

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 9TH DAY OF SEPTEMBER, 1975, AT 7:30 PM

On the 9th day of September, 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
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, and

Joe E. Rich	Commissioner, Ward No. 3
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. John Caskey, Pastor of St. Cyprian's Episcopal Church, 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. Pat Foley made motion that minutes of regular meeting of August 19, 1975, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. DETCOG-MHMR Services-City Commission Awarded Certificate of Appreciation

Mayor Garrison recognized Dr. Wayne Lawrence, Director of MHMR local services. Dr. Lawrence stated that the DETCOG-MHMR Board desired to express their appreciation to the City Commission for the use of City facilities at the downtown Recreation & Parks building where they were occupying an upstairs office. Dr. Lawrence stated that in behalf of the Commission's assistance, a certificate of appreciation had been prepared by the DETCOG-MHMR to the City Commission. Dr. Lawrence then presented Mayor Garrison this certificate of appreciation from the Board of Trustees of the MHMR and thanked members of the City Commission for their assistance.

5. Annexation Approved 1st Reading - Leslie Lane

Mayor Garrison stated that previous hearings and recommendations had been submitted concerning annexation request by property owners on Leslie Lane, North of U. S. Highway 69 South. Mayor Garrison stated that previous discussions regarding this annexation had been concerned with a question of cost to the City. Mayor Garrison asked City Manager Westerholm to review prepared maps of this area.

City Manager Westerholm stated that he had presented information to Mr. Doug Prewitt and Mr. Robert Cummings, property owners in this area who were concerned with annexation regarding the possibility of the residents participating in annexation costs on a 50-50 basis for the installation of sanitary sewer.

Comm. Pat Foley inquired as to the status of the water situation in this area. City Manager Westerholm stated that two sources of water existed in this area to include City water and water from the Angelina County Water Corporation and review of this water corporation by the City staff did not impose any problems to the

City. Comm. Pat Foley also inquired as to the reason for the City considering an area within this proposed annexation that was undeveloped. City Manager Westerholm stated that streets in this undeveloped area would be constructed in accordance with policies and procedures established for the development of new sub-divisions, which provided for the development of individual lots. City Manager Westerholm reviewed proposed costs for annexation of this property which included the following information:

Total Homes in Area.....23

Water:

Service with 2" line.....\$2,000.00
(No fire protection)
Present Customers.....11
New Customers.....12

Sewer:

Service for 20 homes.....\$30,800.00
Service for 2 homes..... 10,200.00
20 Homes average cost/home.....\$ 1,540.00
2 Homes average cost/home..... 5,100.00

Considerable discussion developed regarding possible de-annexation of this property providing the City was not able to provide sewer extensions within a reasonable amount of time. Comm. W.O. Ricks, Jr., inquired as to whether or not residents would desire to participate in this annexation cost. City Manager Westerholm stated that he had discussed this possibility with two residents, Mr. Prewitt and Mr. Cummings, who preferred no participation, if possible.

There were no persons present appearing in opposition to annexation request and Mayor Garrison recognized Mr. Robert Cummings appearing in favor of application as a property owner within this area being considered. Mr. Cummings stated that he was optimistic members of Commission would annex this area without property owner participation inasmuch as other areas of the City had been annexed excluding this obligation which seemed to be unfair if imposed. Mr. Cummings further stated that the Angelina County-City Health Unit had asked property owners in this area to consider annexation as had been the case in previous annexations approved by this Commission. Mr. Cummings further stated that participation had not been established as a policy by this Commission and had not been previously discussed at recommending level meetings.

Mayor Garrison stated that the City Commission had not previously denied annexations of this type, but the Commission was concerned with the cost involved.

Comm. R. A. Brookshire stated that the City may not be able to provide services within a three-year period and further explained that sewer was the main problem within this area.

Comm. Pat Foley asked City Manager Westerholm when the City could extend sewer within this area if the property owners participated in the cost. City Manager Westerholm stated that more pressure would be placed on the City Commission to provide services as a result of this participation and same should be extended more rapidly. City Manager Westerholm stated that the present City budget had not made provisions for completion of sewer in this area. Mayor Garrison asked City Manager Westerholm if the City could provide these funds out of the Revenue Sharing budget for the following year. City Manager Westerholm stated that the Revenue Sharing budget was not committed for 1976-77, inasmuch as information had not been received reconfirming the Revenue Sharing program for these dates. Mayor Garrison stated that he was optimistic Congress would continue Revenue Sharing and annexation of this area would not obligate the City providing the City extended services in this area only when funds were available.

Comm. Pat Foley was in agreement with this suggestion by Mayor Garrison and asked that members of Commission view future annexations in this regard to establish cost participation by individuals who desired annexation. City Attorney Flournoy stated that the City would undertake no obligation as a result of annexing this property providing members of Commission were desirous of same.

Comm. E. G. Pittman inquired as to when other annexed areas would be considered for extension of water and sewer services. City Manager Westerholm explained that a few of these areas were not economically feasible to extend services. Comm. E. G. Pittman further inquired as to the length of time necessary to complete other annexed obligations. City Manager Westerholm stated that provided money was available, the City would begin construction of same immediately until all projects were completed.

Mayor Garrison stated that a decision by Commission in this regard would reflect actions of future Commissions and this council should not obligate same. Comm. E. G. Pittman further inquired as to whether or not this annexation could be considered for sewer service within the next two to three years if it was presently placed at the bottom of the consideration list. City Manager Westerholm stated that sewer service could be extended to this area within the next two years if the Commission desired.

Comm. Pat Foley made motion that annexation request by property owners North of U. S. Highway 69 South on either side of Leslie Lane be approved for annexation on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, Comm. W. O. Ricks, Jr., asked members of Commission if it would be possible to include property owners participation in the motion. Comm. Pat Foley stated that he did not desire to include this as a part of his formal motion.

Comm. E. C. Wareing inquired as to how the property in this area would be divided inasmuch as same had not been filed in the County records. Mayor Garrison stated that he was of the assumption that property owners in this area had individual deeds to their properties and individual lots would be shown annexed and divided as indicated on proposed mapping with the remainder of property indicated as bulk land.

Comm. E. C. Wareing further inquired as to the accurate ROW's in this area. City Manager Westerholm stated that 50-foot ROW's had been provided in accordance with deeds to include County road. City Manager Westerholm stated that the County road was not dedicated, but 50-foot ROW had been left accordingly. Comm. E. C. Wareing was concerned with the City assuring dedication in this regard and Mayor Garrison expressed his opinion that the use of this property would be adequate and the 50-foot remaining ROW provided would be an implied dedication.

Comm. Pat Foley amended his previous motion to express provision that property owners understand that sewer services would not be extended within this area until funds were available. Comm. R. A. Brookshire was in agreement with this amendment and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley and E. G. Pittman

Voting Nay: Comms. E. C. Wareing and W. O. Ricks, Jr.

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

Comm. W. O. Ricks, Jr., stated that he was of the opinion the Commission must consider excessive cost of annexation in connection with this present annexation as well as future annexations.

Comm. Pat Foley made motion that future annexation requests require the property owners participate in annexation costs. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison recognized Mr. Doug Prewitt who was present owning property in area being considered for annexation. Mr. Prewitt expressed his appreciation to members of the Commission on behalf of their consideration of annexation for this area. Mayor Garrison explained that members of Commission who had voted negatively on this annexation were equally concerned with annexation assistance to this area, but were of the opinion the City had reached a critical point in financing same.

6. Zone Change Denied - W. L. Mewborn from R-1 to A District

Mayor Garrison asked City Attorney Flournoy to explain information concerning proposed zone change application by W. L. Mewborn from R-1 District to A District covering property located at 904 Camp Street. City Attorney Flournoy stated that there had been a previous question regarding the possibility of Mr. Mewborn locating another residence on this property without changing the zone of his property to A District. City Attorney Flournoy stated that in order to fulfill Mr. Mewborn's request to locate another residence on this property, a zone change would be necessary to change the existing zoning from R-1 District to A District, R-2 District or R-3 District. Mr. Flournoy further stated that any one of these zones would provide Mr. Mewborn the necessary square footage for division of a lot through an administrative plat change. Mr. Flournoy stated that the existing R-1 zone would require 20,000 square feet for division of the lot which was not available.

Mayor Garrison recognized Mr. W. A. Goolsbee, 905 Camp Street, a property owner within 200 feet of this location appearing in representation of Mr. H. L. Moore, 716 Schuller Street, Mr. John Thomas and Mr. Jimmy Griffith, who also owned property within this area. Mr. Goolsbee stated that he, as well as property owners he represented, desired to oppose proposed zone change by Mr. Mewborn inasmuch as their residences would be closely involved and property depreciation would be experienced by all concerned due to the crowded condition of houses that would prevail as a result of Mr. Mewborn's proposal.

Mayor Garrison recognized Mr. John Pate, 714 Schuller Street, who was also present in opposition to zone change request who was in agreement with information presented by Mr. Goolsbee.

Mayor Garrison recognized Mr. W. L. Mewborn who stated that his attorney was present at last regular meeting and proposed administrative plat was discussed. Comm. Pat Foley asked Mr. Mewborn if the house he planned to locate on this property would be a frame structure. Mr. Mewborn stated that the house would be a frame structure.

Mayor Garrison again recognized Mr. Goolsbee who stated that he would not be in agreement with an R-2 or R-3 zone inasmuch as it would still provide location of residence.

Comm. Pat Foley made motion that zone change application by W. L. Mewborn from R-1 District to A District covering property at 904 Camp Street be denied. Motion was seconded by Comm. E. G. Pittman.

Mr. Mewborn asked members of Commission if consideration could be made to an R-2 or R-3 zone. Mayor Garrison stated that a motion was before the Commission to deny the application as presented to A District which implied a possible negative vote for a future change to R-2 or R-3 zone for similar purposes.

A unanimous affirmative vote was then recorded to previous motion and second to deny application.

Mayor Garrison explained to Mr. Mewborn that the prime concern of this Commission was to protect property owners when oppositions were proposed.

7. Zone Change Approved 1st Reading - Thomas Moore from LM District to LM & CB District

Mayor Garrison stated that zone change application by Thomas Moore from LM District to LM & CB District covering property located on Webber Street at intersection with State Highway 94 had been recommended to City Commission for approval.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change request by Thomas Moore from LM District to LM & CB District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading - Larry G. Byrd from R-1 District to C District

Mayor Garrison stated that zone change application by Larry G. Byrd from R-1 District to C District covering property located on and East of Wallace Street near its intersection with Loop 287 had been recommended to City Commission for approval.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Larry G. Byrd from R-1 District to C District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 1st Reading-Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot)

Mayor Garrison stated that zone change application by Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot) covering property located West of Franklin Street, South of Ellis Avenue at intersection of Franklin and Ellis, known as the old Granville Wright property had been recommended to the City Commission for approval.

Mayor Garrison recognized Mr. Horace Cardwell who was present in representation of application. Mr. Cardwell stated that there had been recent confusion regarding proposed application involving concern of property owners who lived in this area for future construction of proposed parking lot. Mr. Cardwell stated that he desired the Special Use provision of his application indicate that any water drainage from this future parking lot would be constructed to prevent drainage problems to nearby residences.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Memorial Hospital from R-1 District to R-1 District & Special Use, Item #6 (Day Nursery), Item #13 (Hospital) and Item #18 (Parking Lot) and Special Use provision of application be amended to include the provision for adequate drainage facilities as expressed by Mr. Cardwell be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

10. Hazardous Material Ordinance Approved 1st Reading

Mayor Garrison recognized City Attorney Flournoy who reviewed proposed hazardous material ordinance which had been tabled from a previous meeting to clarify various sections regarding combustible materials. Mr. Flournoy stated that the ordinance had been rewritten and revised to include suggested sections by the City Commission.

Comm. E. G. Pittman inquired as to how the City would inform individuals concerned. City Attorney Flournoy stated that various signs would be located throughout the City and City Manager Westerholm stated that various petroleum companies concerned with hazardous materials would be notified of the City's new ordinance in con-

junction with placement of signs in various areas.

Comm. E. C. Wareing suggested that proposed ordinance be amended to provide that certain streets be designated and identified accordingly. Comm. E. C. Wareing made motion that proposed hazardous materials ordinance be approved on first reading in accordance with above suggested amendment. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Teener Park - Disc. of Name Change to Morris Frank Park Tabled

Mayor Garrison stated that inasmuch as Comm. Joe E. Rich was not present, members of Commission consider further discussion of his proposal to change name of Teener Park to Morris Frank Park at next regular meeting. Members of Commission were in unanimous agreement with suggestion by Mayor Garrison who tabled further discussion of same on his own volition until next regular meeting.

12. VFW Carnival Approved for Operation - 1975

Mayor Garrison explained that the VFW had made a request to present its annual carnival on September 29 through October 4 at usual location on the VFW property. Comm. E. C. Wareing made motion that request by VFW to present its annual carnival on these dates be approved in accordance with standard conditions imposed by the Commission concerning insurance, sanitation, etc. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. City Board of Development-Budget Approved for Scheduling & Promotion of Civic Center

Mayor Garrison explained that the City Board of Development had submitted a proposed budget for the scheduling and promotion of the Lufkin Civic Center for review by members of Commission. Mayor Garrison further stated that Mr. Lester Adkison, Chairman of this Board, Leeland Petty and Jerry Huffman were present to represent proposal as submitted.

Mayor Garrison recognized Mr. Adkison who stated that he had met with the City Manager on several occasions prior to final submission of this budget and same had been initially proposed in the amount of \$42,000 and later reduced as submitted in the amount of \$28,850. Mr. Adkison further stated that a proposed contract agreement had been submitted for approval by the Commission, but the City should benefit, as well as the Chamber, as a result of this proposal.

Considerable discussion developed regarding proposed budget and contract and Comm. E. C. Wareing stated that he assumed the proposed \$28,850 budget was funded primarily due to the tax revenue created by the Hotel-Motel Occupancy Tax. Comm. W. O. Ricks, Jr., inquired of City Manager Westerholm as to whether or not the City would have any control of the department head of the Civic Center. City Manager Westerholm stated that the City would supply manual labor for improvements to the grounds in this area, but the City would not be concerned in the selection of the manager inasmuch as same was the responsibility of the Chamber Director. Mayor Garrison stated that a control of this contract was based on a 60-day cancellation notice by either party and should be adequate.

Comm. E. C. Wareing suggested the possibility of establishing a quarterly accounting system which would provide the Commission accurate financial information.

Comm. W. O. Ricks, Jr., again expressed his concern for the City's control of the manager of the Civic Center and Mayor Garrison asked the City Board of Development Chairman if he objected to the City taking part in this managerial selection, but further recommended the Chamber Director have supervisory control of this individual.

Comm. R. A. Brookshire stated that providing the Chamber of Commerce would be granted the authority to operate the Lufkin Civic Center by the City Commission, the Commission should not be objectionable as to how same was operated.

Comm. Pat Foley inquired as to whether or not the City would continue to contribute its annual \$5,000 to the City Board of Development as a result of this program. City Manager Westerholm explained that this program would be continued.

Mayor Garrison expressed his personal opinion that the City should establish a 90-day cancellation notice in lieu of the 60-day notice provision.

Mr. Huffman requested that the Commission consider the contract for a full year period, if possible. Mayor Garrison stated that the Commission had no intention of cancelling the contract, but a provision should remain to provide this notice for either party. Mayor Garrison recognized Mr. Adkison who requested that consideration be given for at least a one-year period, if possible, inasmuch as the Chamber would be attempting to hire a young career-minded individual to manage the Lufkin Civic Center and the job should be as permanent as possible.

Comm. R. A. Brookshire stated that regardless of who was appointed as manager of the Civic Center, certain fixed costs were involved up to \$11,600.

Mayor Garrison suggested that a scheduling system should be established by the Chamber and the City to indicate the funding of this operation on a month-to-month basis.

Comm. E. C. Wareing suggested that the total proposed budget should be indicated in a tentative cash flow budget for each month to provide a return investment on money not being utilized.

Comm. R. A. Brookshire made motion that contract as proposed be accepted with the provision that the department head for the Civic Center fund work in conjunction with the Finance Director of the City on a monthly based budget. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. Pat Foley asked if additional City funds were obligated in this regard. City Manager Westerholm stated that no other City funds were obligated and Comm. Pat Foley also inquired as to whether or not the City would assume any property that remained as explained in Item 8 of agreement. City Manager Westerholm stated that Comm. Foley was correct in his assumption. Comm. Foley expressed his concern that the Chamber would do a much better job than the City in this regard and he was in agreement with proposal as submitted. Mr. Adkison suggested that a report be submitted to the City at the end of each month.

Comm. R. A. Brookshire amended his previous motion to include this suggestion by Mr. Adkison which was agreed by Comm. E. C. Wareing.

Mayor Garrison stated that he was not totally convinced the proposed contract was correct and suggested City Attorney Flournoy meet with members of the Chamber to correct the wording of various clauses involving length of cancellation notice, etc. Comm. E. G. Pittman, in regard to Item 5 of contract, inquired as to whether or not the City was obligated. Mayor Garrison stated that to the best of his knowledge, the City would not be obligated, but as previously suggested, the contract should be edited by the City Attorney to adjust certain provisions involving language, to the satisfaction of all concerned parties.

Comm. R. A. Brookshire again amended his previous motion to reflect the following information in addition to approval of the contract:

- a. Provide a 90-day cancellation notice in lieu of a 60-day cancellation notice.
- b. Provide for the submission of monthly financial statement by the Chamber to the City.
- c. Provide for the correction of certain language in the contract to satisfy both concerned parties.

Amended motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. EDA Water Main Extension Project - Disc.

City Manager Westerholm stated that the City had received authority from the EDA to award contract for the construction of water main extension and bids had been approved during a previous meeting.

Mayor Garrison expressed his concern that the City first sell the bonds prior to awarding of contract and discussion developed regarding same. Mayor Garrison explained that the Attorney General had considerable power and control regarding the sale of these bonds and the City should be assured themselves prior to establishing commitments for contract.

Comm. Pat Foley inquired as to whether or not the Mayor could be authorized to negotiate the contract contingent upon the successful sale of these bonds. It was concluded that the Mayor could be so authorized and Comm. R. A. Brookshire made motion that Mayor Garrison be authorized to negotiate this contract contingent upon the sale of these bonds.

Comm. W. O. Ricks, Jr., expressed his concern that this particular bid should be protected inasmuch as it appeared to be a good bid and he was optimistic that the City would successfully sell the bonds.

Mayor Garrison suggested that City Manager Westerholm contact the contractor as soon as possible to see if he would defer acceptance of these conditions until October 15. Comm. R. A. Brookshire amended his previous motion, which had not received a second, to authorize the City Manager to contact Schull Contracting Company in this regard prior to further consideration. Comm. R. A. Brookshire expressed his concern that certificates of obligation could be issued if bonds were not sold.

Comm. E. C. Wareing seconded motion by Comm. R. A. Brookshire with the provision that the contractor would permit the City to execute the contract subject to sale of these bonds.

Prior to vote on motion, Mayor Garrison suggested that this meeting be recessed until October 10 at 12:00 Noon to settle this question pending notification of contractor and results of information re-submitted to Commission by City Manager. Mayor Garrison stated that a meeting may not be necessary providing contractor was in agreement.

A unanimous affirmative vote was then recorded to previous motion and second.

15. Kiwanis Park Gazebo - Loan Approved from City Account

Comm. W. O. Ricks, Jr., expressed his concern that the City should grant the request by the Kiwanis for loan agreement from a dormant City account for the construction of Kiwanis Park gazebo inasmuch as it was an asset to the City and constructed in behalf of the citizens of Lufkin.

Comm. W. O. Ricks, Jr., made motion that request by Kiwanis for loan agreement be approved in this regard. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. Pat Foley asked City Manager Westerholm if these funds were normally placed in the City budget. City Manager Westerholm stated that these funds were normally held in an escrow account.

16. Curb & Gutter Paving Guidelines - Tabled for Further Disc.

Mayor Garrison stated that Mr. Raymond Moore was present as a representative of the City Planning and Zoning Commission and could provide members of Commission explanation of recommendation from the City Planning and Zoning Commission on recent curb and gutter guideline program.

Comm. E. G. Pittman stated the proposal was a very simplified plan and seemed to be adequate. Comm. Pat Foley was in agreement with Comm. Pittman.

Mayor Garrison expressed his concern that the City needed a plan of this type, but recommended revision of Plan I of proposal as submitted to provide additional expenses to property owners when the City was exposed to additional costs over and above the normal amounts. Mayor Garrison stated that Plan II of the proposal provided for this possible situation and same should be provided under Plan I.

Considerable discussion developed and various suggestions were submitted by members of Commission. Raymond Moore reviewed the proposal as submitted by the City Planning and Zoning Commission and expressed his concern that the primary impact of this recommended program involved the opportunity of the City Commission and the City Planning and Zoning Commission to review each application on its own financial merits by providing cost estimates by project. Mr. Moore further stated that through these cost estimates, the City Planning and Zoning Commission would be in a position to recommend certain paving petitions which would assist most individuals involved which would probably occur under Plan I as proposed.

Comm. R. A. Brookshire expressed his concern that this proposal seemed quite adequate and Raymond Moore, regarding previous discussion, was in agreement that Plan I of the proposal should be amended to provide provision similar to Plan II to account for additional costs incurred by the City.

Mayor Garrison suggested in addition to the \$3.50 contribution per each property owner, the City would be authorized to pay up to \$10.00 and amounts exceeding the \$10.00 figure to be paid by the City, 2/3 of this cost would be the responsibility of the City with the remaining one-third portion to be borne by property owners.

Mayor Garrison then tabled further discussion of curb and gutter paving guidelines until next regular meeting to provide members of Commission an opportunity to review information as submitted.

17. Newman Street Officially Named

City Manager Westerholm stated that a letter had been received from the Postmaster recommending a name for a new street in the Keltys area and the City Planning and Zoning Commission had recommended same be named Newman Street in accordance with suggestion by Postmaster and property owners in this area.

Comm. E. C. Wareing made motion to accept recommendation of the City Planning and Zoning Commission to officially name this street, Newman Street, with the provision that no existing street name be duplicated. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. Lufkin Sideliners Club-Firework Display for Football Games Approved

City Manager Westerholm stated that the Lufkin Sideliners Club had made application for their annual permit to display fireworks during football activities at home football games in Panther Stadium. City Manager Westerholm stated that it was the previous approval of this Commission that these permits be granted by individual request on an annual basis in conjunction with permission from State Fire Marshal's office.

Comm. Pat Foley made motion to approve permit request by Lufkin Sideliners Club as submitted. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

19. JTT Distributors - John Winston - Zoning Violation Disc.

Comm. Pat Foley inquired as to the status of previous discussion

of zoning violation of property presently owned by JTT Distributors on Timberland Drive. City Manager Westerholm stated that he had contacted Mr. John Winston regarding this violation and had requested that materials and equipment located on this property be moved as soon as possible. Mr. Westerholm further stated that conditions were still the same and no changes had been made in the status of conditions from previous meeting.

Comm. R. A. Brookshire inquired as to what alternatives the City had to expedite the moving of this equipment. City Attorney Flournoy stated that the City could obtain an injunction to force JTT Distributors to move this equipment. City Attorney Flournoy further stated that he had also previously called Mr. Winston to remove this equipment as soon as possible, but request had been neglected. City Attorney Flournoy stated that the property owner was subject to a fine up to \$200 if charges were filed in violation of zoning regulation.

Comm. Pat Foley requested that the City staff expedite the necessary paper work to resolve this problem. City Attorney Flournoy stated that he would proceed with same as soon as possible.

20. Raymond Moore Reappointed - City Planning & Zoning Commission

Comm. E. C. Wareing stated that two vacancies had occurred in the City Planning and Zoning Commission, one of which members of Commission were in agreement, and the other was to be considered in an executive session following this meeting.

Comm. E. C. Wareing made motion that Raymond Moore be reappointed as a member of the City Planning and Zoning Commission for a three-year term effective from his June 30, 1975, expiration date. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

21. Texas Power & Light Company - Rate Increase Request Disc.

Comm. E. C. Wareing asked City Manager Westerholm if information regarding Texas Power & Light Company rate increase request would be available for review by members of Commission prior to next regular meeting on September 23, 1975. City Manager Westerholm stated that reports would be available on the week of the 22nd and same would be supplied to members of Commission as soon as possible, thereafter.

22. Hill Street Extension - Status Disc.

Comm. E. C. Wareing asked City Manager Westerholm to report on the status of construction on Hill Street. City Manager Westerholm stated that no new developments had been made since last discussion of this construction, but members of Commission would be informed as this information became available.

23. Outside City Sewer Service - Disc.

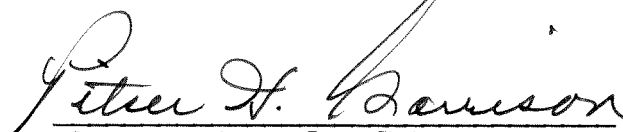
Comm. R. A. Brookshire requested that members of Commission review City's policy for extending sewer service outside the City and suggested that this item be placed on the agenda for next regular meeting. Members of Commission were in agreement with suggestion and Mayor Garrison instructed City officials to provide for this consideration accordingly.

24. Adjournment

There being no further business for consideration, meeting adjourned at 10:00 p.m. to an executive session regarding replacement of member on the City Planning and Zoning Commission.

ATTEST:


CITY SECRETARY - City of Lufkin, Tx.


MAYOR - City of Lufkin, Texas