

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF JUNE, 1977, AT 5:00 P. M.

On the 21st day of June, 1977, 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
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Jack McMullen	Commissioner, Ward No. 3
Harvey Westerholm	City Manager

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

1. Meeting opened with prayer by Rev. Hubert Yount, Pastor of Area Missionary Unity Baptist Association, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of June 14, 1977, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Texas Power & Light Co.-Rate Increase Approved 2nd Reading

Mayor Garrison stated that Mr. J. B. Manning and other representatives were present from Texas Power & Light Company regarding their request for rate increase which was approved at last regular meeting on first reading of ordinance by majority vote of five to one.

There were no persons present appearing in opposition to rate increase request. Comm. E. C. Wareing made motion that Texas Power & Light Company rate increase request be approved on second and final reading under two protests as stated at last meeting: (1) the rate structures were a move away from costs, thereby increasing the rate of return differential, and (2) the present laws relating to Public Utility Commission leave the individual cities no effective "say-so" or regulation of utilities. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

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

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of five to one.

Comm. E. G. Pittman inquired as to whether or not citizens who desired to further protest this rate increase could pursue their opposition. City Attorney Flournoy recommended that the legislature may provide the only future citizen appeal route under the circumstances. Comm. Wareing was in agreement with City Attorney Flournoy.

Mayor Garrison stated that each time the City had a rate increase request, it seemed to cause a re-structuring of rates among applicants for request. Mayor Garrison stated that citizens preferred an across-the-board increase instead of rubber-stamping the Public Utility Commission's action without alternatives.

5. Zone Change Approved 2nd Reading-Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop)

Mayor Garrison stated that zone change application by Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop), covering

property located West of & fronting on Old Mill Road, North of McMullen & South of Henderson, had been approved on first reading of ordinance at regular meeting of May 17, 1977.

There were no persons present appearing in opposition to this application. Comm. W. O. Ricks, Jr., made motion that zone change application by Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-R. V. Welch from RS to C District

Mayor Garrison stated that zone change application by R. V. Welch from RS to C District covering property located South of & fronting on Laurel Avenue, East of intersection with Atkinson Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to this application. Comm. W. O. Ricks, Jr., made motion that zone change application by R. V. Welch from RS to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-R. C. Todd from RL to RM District

Mayor Garrison stated that zone change application by R. C. Todd from RL to RM District covering property located North of & fronting on Loop 287, East of Wallace & West of Slack Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to this application. Comm. W. O. Ricks, Jr., made motion that zone change application by R. C. Todd from RL to RM District be approved on second and final reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Standard Building & Mechanical Codes Amended 2nd Reading

Mayor Garrison stated that the City Commission had approved on first reading of ordinance at last regular meeting amendments to the Southern Standard Building & Mechanical Codes. No discussion developed and no opposition was present representing amendments as previously discussed.

Comm. E. C. Wareing made motion that ordinance be approved on second and final reading amending Southern Standard Building & Mechanical Codes as previously discussed. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Lufkin Industrial Foundation-Herider Farms-Sewer Easement Approved


City Attorney Flournoy reported that Herider Farms desired permission to build over an existing water line that the City would not grant unless this line was re-routed and new easement was obtained. City Attorney Flournoy reported that the line had been re-routed as requested by the City and new easement had been drawn, but Herider Farms had now requested that old easement, which had been abandoned, be released.

Mayor Garrison stated that inasmuch as an easement had been abandoned, formal action could be considered by the City Commission. Comm. W. O. Ricks, Jr., made motion that this action as described by City Attorney Flournoy approving new easement for Herider Farms in lieu of old easement be approved as discussed. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

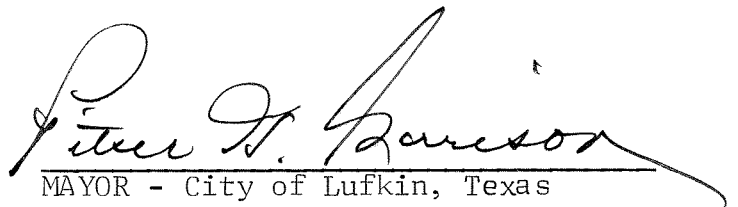
10. Adjournment

There being no further business for consideration, meeting adjourned at 5:45 p.m.

ATTEST:



Roger G. Johnson, Asst. City Manager



MAYOR - City of Lufkin, Texas