

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF OCTOBER, 1976, AT 7:30 P.M.

On the 5th day of October, 1976, 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:

R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	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
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison	Mayor
Robert L. Flournoy	City Attorney

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

1. Meeting opened with prayer by Rev. C. B. Bass, Interim Pastor of Calvary Baptist Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed a small 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 September 21, 1976, be approved. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading-Marie Thompson Riley from RL to C District

Mayor Pro Tem Wareing stated that zone change application by Marie Thompson Riley from RL to C District covering property located South of Highway 94, East of Loop 287 in the J. A. Bonton League containing 21.68 acres, 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. E. G. Pittman made motion that zone change application by Marie Thompson Riley from RL to C District be approved on second and final reading. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-Larelco, Inc., from NR to NR & C District, Special Use (Erection of Sign)

Mayor Pro Tem Wareing stated that zone change application by Larelco, Inc., from NR to NR & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), covering property located West of Bynum near intersection with Pershing Avenue, 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. E. G. Pittman made motion that zone change application by Larelco, Inc., from NR to NR & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), be approved on second and final reading. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Larelco, Inc., from LB to LB & C District, Special Use (Erection of Sign)

Mayor Pro Tem Wareing stated that zone change application by Larelco, Inc., from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), covering property located East of 287 at intersection with 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. E. G. Pittman made motion that zone change application by Larelco, Inc., from LB to LB & C District, Special Use (Erection of On-Premise Sign in Excess of 36 Square Feet), be approved on second and final reading. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-John E. Moreland from RL to LB District

Mayor Pro Tem Wareing stated that zone change application by John E. Moreland from RL to LB District covering property located between Largent & Loop 287 & immediately South of property owned by Roscoe Starling, 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. E. G. Pittman made motion that zone change application by John E. Moreland from RL to LB District be approved on second and final reading. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

8. Entex Inc. - Approval of New Franchise 1st Reading

Mayor Pro Tem Wareing asked Comm. R. A. Brookshire if newly proposed franchise prepared by City Attorney, with specific regard to Section 10, was in agreement with Comm. Brookshire who had proposed that same be considered by Entex in lieu of initial proposal requiring five-year option plan. Comm. R. A. Brookshire stated that the proposal prepared by City Attorney met his personal satisfaction, but inquired of Mr. L. A. Douglas, representative of Entex who was present, whether or not his company would accept this proposal.

Mr. Douglas stated that he had not received this newly prepared franchise until Friday of the past week and he had not had an opportunity to receive any feedback from company officials regarding acceptance of same. Mr. Douglas stated that he had no personal authority to approve this proposal. Mr. Douglas then requested that members of Commission consider passage of this franchise on first reading inasmuch as second reading could not be considered until first meeting in November to satisfy charter requirements regarding franchise request. Mr. Douglas stated that this time would allow company officials to make a decision as to whether or not proposal could be accepted.

Comm. R. A. Brookshire then made motion that proposed franchise for Entex as prepared by City Attorney, providing a straight 25-year franchise and right of review for cause by City Commission at any time subject to a 90-day written notification by either party, be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing reconfirmed that charter requirement provided a 20-day lapse between first and second readings of ordinances on franchise requests, and second reading could not be considered until first meeting in November. Mayor Pro Tem Wareing requested that Mr. Douglas speak with company officials regarding proposal and communicate with City Manager Westerholm prior to next regular meeting on November 2, 1976.

9. Zone Change Denied-A. C. Barlow from RL to C District

Mayor Pro Tem Wareing stated that zone change application by A. C. Barlow had been postponed from last regular meeting to provide members of Commission an opportunity to review location of this property with specific regard to street ROW and other physical features of this area. Mayor Pro Tem Wareing informed individuals present that the City staff had determined that a ROW of approximately 20 feet existed on Ray Street leading into area being considered for zone change application by Mr. Barlow and a paved street of approximately 14 feet existed in this area leading to a deadend. Mayor Pro Tem Wareing stated that both the applicant and individual appearing in opposition to application were present.

Members of Commission asked several questions regarding proposal by Mr. Barlow and Mayor Pro Tem Wareing indicated that if this street was a dedicated street, and the City staff had indicated that it was not, same must be available, useable and safe for the use of any citizen. Mayor Pro Tem Wareing further indicated that the minimum ROW for a dedicated street in the City was 50 feet and theoretically, the City did not have to care for this particular street.

Comm. Jack McMullen inquired of Mr. Barlow as to whether or not additional ROW could be obtained on Ray Street and Mr. Barlow stated that he was not aware of whether or not property owners would be desirous of giving ROW.

Mayor Pro Tem Wareing recognized Mr. Dale Decuir who reconfirmed his previous opposition and also indicated that surrounding neighbors to include John Hicks, James Lewis, H. S. Williamson and Sam J. Stovall were all in opposition to Commercial zoning of this property regardless of street widths. Mr. Decuir informed members of Commission that additional ROW acquisition would involve the loss of considerable front yard on his property and he would not be in agreement to the widening of this street.

Mayor Pro Tem Wareing expressed his opinion that zone change application by Mr. Barlow should not be approved on a street with a 20-foot ROW, especially to a commercial district, and suggested that more ROW be obtained before further consideration.

Considerable discussion developed and it was determined that, as previously stated by Mr. Decuir, additional street ROW would not alter his opposition to application. Comm. R. A. Brookshire made motion that application by Mr. A. C. Barlow from RL to C District be approved on first reading of ordinance. Motion by Comm. Brookshire died for lack of second and Comm. E. G. Pittman made motion that application by Mr. Barlow from RL to C District be denied in view of property owner opposition and possible circumstances which may involve future traffic congestion on Ray Street. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Mayor Pro Tem Wareing, Comms. Pat Foley, Jack McMullen, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. R. A. Brookshire

Mayor Pro Tem Wareing declared motion approved by majority vote of five to one.

10. Civic Center Equipment-Aut. to Ad for Bids Approved

Mayor Pro Tem Wareing stated that various items which had been considered for Civic Center use were discussed at last regular meeting and same had been postponed to provide more information and an opportunity for a new discussion at this meeting.

Members of Commission reviewed statement of account and balances for operations to date from the Civic Center which indicated a total un-appropriated fund of \$27,014.65. Comm. W. O. Ricks, Jr., inquired of City Manager Westerholm as to the amount of this money he would personally recommend as presently being used for purchase of certain pieces of equipment.

Civic Center Director Barry Hays, who was present, explained to members of Commission that he had discussed these equipment purchases, as reviewed at last regular meeting, with Public Works Director and they had concurred that the number one priority should be the purchase of drapes, marquees with changeable letters and a spot light in this order on a priority basis at the present time.

Comm. E. G. Pittman inquired as to when the property across the street from the Civic Center, presently being used by the First Baptist Church, would be obtained by the City. It was concluded that this property would be available after the first of the year and Comm. E. G. Pittman stated that since these funds were construction funds, a limited amount of money should be spent for equipment at the present time until all property was available.

Comm. Pat Foley expressed his opinion that the items mentioned by Mr. Barry Hays should be purchased out of the Hotel/Motel Occupancy Tax fund in accordance with information as presented by City Manager Westerholm which would cost \$9,100. City Manager Westerholm stated that he would recommend this purchase and Comm. W. O. Ricks, Jr., made motion that the City staff be authorized to advertise for bids for the purchase of drapes, marquee and spot light for the approximate amount of \$9,100. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman expressed his concern that Civic clubs may possibly take on individual projects to purchase some of this equipment as previously discussed. Mayor Pro Tem Wareing suggested that the City staff review the remaining items on the equipment list by the second meeting in January and City Manager Westerholm prepare a report to members of Commission prior to this time regarding same. Comm. E. G. Pittman requested that the purchase of additional property in this area also be included in the City Manager's report inasmuch as rooms were needed for rent which would not be as costly as rooms presently being used in the Civic Center for small Civic groups.

11. Bid Awarded-Barrett Mack Sales & Service-Refuse Container Truck

City Manager Westerholm stated that bids had been received from Greater Lufkin Ford Sales, Barrett Mack Sales & Service, Lufkin White Truck & Trailer Center, E-Tex International and American Environmental Systems Southwest, Inc., in the amounts as listed below:

Greater Lufkin Ford Sales	\$42,276.59
Barrett Mack Sales & Service	\$45,749.00
Lufkin White Truck & Trailer Center	\$49,730.00
E-Tex International	\$53,733.16
American Environmental Systems Southwest, Inc.	\$46,890.00

City Manager Westerholm recommended that Barrett Mack Sales & Service, with the bid amount of \$45,749.00 be awarded as the best and lowest bid meeting specifications for the purchase of this refuse container truck. Comm. W. O. Ricks, Jr., made motion that Barrett Mack Sales & Service be awarded bid in the amount of \$45,749.00 for the purchase of refuse container truck. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Street Name Change Approved-Briar Meadow Addition-McKinney Drive to Meadow Lane

Mayor Pro Tem Wareing explained that the Planning & Zoning Commission had recently recommended a street name change in the Briar Meadow Addition from McKinney Drive to Meadow Lane to avoid street name duplication as recommended by the Lufkin Post Office. There were no persons present appearing in opposition to this recommendation by the Planning & Zoning Commission and Comm. W. O. Ricks, Jr., made motion that McKinney Drive street name in the Briar Meadow Addition be changed to Meadow Lane in accordance with recommendation of the Planning & Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. Briar Meadow Addition-Tom Gann-Request for Sewer Service Approved-Policy for Development of Lots Disc.

Mayor Pro Tem Wareing recognized Mr. Tom Gann in behalf of his request for development of two lots within the Briar Meadow Addition, being Lot 1 of Block 4 and Lot 10 of Block 1 specifically, in accordance with sub-division plat which was on file with the County Court of records. City Manager Westerholm explained that request by Mr. Gann involved permission from the Commission to extend sewer to Lots 1 and 10 at Mr. Gann's expense, but members of Commission had previously authorized only extension of services to individuals who had requested same.

Comm. W. O. Ricks, Jr., expressed his concern that the balance of this property should be developed in accordance with City regulations provided in sub-division ordinance. Mayor Pro Tem Wareing inquired of Mr. Gann as to whether or not property between Lots 1 and 10 of the Briar Meadow Addition had previously been cleared. Mr. Gann indicated that property had been cleared by grading in the past. Mr. Gann requested that some type of policy be developed by the City Commission in order that remainder of lots in this area could be developed. Mr. Gann expressed his willingness to pay for sewer and street for extension to these lots. Mr. Gann also stated that City staff would not presently issue a permit until permission had been granted by this Commission regarding development of these lots. Mr. Gann stated that only permission from this Commission was necessary to extend water, sewer and street to these two lots as previously discussed and all costs regarding same would be personally paid.

Mayor Pro Tem Wareing explained that the development of these two lots would set a precedent for the development of the remainder of the lots in the Briar Meadow Addition and future development must also be completed at the expense of individuals requesting same at no cost to the City. Mayor Pro Tem Wareing indicated that if a lift station was required, individuals planning to develop property must pay for lift station.

Comm. R. A. Brookshire made motion that Mr. Gann be authorized to develop Lots 1 and 10 in the Briar Meadow Addition as previously discussed in accordance with his request at no cost to the City for extension of street, sewer and water to these two lots only. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Pro Tem Wareing, Comms. R. A. Brookshire, Jack McMullen, E. G. Pittman

Voting Nay: Comms. Pat Foley and W. O. Ricks, Jr.

Mayor Pro Tem Wareing declared motion approved by majority vote of four to two. Comm. W. O. Ricks, Jr., expressed his opposition to the vote inasmuch as he was in favor of developing the total area as had also been previously indicated by Comm. Foley.

Mr. Gann informed members of Commission that he had an option to purchase some of the lots in this addition, but members of Commission should decide upon development policy for future development of remaining lots in the Briar Meadow Addition. Mayor Pro Tem Wareing explained to Mr. Gann that inasmuch as these requests varied in circumstances, that a definite policy may act more as a detriment to the situation of development and a better policy for this area would be best resolved by consideration on a separate basis as previously discussed not to include less than a full street development at any one time.

14. Garvan Street-Rev. N. C. Simmons-Disc. of Disturbance of Peace in Residential Area

Mayor Pro Tem Wareing recognized Rev. N. C. Simmons in representation of a group of individuals living on Garvan Street who were members of his church in behalf of recent disturbances of the peace due to the existence of a business location near their properties in this area. Rev. Simmons explained that there were a number of individuals present to speak specifically to the problems which had recently occurred in this area regarding loud noises and disturbances from a cafe location near Garvan Street which had caused property owners considerable problems. Rev. Simmons indicated that members of his church who had previously complained to the Police Department had not received adequate attention and it appeared that possible further investigations could be made to determine whether or not this business establishment was illegal.

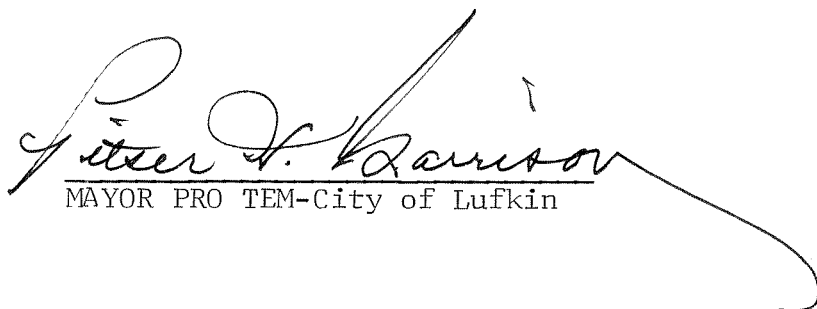
City Manager Westerholm stated that he was not personally aware of this problem and same had not been brought to his attention.

Comm. R. A. Brookshire suggested that City Manager Westerholm further consider this problem and report back to the City Commission at a later meeting regarding specific violations and any existing violations should be resolved immediately.

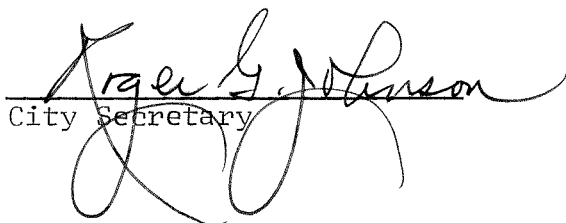
Rev. Simmons indicated that the manner in which this cafe was being operated involved late hour noises and property owners were unable to sleep. Rev. Simmons also stated that this establishment had only been in the area approximately two weeks. Rev. Simmons stated that any one of the individuals present would be available to assist Mr. Westerholm and Mrs. Macola Mattox, 205 S. Garvan Street, stated that she would be present for questions if Mr. Westerholm desired to visit with her regarding same. Mr. Westerholm indicated that he would research this problem and check with Mrs. Mattox immediately.

15. Adjournment

There being no further business for consideration, meeting was adjourned at 9:00 p.m.


MAYOR PRO TEM-City of Lufkin

ATTEST:


City Secretary