

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF AUGUST, 1979,  
AT 7:30 P.M.

On the 7th day of August, 1979, 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
Don E. Boyd	Commissioner, Ward No. 2 (new plan)
Dayle V. Smith	Commissioner, Ward No. 2 (old plan)
Pat Foley	Commissioner, Ward No. 4 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A (old plan)
Richard Thompson	Commissioner at Large, Place B (old plan)
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

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

1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Special Meeting Announcement - Industrial Development Corporation

Mayor Garrison announced for the benefit of individuals present that Item #9 of this meeting agenda would not be considered by members of Commission on request by Mr. R. E. Grimes.

Mayor Garrison also stated that it was necessary to call a special meeting of the City Commission following this meeting to consider resolution authorizing the establishment of a non-profit industrial development corporation. Mayor Garrison further stated that Mr. Jerry Huffman, Mr. James Kerbo, and Mr. H. J. Shands were present from the Angelina County Chamber of Commerce regarding this item for later consideration.

Mayor Garrison explained that state law required a two hour meeting notice be posted prior to special meetings, and members of Commission should consider a 9:45 p.m. meeting to accommodate this requirement if same was decided.

Motion was made by Comm. E. C. Wareing and seconded by Comm. Dayle V. Smith that special meeting of City Commission be called at 9:45 p.m., following this meeting, in City Hall Council Chambers for the purpose of considering resolution authorizing the establishment of a non-profit industrial development corporation. A unanimous affirmative vote was recorded.

4. Approval of Minutes

Motion was made by Comm. Pat Foley that minutes of regular meeting of July 17, 1979, be approved. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading - El Pollino Mexican Restaurant from C to C, Special Use (Item 16 - Private Club)

Mayor Garrison stated that zone change application by El Pollino Mexican Restaurant from C to C District, Special Use (Item 16 - Private Club) covering property located in existing El Pollino facility adjacent to and immediately East of U. S. Highway 59 (Timberland Drive) between South Third Street and Tulane Drive had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by El Pollino Mexican Restaurant from C to C District, Special Use (Item 16 - Private Club) be approved on second and final reading of ordinance. Motion was seconded by Comm. Don E. Boyd and the following vote was recorded: voting "Aye" - Mayor

Garrison, Comms. Boyd, Ricks, Wareing, Foley, & Smith; voting "Nay" - Comm. Thompson. Motion was declared approved by vote of six to one.

6. Zone Change Approved 2nd Reading - Charles Fredrick from LB to C District

Mayor Garrison stated that zone change application by Charles Fredrick from LB to C District covering property located at Northeast corner of intersection of Feagin Drive and John Redditt Drive and immediately East of Feagin Drive and Southern Pacific Railroad had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by Charles Fredrick from LB to C District be approved on second and final reading. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading - Lufkin Independent School District from RL to RL District, Special Use (erection of on-premise sign in excess of 18 square feet)

Mayor Garrison stated that zone change application by Lufkin Independent School District from RL to RL District, Special Use (erection of on-premise sign in excess of 18 square feet) covering property located on Denman Avenue on front lawn of Lufkin High School had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition. Motion was made by Comm. Pat Foley that zone change application by Lufkin I.S.D. from RL to RL, Special Use (erection of on-premise sign in excess of 18 square feet) be approved on second and final reading. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

8. Ordinance Approved 2nd Reading - Amendment to Fire Zone for City of Lufkin

Mayor Garrison stated that ordinance amending fire zone for City of Lufkin had been approved on first reading of ordinance at last regular meeting.

Motion was made by Comm. Dayle V. Smith that ordinance amending fire zone for City of Lufkin be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 1st Reading - Charles R. Stewart from RL to RS District

Mayor Garrison stated that zone change application by Charles R. Stewart from RL to RS District covering property located at 206 Loop Lane, immediately North of and adjacent to Loop Lane between Loop 287 and North Raguet Street had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Charles R. Stewart from RL to RS District be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading - Angelina Nursing Home from LB to C District

Mayor Garrison stated that zone change application by Angelina Nursing Home from LB to C District covering property located between Frank and Ellis Avenues and immediately East of Budgie's Drive-In Grocery had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition. Motion was made by Comm. W. O. Ricks that zone change application by Angelina Nursing Home from LB to C District be approved on first reading of ordinance. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

11. Ordinance Approved 1st Reading - Air Conditioning & Heating Contractors

Mayor Garrison stated that the most recent draft of proposed air conditioning and heating contractors ordinance had been provided to members of Commission for review, and same contained most recent revisions as requested by City Commission and heating and air conditioning contractors.

Comm. Pat Foley stated his concern that Appeals and Advisory Board had the power to overrule parts of the ordinance in cases of undue hardship. City Attorney Flournoy stated that the air conditioning and heating contractors ordinance had the same wording as the City's other Board of Appeals, and the Board would have the right to certain restrictive conditions to grant variances.

Comm. Don E. Boyd inquired as to whether or not industries in the City such as Texas Foundries and Lufkin Industries would be included under this program. City Attorney Flournoy stated that the industries would be required to have at least one master journeyman air conditioning and heating contractor at their industry.

Comm. Boyd also questioned the length of time involved with the examinations, when individuals were required to wait 90 days after failing the first examination to qualify for the second exam. City Attorney Flournoy stated that this was included due to the fact that the examinations were only given every 90 days. Discussion followed regarding amendment to this requirement to refer to date of next regular examination in lieu of waiting 90 days.

Following discussion, Mayor Garrison recognized Mr. Tom Paxson who was present appearing in representation of air conditioning and heating contractors in the City of Lufkin. Mr. Paxson stated that the air conditioning and heating contractors had discussed the most recent draft of the proposed ordinance and were concerned with required two years experience for contractor eligibility. Mr. Paxson stated that a majority of the members of the contractors were of the opinion this was not sufficient time for experience. Mr. Paxson stated it was the general concensus of contractors that five years would be a proper requirement for a master's license.

Comm. E. C. Wareing stated that this problem could be solved by having a requirement of five years experience for Classes 1, 3, and 5; and a requirement of two years experience for Classes 2 and 4. Mr. Phil Ford of the air conditioning and heating contractors group stated that this would be in accordance with other trades in the City.

Comm. Wareing stated that the purpose of this ordinance was for the welfare of the general public and not for the benefit of the heating and air conditioning contractors, and five years did not seem too long a period for a person conducting his own air conditioning and heating contractor business.

Following discussion, Comm. E. C. Wareing made motion that air conditioning and heating contractors ordinance be approved on first reading with changes as indicated including time requirements for experience changed to five years for Classes 1, 3, and 5, and two years for Classes 2 and 4; add definition for heating and air conditioning system to ordinance; and add allowance for revocation of licenses as outlined in City's electrical code. Motion was seconded by Comm. W. O. Ricks.

Prior to vote on motion, Mayor Garrison stated that he would personally desire this ordinance include a provision for the City Commission having final decisive authority for individuals experiencing grievances against the ordinance. Comm. Wareing stated he would add this provision to his original motion and same was agreed by Comm. W. O. Ricks. A unanimous affirmative vote was recorded to previous motion and second.

12. Resolution Approved - Housing & Finance Corporation Act for City of Lufkin

Mayor Garrison stated that members of City Commission had received information regarding the Housing & Finance Corporations Act, and representatives of First Southwest Corporation (bonding company), Lomas & Nettleson (mortgage bankers), and others were present at this meeting to review program and answer any questions.

Mayor Garrison recognized Mr. Chuck Kobdish, bond attorney for McCall, Parkhurst, & Horton, who reviewed House Bill 1876, Texas Housing & Finance Corporations Act, which had been passed in the last session of the Texas Legislature. Mr. Kobdish reviewed procedures for implementation for the City of Lufkin and explained guidelines for program. Mr. Boyd London, representing First Southwest Corporation, then assisted Mr. Kobdish in his explanation of the program.

Comm. E. C. Wareing inquired of representatives present as to whether or not it would be possible at any point in the establishment of the program for the City to be able to terminate participation in the program. Mr. London explained that the City could decide not to proceed with the program at any point prior to the bonds actually being sold.

Considerable discussion developed regarding different aspects of the Act which would be necessary for the City of Lufkin to consider. Mayor Garrison then stated that an application for charter for the non-profit corporation to be known as the Lufkin Housing & Finance Corporation of Texas had been submitted and was signed by Harvey Westerholm, Roger G. Johnson, and Linda Lively, meeting requirements of proposal.

Discussion followed regarding members of the City Commission being named as initial Board of Directors of the non-profit corporation. Comm. E. C. Wareing suggested that terms of members of the Board of Directors be established to coincide with the Commissioners' terms of office as they are now established.

Motion was made by Comm. E. C. Wareing that resolution be approved including accompanying articles of incorporation with the provision that members of the City Commission would serve as members of the Board of Directors for the remaining portions of their terms of office. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Flag Contributions Acknowledged - Lufkin High School Senior Class of 1936 - Civic Center

Mayor Garrison stated that the Lufkin High School Senior Class of 1936 had donated a United States flag and staff to be utilized at the Lufkin Civic Center, and Mrs. Linnette Scagliola had donated a Texas flag and staff to the Civic Center.

Comm. E. C. Wareing made motion that contributions by the Lufkin High School Senior Class of 1936 and Mrs. Linnette Scagliola be accepted with sincere appreciation and thanks. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Action Postponed on New Agreement - City of Lufkin & Angelina County Humane Society

Mayor Garrison stated that proposed agreement had been received from Angelina County Humane Society and copies of same had been provided to members of Commission for review. Mayor Garrison stated that members of Board of the Humane Society were present to answer any questions.

Comm. Pat Foley inquired as to whether or not the City of Lufkin was the only governmental entity participating in this program for operation of the animal shelter. City Manager Westerholm stated that as far as expenses were concerned, there were other agencies participating in the cost of operating the facility, including the City of Diboll, Angelina County, various foundations, and gifts.

Mayor Garrison stated that City of Lufkin would also have the privilege of charging a fee for all animals brought to the animal shelter from neighboring municipalities.

Mayor Garrison questioned the portion of the agreement which stated that in the event the City declined to do a proper job, the Humane Society would have the right to come into the animal shelter and take over operations. Mayor Garrison questioned this action due to the fact that the land on which the shelter was situated was owned by the City of Lufkin.

City Manager Westerholm stated that the operation of the shelter would be an added cost to the City. City Manager Westerholm further stated that the shelter did not contain adequate rooms for animals brought to the shelter to separate the diseased animals from the non-diseased animals, and that renovations would have to be made to the shelter to facilitate housing of the extra animals.

Mayor Garrison recognized Mr. Skip Richardson who was present appearing in representation of the Angelina County Humane Society who stated that the shelter contained inadequate facilities for care of animals brought in by the City's Health Department.

City Manager Westerholm stated that he challenged Mr. Richardson's statement, in that the City only delivered three to four animals to the shelter per day. City Manager Westerholm also stated that a study had been performed on renovations for the shelter and same would cost approximately \$30,000.

Mayor Garrison expressed his concern for this cost, and stated that possibly costs could be shared with the County for these renovations. Comm. Pat Foley stated that it was his opinion other entities in the County should be approached regarding participation in these costs.

Comm. E. C. Wareing stated that the wording of proposed agreement, and the lease agreement which was already in effect for use of the land at the shelter was in conflict and would have to be considered by the City's Legal Department.

Following discussion, motion was made by Comm. Pat Foley that action on this agreement be postponed until further information could be received regarding other entities which might consider sharing expenses with the City. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

15. Amendments to Standard Building Code and Standard Mechanical Code Adopted - Wood Shingle Discussion

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Mayor Garrison stated that various amendments had been made to the Standard Building Code and Standard Mechanical Code, and same were outlined in detail for members of Commission in distribution received.

Mayor Garrison recognized Mr. Don Luce of the City's Inspection Department who stated that a seminar was held each year at which time all amendments to these codes were discussed which had been recommended by trades people in order for municipalities to remain current on rule changes.

Comm. Pat Foley made motion that amendments to Standard Building Code and Standard Mechanical Code be adopted as presented. Motion was seconded by Comm. Don E. Boyd and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing expressed his concern that the City Manager follow up on developments in Dallas and Houston areas regarding use of wooden shingles in construction, and to check on ordinances adopted by these cities.

16. Authorization to Advertise for Bids - Water Improvements

Mayor Garrison stated that notification had been received this afternoon from Mr. Charles Simpson of Senator Charles Wilson's office stating that Economic Development Administration grant for proposed water improvements for the City of Lufkin had been approved. City Manager Westerholm stated that it would now be necessary for plans to be forwarded to Austin for final approval before bids could be advertised, but it was the thought of City staff that authorization to advertise for bids would be secured at this meeting in order not to delay advertisement for bids until after next meeting of City Commission.

Comm. Pat Foley made motion that City staff be authorized to advertise for bids on water improvements, following final approval of plans from Austin. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

17. Adjournment

There being no further business for consideration, meeting adjourned at 9:40 p.m.



ATTEST:

*Peter H. Garrison*  
MAYOR - City of Lufkin, Texas

*Gayle Dickey*  
Assistant City Secretary