MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF MAY, 1981, AT 5:00 P.M.

On the 19th day of May, 1981, 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, Jr.	Commissioner, Ward No. 1
Don E. 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
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God of Lufkin.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

Minutes of regular meeting of May 5, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

4. OPEN HEARING -Annexation and Permanent Zoning Request-Helen Lowe - Ordinance Set for First Reading-Meeting Date Set

Mayor Garrison officially opened hearing on Annexation and Permanent Zoning request by Helen Lowe covering property located north of Loop 287 at Kurth Drive to Commercial, Special Use(Item 1-County Jail). There was no opposition.

Mayor Garrison stated that property adjacent to property stated in request for Annexation was zoned at last regular meeting of City Commission to Commercial, Special Use, (Item 1-County Jail). Commissioner E. C. Wareing stated that the Annexation and Permanent Zoning Request should carry the same stipulation as the zone change which stated that the Special Use for County Jail would become moot if option of County is not exercised. Hearing officially closed by Mayor.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that Annexation and Permanent Zoning be considered for first reading at next meeting of City Commission. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that in view of a conflict between Texas Municipal League Meeting in Lubbock and City Commission Meeting date that June 9th be designated as next meeting date for City Commission. A unanimous affirmative vote was recorded.

5. Zone Change Application - Postponed - First Reading Exeter Investment Corporation - C to C,SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by Exeter Investment Corporation located at 3009 John Redditt Drive between Mott Road and Timberland Drive from Commercial to Commercial, Special Use (Item 16-Private Club) had been heard at last meeting and set for reconsideration at this meeting after a vote of three (3) to three (3).

Mayor Garrison recognized Clay Dark, Attorney for zone change application, who stated that he understood members of City Commission had questions about the manner in which the Mr. Gattis Restaurant would be operated regarding controls on the sale of alcoholic beverages. Mr. Dark stated that a letter had been provided each member of Commission stating his findings, and he would be happy to answer any questions. Mr. Dark further stated that the Alcoholic Beverage Commission regulates the private clubs, and the only way the City becomes involved in the matter is through the police department answering a call to the club. Mr. Dark stated that the proper zone must be obtained first, and than an application is submitted for a liquor license from the State, a character study is conducted through local agencies on the owners of the club and the health unit checks on adherence to health regulations at the club.

Mayor Garrison stated that minors are prohibited from buying alcoholic beverages, and asked if they are prohibited from being on the premises. Mr. Dark stated that minors are allowed on the premises, but the private club license provides more stringent rules than a restaurant that provices alcoholic drinks with meals. Mr. Dark further stated that the City would receive a portion of the tax paid to the state from alcohol sales. Mr. Dark stated that the beer is served in pitchers, and individuals are issued the exact number of glasses as a means of preventing minors from drinking beer poured from the pitcher.

Commissioner Richard Thompson stated that he thought private clubs had a segregated area with only members allowed in that area, but through reading Mr. Dark's letter he learned that both members and non-members are allowed in the area.

Mr. Dark stated that pitchers of beer have been served in Angelina County since the last legislature approved the "Pool System," and the law never stated that the club had to be segregated.

Commissioner Richard Thompson stated that one (1) or two (2) men in the Mr. Gattis Pizza Parlor would not be able to inspect the entire area for violators.

City Attorney Bob Flournoy stated that the zone only makes the operation legal, and the Commission must assume that the owners will operate legally.

Commissioner Bob McCurry asked if it would be grounds for a discrimination suit to deny the zone change since within 100 yards there are four (4) private clubs in operation. Commissioner E. C. Wareing stated that it would not be discrimination if zone change was detrimental to the ovarall public interest.

There was a large group of people present in opposition to zone change application to include: Rev. Charles McIlveene, Rev. Bob Lewis, Sam Kaemmerling, Elward Hicks, James Jones, Larry Heaton, Mr. & Mrs. Gus Boesch, Truitt Miller, Wayne Gadman, Lee Miller, Buddy Walker, Edward Kaemmerling, Max Griffin.

The following points of opposition were expressed:

1. Citizens are concerned about large number of private clubs in Lufkin.

2. Angelina County was voted dry.

3. Membership is not properly checked in existing private clubs.

4. Only one (1) officer to control private clubs in Lufkin.

5. Local control needs to be developed.

6. Twin Cinema which is frequented by youth, is adjacent to proposed private club.

Commissioner E. C. Wareing stated that he resented the implication that the City Commission would be interested in the amount of tax revenue generated by the private club. Commissioner Wareing further stated that each zone change had to be considered on its own merits, and the Commission is directed by the zoning ordinance to promote the morals and general welfare of the City. Commissioner E. C. Wareing further stated the area of the club is too small and the architecture doesn't lend itself to segregation of the club.

After further discussion, motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that this application and other applications for private clubs on this agenda be postponed until next meeting to allow the City Attorney time to provide the Commission with a definition of "Private Club" and an ordinance that requires advertising as a private club, and that private clubs are operated in accordance with zoning. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved - Second Reading - Sabine Investment Co. - LB to CB

Mayor Garrison stated that zone change application by Sabine Investment Company covering property located at Lots 2,3,&4 of Crown Colony, Section 1, fronting on U.S. Hwy. 59 between Temple Blvd. and College Drive from Local Business to Central Business had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Revous C. Taylor - LB to C

Mayor Garrison stated that zone change application by Revous C. Taylor covering property located at 813 Kurth Drive between Simon Street and Sayers Street from Local Business to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

8. Zone Change Application - Approved - Second Reading - James W. Harkness - LB,C,SU to C

Mayor Garrison stated that zone change application by James W. Harkness covering property located at 2409 E. Lufkin Avenue between Sandy Lane and Medford Drive from Local Business, Commercial, Special Use to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - Second Reading - John Lee Slaughter - RL to CB

Mayor Garrison stated that zone change application by John Lee Slaughter covering property located at 907 Pershing between Calvin Street and Bynum Street from Residential Large to Central Business was approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

10. Zone Change Application - Approved - Second Reading - Mrs. B. N. Lively - RL to LB

Mayor Garrison stated that zone change application by Mrs. B. N. Lively covering property located at 510 Moore Avenue between North Raguet Street and Douglas Street from Residential Large to Local Business had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading of ordinance. A unanimous affirmative vote was recorded.

11. Curb & Gutter Paving Petition - Approved - Cain Street

Mayor Garrison stated that curb & gutter paving petition for Cain Street had been tabled at last regular meeting of City Commission for Engineers to restudy the expensive drainage solution on Cain and Glenn Streets.

City Manager Westerholm stated that to lower the cost, the Engineers have designed an inverted street to carry the large volume of water in the street rather than in underground storm sewers. City Manager Westerholm further stated that the City's cost would be $55,664.55, and property owners on Glenn Street had not signed the petition.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that curb & gutter paving petition be approved pending approval of property owners on Glenn Street by petition and availability of funds in City budget. A unanimous affirmative vote was recorded.

12. Report on Feasibility Study by Temple Associates - Scope of Services, A,B, & C - Approved

Mayor Garrison stated that Temple Associates was requested at last meeting of City Commission to present their proposed feasibility study at this meeting. Mayor Garrison recognized Mr. Billy Sims, representative of Temple Associates who stated that he had submitted a report to the Commission and was ready to answer any questions.

Mayor Garrison stated that a determination should be made about whether the water is available in the Carizzo Aquifer in adequate amounts for the needs of Lufkin and Diboll. Mayor Garrison further stated that he had some reservations as to the advisability of the City of Lufkin and the City of Diboll entering into an agreement for Lufkin to supply water to Diboll.

In answer to question by Commissioner E. C. Wareing, Billy Sims stated that to complete A,B,&C under Scope of Services would require 30 days at a cost of $6,000 to $7,000.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that A,B,&C under Scope of Services be completed within 30 days at the approximate cost of $6,000 to $7,000. A unanimous affirmative vote was recorded.

Mr. Sims stated that he would inform Diboll City Commission of Lufkin's decision for their consideration.

13. Zone Change Application - Approved - First Reading - J.L. Johnson, Jr. - RL to LB

Mayor Garrison stated that zone change application by J. L. Johnson, Jr., covering property located at 1909 Pin Oak Lane between John Redditt Drive and Gaslight Square Blvd. from Residential Large to Local Business had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that application be approved on first reading of ordinance. A unanimous affirmative vote was recorded.

14. Zone Change Application - Postponed - First Reading - David D. Dunn - LB to C,SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by David D. Dunn covering property located at 207 N. Raguet between Frank Avenue and Moore Avenue from Local Business to Commercial, Special Use (Item 16-Private Club) would be postponed as stated in motion by Richard Thompson under Item 5.

15. Zone Change Application - Postponed - First Reading - Paul J. Reavis - C to C,SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by Paul J. Reavis, covering property located at 111 South Chestnut between Lufkin Avenue and South Timberland Drive from Commercial to Commercial, Special Use(Item 16-Private Club) would be postponed as stated in motion by Richard Thompson under Item 5.

16. Bids Approved - Radio Equipment - Fire Department - Waterline Materials & Fire Hydrants - Water Department

a. Mayor Garrison stated that only one (1) bid was received on Radio Equipment for the Fire Department from Motorola Communications & Electronics, Inc., in the amount of $14,115.63 which is $1,460.94 over budget.

   City Manager Westerholm stated that the additional money would be transfered from the salary allowance which is under budget due to inability of Fire Department to hire employees at the beginning of the year.

   Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that bid be approved from Motorola as recommended. A unanimous affirmative vote was recorded.

b. Mayor Garrison stated that bids had been received for materials and fire hydrants for use by the Water Department on Kurth Drive.

   City Manager Westerholm stated that the City would like to recommend that the following bids be accepted:

Materials & Pipe - Big State Utility Supply	$30,779.75
Fire Hydrants - East Texas Service Corp.	$ 1,640.00

   Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that bids be approved as stated. A unanimous affirmative vote was recorded.

17. City National Bank, Austin - Approved - Lufkin's Agent for City Sales Tax Depository

Mayor Garrison stated that Lufkin has the right to appoint a bank in Austin to collect the City Sales Tax Check from the State Comptroller in Austin and submit for payment which would allow the City to avoid the delay caused by the check being mailed.

City Manager Westerholm stated that the City would like to recommend City National Bank in Austin to serve as agent.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that City National Bank in Austin be appointed as agent for collection of checks from Comptroller subject to cancellation by City of Lufkin. A unanimous affirmative vote was recorded.

18. Taxicab Franchise - Approved - J. D. Gibson

Mayor Garrison stated that the City Commission had received a request from J. D. Gibson for a taxicab franchise, and indicated that it would be approximately 45 days before he could begin operation.

In answer to question by Commissioner Pat Foley, Mr. Gibson stated that he felt some of the taxicab ordinance would be a hardship to the company. Mr. Gibson stated that he especially took exception to the section dealing with "Cruising" which states that the taxi must immediately return to the taxi stand after completing a trip. Assistant City Manager, Roger G. Johnson, stated that this part of the ordinance was to prevent congestion on the streets. Commissioner E. C. Wareing stated that Mr. Gibson should submit his exceptions in a letter to City Attorney Flournoy for consideration at a later meeting.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that franchise be granted. A unanimous affirmative vote was recorded.

19. Executive Session - Purchase of Real Estate - Discussion of Appointments to Plumbing Appeals & Advisory Board - Police Department Shortages

Mayor Garrison stated that the City Commission would adjourn into an Executive Session to discuss purchase of real estate, and appointments to Plumbing Appeals & Advisory Board. Mayor Garrison then recessed formal open meeting of the City Commission at 7:10 p.m. At 7:50 p.m. Mayor Garrison reconvened regular meeting of the City Commission and made announcements to individuals present regarding results of Executive Session.

Mayor Garrison announced that members of City Commission had discussed purchase of real estate within the corporate limits and had authorized City Manager Westerholm to make further negotiations on purchase of property.

Mayor Garrison stated that no specific action had been authorized, and City Manager Westerholm would report his findings to members of City Commission at a later date, at which time, announcement would be made if purchase of property was made.

Mayor Garrison stated that members of Commission had also discussed appointments to Plumbing Appeals and Advisory Board and had agreed on three (3) appointments pending their acceptance of same. Mayor Garrison stated that formal appointments would be made at next regular meeting if newly appointed members accepted, and names would be released to media prior to this time.

Commissioner Don Boyd inquired as to situation in Police Department in regard to shortage of officers. Roger G. Johnson, Assistant City Manager, informed Commissioner Boyd that a recent examination had been given, and if these individuals were hired the Police Department should be relatively close to full strength.

Commissioner Percy Simond inquired as to possible salary increase for Police Department, and whether or not members of City Commission might consider Police and Fire Department increases on a separate basis in next regular budget. Mayor Garrison stated that members of City Commission could review this type salary consideration when budget was presented for their review on July 15th.

20. There being no further business for consideration, meeting adjourned at 7:55 p.m.

Pitser H. Garrison

Pitser H. Garrison, Mayor

CITY OF LUFKIN

ATTEST:

Ann Griffin

City Secretary