

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF JANUARY, 1978, AT 7:30 P.M.

On the 3rd day of January, 1978, 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
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
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Pat Foley	Commissioner, Ward No. 2
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Morris House, Pastor of the First United Methodist 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. R. A. Brookshire made motion that minutes of regular meeting of December 20, 1977, be approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

4. Open Hearing-Annexation & Permanent Zoning-Whitehouse Drive-Tom Gann

Mayor Garrison formally opened hearing regarding request for annexation and permanent zoning by Tom Gann for development of an RS subdivision covering property located South of Whitehouse Drive, between U. S. Highway 59 South and FM 58. Mayor Garrison invited questions from members of Commission with regard to this request.

Comm. E. G. Pittman inquired of Mr. Walter Borgfeld, attorney for Mr. Tom Gann who was present, as to whether or not any plans were being made for the widening of Whitehouse Drive at the East intersection with FM 58. Mr. Gann stated that he had discussed this consideration with the Mayor of Fuller Springs who explained that he would work with him regarding this matter.

Comm. R. A. Brookshire inquired of Mr. Gann as to whether or not he had plans to widen Whitehouse Drive. Mr. Borgfeld stated that no plans were being made by Mr. Gann for this purpose because Whitehouse Drive was a dedicated county road.

Comm. W. O. Ricks, Jr., stated it was his previous understanding that Mr. Gann would widen Whitehouse Drive. Mr. Borgfeld stated that there was no requirement of the Subdivision Ordinance that would impose the widening of Whitehouse Drive as a responsibility of Mr. Gann. Mr. Borgfeld stated that Mr. Gann proposed to provide 60-foot ROW across his property frontage in this area.

Comm. E. G. Pittman expressed his concern for the necessity of widening Whitehouse Drive at its intersection with FM 58 and made reference to the possible future traffic problems same may experience if it was not widened. It was reported that only a 40-foot ROW existed in area referred to by Comm. Pittman.

Mayor Garrison stated that the road widening process seemed to be a matter which could be resolved by the City Planning and Zoning Commission inasmuch as accessibility was a key factor in determining whether or not a subdivision was in fact approved.

There being no persons present appearing in opposition to this annexation and permanent zoning request, Mayor Garrison formally closed hearing regarding same, and invited further action from Commission.

Comm. Jack McMullen made motion that ordinance be set for consideration on first reading at next regular meeting for formal annexation and permanent zoning of this property as discussed. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

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

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

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

5. Open Hearing-Annexation & Permanent Zoning-R. H. Duncan-Brookhollow #9

Mayor Garrison formally opened hearing for consideration of annexation and permanent zoning request by Mr. R. H. Duncan regarding Brookhollow #9 subdivision development covering property located South of & adjacent to Brookhollow Nos. 5 & 6 at end of Live Oak Lane.

There were no persons present appearing in representation of or in opposition to this annexation and permanent zoning request.

Mayor Garrison invited comments from members of Commission. It was determined that this annexation request as presented would be considered for zoning to an RL subdivision as advertised, and Mayor Garrison formally closed hearing.

Comm. E. G. Pittman made motion that ordinance be set for first reading at next regular meeting for annexation and permanent zoning of this property as advertised. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

6. Open Hearing-Annexation Request by Herty Area Property Owners

Mayor Garrison formally opened hearing regarding request for annexation by property owners in the Herty area covering property located South of Highway 103 East and East of existing City Limits.

There were no persons present appearing in opposition to request for annexation and Mayor Garrison formally closed hearing.

Comm. E. G. Pittman made motion that annexation request by property owners in the Herty area be considered for first reading of ordinance at next regular meeting. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

7. Sabine Investment Co.-Crown Colony Subdivision-Annexation & Permanent Zoning-Ordinance Approved 2nd Reading

Mayor Garrison stated that ordinance had been approved at last regular meeting annexing and permanently zoning property as requested by Sabine Investment Company for Crown Colony Subdivision Section IV covering property located East of U. S. Highway 59 South, across from Angelina Junior College, South of Crown Colony Section III.

There were no persons present appearing in opposition to request for annexation and permanent zoning. Comm. R. A. Brookshire made motion that annexation request by Sabine Investment Company be approved on second and final reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire made motion that permanent zoning request by Sabine Investment Company be approved on second and final reading of ordinance as advertised. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

8. Pawn Broker Ordinance - Amendment Approved 2nd Reading-Record Maintenance

Mayor Garrison stated that members of the City Commission had approved on first reading of ordinance at last regular meeting amending the City Pawn Broker Ordinance, Section 18-4 regarding record maintenance.

There was no further discussion or opposition present regarding this proposed ordinance and Comm. E. C. Wareing made motion that ordinance be approved on second and final reading amending Section 18-4 of the City Code of Ordinances as previously discussed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

9. Texas Power & Light Co.-Request for Rate Increase Postponed 120 Days from January 25, 1978

Mayor Garrison explained that members of City Commission had received a formal request from Texas Power & Light Company for a proposed rate increase and recognized the presence of Texas Power & Light Company representatives, to include Mr. James Kerbo, John Powers and Mr. G. L. Price.

Mayor Garrison stated that the City Commission could consider an ordinance suspending the rate increase request by Texas Power & Light Company 120 days from January 25, 1978. Mayor Garrison stated that this would automatically delay the effective date for this period and allow essential time for review of proposed documents as submitted.

Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first and final reading to suspend this proposed rate increase 120 days from January 25, 1978, as discussed. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison stated that the City Commission would keep the public under advisement with regard to this request and the Texas Municipal League was also sponsoring a meeting which would be attended by City officials and members of City staff with regard to this increase affecting the various Cities within the state.

Mayor Garrison reminded individuals present that the members of this Commission had no specific power regarding rate increase request as submitted by Texas Power & Light Company inasmuch as the Public Utility Commission had final authority to determine the justification for rate increases.

10. Zone Change Approved 1st Reading-Lufkin Industries, Inc., from RM to RM District & Special Use, Item 18 (Parking Lot)

Mayor Garrison stated that zone change application by Lufkin Industries, Inc., from RM to RM District, Special Use, Item 18 (Parking Lot), covering property being a portion of Lot 3, Block 1, Hill Addition, fronting on South side of Jefferson Avenue between Falvey & Raguette Streets, had been recommended for approval by the City Planning & Zoning Commission.

There were no persons present appearing in opposition to application. Comm. E. G. Pittman recused himself from discussion or voting regarding this zone change application due to his working affiliation with Lufkin Industries.

Comm. W. O. Ricks, Jr., made motion that zone change application by Lufkin Industries, Inc., from RM to RM District, Special Use, Item 18 (Parking Lot), be approved on first reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded with one abstention by Comm. E. G. Pittman.

11. Zone Change Approved 1st Reading-Mrs. J. J. Young from RM to RM & C District, Special Use (Construction Storage Yard)

Mayor Garrison stated that zone change application by Mrs. J. J. Young from RM to RM & C District, Special Use (Construction Storage Yard), covering property being Lots 10 & 11, Block 1 of Forest Park Second Addition, fronting on East side of Timberland Drive, between McCall Drive & Duncan Street, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Mayor Garrison made reference to the fact that there was opposition at the City Planning and Zoning Commission level at which a compromise was reached with regard to a special use condition explained in the recommendation of the City Planning and Zoning Commission amending the application from a C District to a Special Use consideration to provide for a construction storage yard and storage of materials involved in this use with the condition that loose storage materials be stored beyond the five-foot setback line between the two properties.

Comm. E. C. Wareing inquired as to whether or not there were any additional requirements imposed by the City Planning and Zoning Commission. It was concluded that there were no additional requirements other than those submitted in final recommendation of the City Planning and Zoning Commission. City Manager Westerholm stated that this application was essentially to bring the property use into compliance.

Comm. E. G. Pittman made motion that zone change application by Mrs. J. J. Young from from RM to RM & C District, Special Use (Construction Storage Yard), be approved on first reading of ordinance in accordance with recommendation of the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

12. Zone Change Denied-Fred D. Boykin from RM to C District & Special Use, Item 16 (Private Club)

Mayor Garrison stated that zone change application by Fred D. Boykin from RM to C District, Special Use, Item 16 (Private Club), covering property fronting on North side of Kurth Drive, between Sayers & Lakeview Streets, had not been recommended for approval by the City Planning and Zoning Commission.

Mayor Garrison stated that this application had not been recommended by the City Planning and Zoning Commission due to opposition of property owners who were present. Mayor Garrison recognized five property owners who were present at this meeting appearing in opposition to request by Mr. Boykin for a private club, including Mr. S. T. Lewis, Mr. E. C. Johnson and Mr. Ecomet Burley. These individuals stated that private clubs in this area did not have a good record due to problems which had existed in the past with similar operations. It was also stated that approximately 17 churches in this area did not support this type activity which would be detrimental to residential activity, to include two nearby schools.

Mr. Boykin stated that the proposed location of his facility would be in a wooded area and a remote location and traffic would not be a problem. Mr. Boykin stated that it was also his personal opinion that opposition stated was not valid inasmuch as he had discussed this proposal with property owners present who did not previously oppose his consideration.

Comm. E. G. Pittman inquired of opposition present as to whether or not any individuals lived within 200 feet of proposal. It was determined that Mrs. S. T. Lewis lived within 200 feet who was in opposition to application.

Comm. W. O. Ricks, Jr., made motion that zone change application by Fred D. Boykin from RM to C District, Special Use, Item 16 (Private Club), be denied approval. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading-El Chico Restaurant from C to C District, Special Use, Item 16 (Private Club)

Mayor Garrison stated that zone change application by El Chico Restaurant from C to C District, Special Use, Item 16 (Private Club), covering property located at existing El Chico Restaurant, South of Loop 287, West of & fronting on S. First Street (U. S. Highway 59 South), had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing inquired as to whether or not consideration had been made for future expansion of this building and whether or not proposal as submitted would be feasible under information submitted to this Commission. It was explained by representatives present from El Chico Corporation that proposal was to include only one dining room area of the facility to be designated as a private club.

City Attorney Flournoy stated that it would be necessary to obtain a legal description for the exact location of this area.

Mayor Garrison suggested that application be considered and confined to the present building structure, and a specific description of the location of the club facility could be determined prior to consideration of second and final reading at next regular meeting.

Comm. E. G. Pittman made motion that zone change application by El Chico Restaurant from C to C District, Special Use, Item 16 (Private Club), be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

14. Lufkin Industries, Inc.-Shepherd/Ellis Avenue Construction-Bids Approved

City Manager Westerholm reported that bids were opened by the City staff involving the construction at Shepherd/Ellis Avenue and same were higher than anticipated, with only one bid being received from Moore Brothers Construction Company in the amount of \$207,933.30. City Manager Westerholm stated he had requested that Mr. Jerry Clark of Everett Griffith & Associates review this bid for the possibility of deleting certain items of construction which were not absolutely essential.

City Manager Westerholm stated that Mr. Jerry Clark was present to answer any questions members of Commission may have regarding detail proposal which indicated a deletion in the original proposal. City Manager Westerholm stated that with deletions recommended by Mr. Clark, a bid amount of \$197,133.30 was now before Commission for consideration.

Comm. E. G. Pittman recused himself from any discussion or vote in this matter due to his working affiliation with Lufkin Industries, Inc.

Comm. R. A. Brookshire inquired as to whether or not City Manager Westerholm had reviewed this unexpected increase above the estimates which had previously been presented to Lufkin Industries. City Manager Westerholm stated that he had discussed these increases with Lufkin Industries representatives who indicated a willingness to pay the difference between the \$150,000 and the new revised bid of \$197,133.30.

Members of Commission reviewed in detail the construction proposal by Moore Brothers Construction Company with Mr. Jerry Clark, who explained the technical nature of this project and the reasons for which few contractors in the area had considered bids regarding same even though adequate advertisements were made in local paper and trade journals within the state.

Mayor Garrison inquired as to whether or not a firm word had been received from Lufkin Industries as to whether or not they would pay the additional amount. City Manager Westerholm stated that it was his opinion that Lufkin Industries would pay this amount.

Comm. Jack McMullen inquired as to whether or not Lufkin Industries may be desirous of furnishing heavy equipment to move some of the dirt in this area which was projected to cost a considerable amount. It was determined that this may not be a feasible adventure and Mayor Garrison complimented the efforts of Lufkin Industries in this regard and the value of this industry to the community.

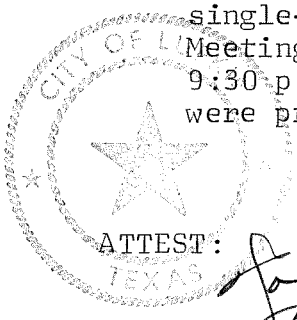
Comm. E. C. Wareing made motion to accept bid by Moore Brothers Construction as revised in the amount of \$197,133.30 for this construction. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

15. Traffic Accidents - Low Rate Commended

Comm. E. G. Pittman stated that the City Police Department and STEP Program should be complimented due to the low rate of traffic accidents which had occurred in the past year. Mr. Pittman stated that the STEP Program of the Lufkin Police Department, to include a good police program, good City streets, and good City management should be complimented.

16. Adjournment to Executive Session-Pending Litigation-City Ward Suit

Mayor Garrison requested that members of Commission adjourn to an executive session for the purpose of discussing pending litigation concerning the City single-member district suit soon to be considered by Federal Court in Tyler. Meeting adjourned at 8:50 p.m. for this purpose. Meeting reconvened at 9:30 p.m. and no public announcements were made inasmuch as no individuals were present. Meeting adjourned at 9:30 p.m.



ATTEST:

Roger G. Johnson, Asst. City Manager

Paul H. Garrison
MAYOR - City of Lufkin, Texas