mr. Weber stated that he could not comment on the recent instance involving gunshots inasmuch as he was not familiar with same. Mr. Weber requested that members of Commission consider his application by means of a probationary period providing his client the opportunity to review the application at a later date to prevent him from suffering financial losses. Mr. Weber stated that the issuance of a provisional permit would also be acceptable.

Comm. E. C. Wareing asked City Attorney Flournoy if parking was found adequate, would all other activities be legal except dancing. City Attorney Flournoy stated that with the exception of dancing, the Showboat facility could continue and if dancing was not permitted, application would not be necessary in this zone.

Comm. R. A. Brookshire expressed his concern that approximately 1344 individuals could utilize this facility under the law which could create a potential need for 672 parking spaces.

Comm. W. O. Ricks, Jr., made motion that members of Commission accept recommendation of the City Planning and Zoning Commission and application by Mr. Buford Fancher from LM District to LM District & Special Use, Item 19 (Dancehall) be denied. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison explained to Mr. Weber and his client that the City Commission was respective of Mr. Fancher's financial condition as a result of this action, but the City Commission desired to protect the residential environment and same was always a priority concern.

Mr. Weber thanked members of the City Planning and Zoning Commission and the City Commission for their consideration.

12. Zone Change Approved 1st Reading-L & A Enterprises from R-3 District to LB District

Mayor Garrison stated that the City Planning and Zoning Commission had recommended approval of zone change application by L & A Enterprises from R-3 District to LB District covering property located South on FM 58 between FM 58 and Ray Street in a previous regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Pat Foley made motion that zone change request by L & A Enterprises from R-3 District to LB District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Parker Road Name Changed to Tower Lane

Mayor Garrison stated that the City Planning and Zoning Commission, during a previous regular meeting, had recommended Parker Road name be changed to Tower Lane due to recommendation of the postal service and agreement of property owners. Comm. R. A. Brookshire made motion that Parker Road name be changed to Tower Lane in accordance with recommendation. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Dept. of HUD - Disc. of Proposed Application

City Manager Westerholm stated that he had recently received a letter from HUD and the provisions of Section 8 of HUD's housing program provided for qualified renters to select a landlord who qualified to enter into a lease between the two. Mr. Westerholm further stated that the renter would pay a proportionate part of his adjusted salary (not less than 15% nor more than 25%) and HUD would pay the balance assuring the landlord a fair market rental for this area. Mr. Westerholm further stated that the standards for the rent property were low and would not meet the Southern Standard Building Code, but must be "decent, safe and sanitary" and a mobile home could meet the standards. Mr. Westerholm further stated that this program would be operated by the local housing authority and the City in operation of this program, would receive \$200 per unit as a start-up fee plus 8½ percent of the fair market rental of the unit in subsequent years. City Manager Westerholm stated that this program was only available to those cities with a Community Development Block Grant Program.

Considerable discussion developed regarding pre-requisites that may be imposed upon the City and City Manager Westerholm explained that a decision by this Commission at this meeting was important inasmuch as deadline on application would be reached prior to next meeting.

Comm. W. O. Ricks, Jr., inquired if application could be considered pending results of findings of City requirements.

Comm. R. A. Brookshire expressed his concern that an individual should not be provided an opportunity to upgrade his property at the tax payers expense and tax money should not subsidize free enterprise.

Comm. W. O. Ricks, Jr., expressed his opinion that providing individuals were willing to work, he was not opposed to this program.

Mayor Garrison stated that he was in general agreement with Comm. Brookshire's concern, but in many instances, inflationary trends placed housing out of reach of low-income families. Mayor Garrison expressed his desire to become more familiar with application before making final commitments.

Comm. E. C. Wareing suggested that the City Commission not become involved in this program until more information was known, but expressed his concern that a shortage of liveable homes existed in low-income families. Comm. E. C. Wareing further stated that he did not desire to see job incentives destroyed and asked if the City Commission should consider a special meeting for discussion of this program at a later date.

Mayor Garrison requested that authority be granted to make application providing no commitments of guidelines were made until a later meeting.

Comm. E. C. Wareing made motion that authority be granted City Manager to complete application for implementing the Section 8 existing housing program, but members of the City Commission obtain complete application for review and majority vote approval prior to authorizing submission of same. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Pat Foley, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comms. R. A. Brookshire and Joe E. Rich

Mayor Garrison declared motion approved by majority vote of four to two.

15. Aut. to Advertise for Bids Approved - EDA Water Main Extension Project

City Manager Westerholm stated that it was necessary to obtain approval of the City Commission to advertise for bids on EDA Water Main Extension Project. Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to advertise for bids in this regard. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. Old City Hall Building - Disc. of Future Use

Comm. R. A. Brookshire suggested that members of Commission consider the possibility of extending the use of the Old City Hall building in the future to the County who was in need of additional space in their Tax Department inasmuch as this building had previously been offered for sale without success.

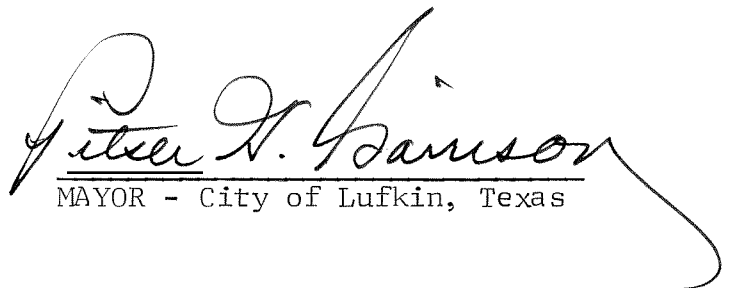
City Manager Westerholm stated that the Neches River Conservation District, some of the DETCOG offices and State Welfare offices were utilizing this facility at present.

Comm. E. C. Wareing expressed his concern that the old City Hall building was an asset to the City and the agencies utilizing same were filling beneficial community functions which may be the most rewarding method of assisting the public need.

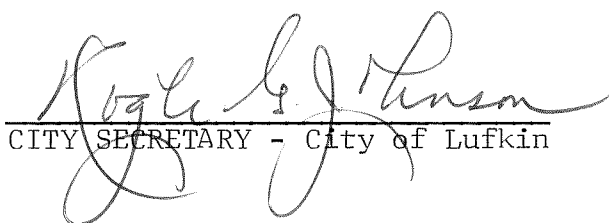
Comm. R. A. Brookshire stated that his suggestion for extending the use of this building to the County did not merit immediate consideration and further discussion of same was deferred.

17. Adjournment

There being no further business for consideration, meeting adjourned at 6:45 P. M. Mayor Garrison declared meeting adjourned to an executive session to discuss the negotiations of ROW purchase for street improvements on North First and Laurel Streets.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin