

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF MAY, 1982, AT 5:00 P.M.

On the 18th day of May, 1982, 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
Percy A. Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present, and

Harvey Westerholm	City Manager
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being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, pastor of First Lutheran Church, Lufkin.
2. Mayor Garrison welcomed visitors present, and displayed a Centennial Painting by Robert Ryan presented to the City of Lufkin by Lufkin Printing Company.

3. Approval of Minutes

Minutes of regular meeting of May 4, 1982, and special meeting of May 11, 1982, were approved on motion by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Annexation & Permanent Zoning - Tabled - Omer E. Scogin - Herty Area

Mayor Garrison stated that Public Hearing had been held on request by residents of Herty Area for Annexation & Permanent Zoning of property bounded by the existing City Limits and east side of McKinney Street on the west, a line approximately 165 feet south of Freeman Street on the south, a line approximately 280 feet west of Kent Street on the east, and a line approximately 210 feet north of McHale Street on the north.

Mayor Garrison stated that discussion had developed at public hearing regarding the cost of improvements to the area. Mayor Garrison further stated that a survey had been made by City Planner Ed Richie which revealed no opposition to the Annexation, but some opposition to granting of right-of-way and participation in the cost of sewer lines.

Commissioner E. C. Wareing stated that the cost involved in extension of sewer service and lack of right-of-way indicated that at the present time, the annexation is not feasible. Commissioner Pat Foley stated that he would like to see a larger percentage of the people in the area interested in participating in the cost of improvements.

Mayor Garrison stated that the HertyArea is an older part of the Lufkin area developed prior to modern standards for subdivisions, but same has been an asset to the City by providing homes for employees of the paper mill.

Mayor Garrison further stated that the sewer problem in Herty is a health hazard, but adequate right-of-way is essential to annexation of the area. Mayor Garrison stated that the residents of the area should be informed that the right-of-way dedicated to the City could continue to be used by them until such time as the street is widened which could be years in the future.

Commissioner Bob McCurry stated that he would be in favor of the annexation if the people were willing to share in the costs of improvements, but the City should not purchase the right-of-way.

Commissioner E. C. Wareing stated that he did not say the Herty area should not be annexed, but the added cost should be born by Herty residents, not citizens of Lufkin. Mayor Garrison stated that the people in the area do not have the money to develop their area according to the requirements of a new subdivision.

After comments from several Herty residents, Mayor Garrison suggested that the residents present at the meeting survey their neighbors to see if right-of-way could be obtained and how many would be willing to participate in the cost of the sewer extension. Mayor Garrison further stated that the City Commission would table the first reading of annexation & permanent zoning ordinance until next meeting of this Commission.

Commissioner E. C. Wareing suggested that a lien be taken on subject property to be paid over a period of time or upon sale of the property which would enable property owners to participate in the cost of sewer.

James Templeton, City-County Health Unit, stated that the soil in the Herty area would not absorb water properly resulting in inadequate septic tanks. Mr. Templeton further stated that the Health Unit would extend time for compliance of orders to correct health hazards resulting from inadequate septic tanks until a decision is made on the annexation request. Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that first reading of annexation and permanent zoning request be tabled until next meeting of City Commission on June 1, 1982.

5. Church Street Closing - Approved - First Reading

Mayor Garrison stated that request to close Church Street had been approved for consideration of first reading at a previous Open Hearing. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that ordinance closing Church Street be approved on first reading. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved - Second Reading  
-Emmit M. Miller, Sr- RS to RS, LB, SU(Auto Repair)

Mayor Garrison stated that zone change application by Emmit M. Miller, Sr., covering property located on Traylor Street between Atkinson Drive and Paul Avenue from Residential Small to Residential Small, Local Business, Special Use(Auto Repair) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Lufkin Retirement Village, Inc. - RL to A

Mayor Garrison stated that zone change application by Lufkin Retirement Village, Inc., covering property located on Lotus Lane between Herman Brown Circle and Verna Lane from Residential Large to Apartment had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Zone Change Application - Approved - Second Reading - Urla C. Morgan - RS to RS, SU (Item #6-Day Care Nursery)

Mayor Garrison stated that zone change application by Urla C. Morgan covering property located at 105 Springwood between Howard Avenue and Lilac Avenue from Residential Small to Residential Small, Special Use (Item #6-Day Care Nursery) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that Zone Change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second Reading - Lufkin Industries, Inc. - RM to RM, SU (Item #18 - Parking Lot)

Mayor Garrison stated that zone change application by Lufkin Industries, Inc., covering property fronting on Trout Street at Winston Street from Residential Medium to Residential Medium, Special Use (Item #18-Parking Lot) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Bob McCurry that zone change be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. Bids for CNG - LPG - Rejected

Mayor Garrison stated that bids for conversion of City vehicles to either compressed natural gas or liquid propane had been tabled at last meeting of this Commission.

Commissioner E. C. Wareing stated that City Manager Westerholm had recommended that conversion kits be purchased for Liquid Propane Gas and installation be completed by City Staff. Commissioner Wareing further stated that if the City Manager's recommendation was followed, all bids presently being considered would have to be rejected and new bids received for conversion kits only.

Commissioner Pat Foley stated that he felt Compressed Natural Gas would be the best type of conversion. Commissioner Bob McCurry stated that he would like to see the City remain open to conversion to Compressed Natural Gas in the future.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that bids presently being considered for alternate fuel be rejected. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that bids be received for conversion kits for 51 units and alternate bids be received for conversion of not less than 10 or more than 51 units. A unanimous affirmative vote was recorded.

11. Zone Change Application - Approved - First Reading - Elmo Ray Scott - RM to NR, SU (Beauty Shop)

Mayor Garrison stated that zone change application by Elmo Ray Scott covering property located at 1712 Sayers Street from Residential Medium to Neighborhood Retail, Special Use (Beauty Shop) had been recommended to the City Commission by the Planning & Zoning Commission. There was no opposition present.

Commissioner E. C. Wareing stated that he understood that the reason for the zone change was to allow advertisement of the beauty shop and asked for comments from City Attorney Bob Flournoy. City Attorney Flournoy stated that the zoning ordinance provides that no signs will be erected in a Residential Medium Zone, and applicant wished to have a sign advertising the beauty shop.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that zone change be approved on first reading as presented. A unanimous affirmative vote was recorded.

12. TP&L Rate Increase - Ordinance Approved - First Reading

Mayor Garrison stated that the Commission had received a letter from Don R. Butler, attorney for participating cities in the TP&L rate increase, stating that a negotiated settlement had been reached which gained some significant reductions from the rates TP&L had requested.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that Ordinance approving rate schedules of TP&L be approved on first reading as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that in the future the PUC should set the rate, and he was not in favor of negotiated rates.

13. EXECUTIVE SESSION - Board Appointments - Approved - Examining & Supervising Board of Electricians - Zoning Board of Adjustment & Appeals

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss appointment to the Examining & Supervising Board of Electricians and the Zoning Board of Adjustment & Appeals. Mayor Garrison recessed formal open meeting of the City Commission at 6:30 p.m. At 6:35 p.m., Mayor Garrison reconvened regular meeting of City Commission and made announcement to individuals present regarding results of Executive Session. Mayor Garrison stated that the Commission had discussed the vacancies on the two previously stated boards and an agreement had been made as to appointments.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that members of Examining & Supervising Board of Electricians be reappointed for an additional two year term, same being: William H. Scott, Robert Beddingfield, Jerry E. Vail, and Don R. Cutler. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that members of Zoning Board of Adjustment & Appeals be reappointed for an additional term, same being; Thomas Moore - 1 year, Rev. L. D. Bell - 2 years, Fenner Roth - 1 year, and Jack Irish - 2 years. A unanimous affirmative vote was recorded.

14. There being no further business for consideration, meeting adjourned at 6:40 p.m.



*Pitser H. Garrison*  
Pitser H. Garrison, Mayor

*Ann Griffin*  
Ann Griffin, City Secretary