

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF SEPTEMBER, 1973, AT 7:30 PM

On the 4th day of September, 1973, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar 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	City Secretary

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

1. Meeting opened with prayer by Rev. William L. Hattaway, Pastor of First 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 and complimented their interest.

3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of the City Commission on August 21, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Kit McConnico Park - Dedication by Resolution

Mayor Garrison introduced Senator & Mrs. W. R. Cousins, Sr., and the Honorable Jack Stone, Chairman of the Texas Parks & Wildlife Commission, who were present regarding the naming and dedication of Kit McConnico Park. Mayor Garrison explained a brief history regarding the life of Kit McConnico and desire of Senator & Mrs. Cousins to perpetuate the memory of Kit McConnico by sale of their property to the City and request to name park, Kit McConnico Park. Mayor Garrison also explained that the Texas Parks & Wildlife Commission, as represented by the Honorable Jack Stone, had paid a portion of the cost for this property in the amount of \$113,245.84. Mayor Garrison then asked City Attorney Flournoy to read a prepared resolution to Christopher M. "Kit" McConnico. Following reading of resolution, Comm. W. O. Ricks, Jr., made motion that resolution as read by City Attorney Flournoy in behalf of Christopher M. "Kit" McConnico naming newly dedicated park property "Kit McConnico Park" be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded. Mayor Garrison then presented Mrs. Johnny McConnico Cousins a copy of resolution, and Mrs. Cousins expressed her appreciation to members of the City Commission.

Mayor Garrison explained that the Honorable Jack Stone, Chairman of the Texas Parks & Wildlife Commission was present and City Attorney Flournoy read a prepared resolution to the Parks & Wildlife Department of the State of Texas expressing appreciation in behalf of the City Commission of the City of Lufkin, Texas. Comm. J. T. Hopson then made motion that resolution be approved as read by City Attorney Flournoy. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded. Mayor Garrison then presented the Honorable Jack Stone a copy of the resolution as read by City Attorney Flournoy and thanked Mr. Stone for a job well done in behalf of members of the City Commission. Mr. Stone expressed his appreciation and complimented the City and the Parks & Recreation Department for a good effort on their application.

5. Proposed Annexation & Permanent Zoning - Jerry Lumpkin, et al

Ordinance was approved on first reading at last regular meeting annexing and permanently zoning to C District a portion of a certain 28.44 acres of land abutting on U. S. Highway 59 South near Angelina Junior College as requested by Jerry Lumpkin, et al. There were no persons present appearing in objection to proposed annexation and permanent zoning. Comm. R. A. Brookshire made motion that ordinance annexing and permanently zoning to C District property owned by Jerry Lumpkin be approved on second and final reading. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

6. Zone Change Application - Jack Gorden from R-1 to LB District

Ordinance was approved on first reading at last regular meeting approving zone change application as submitted by Jack Gorden from R-1 District to LB District covering property located West of Loop 287 near intersection with Largent Street and Old Union Road. There were no persons present appearing in objection to zone change application as presented. Comm. R. A. Brookshire made motion that ordinance changing zone from R-1 District to LB District on property owned by Jack Gorden be approved on second and final reading. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

7. Zone Change Application - Margaret B. Ezell from R-1 to A District

Zone change application by Margaret B. Ezell from R-1 District to A District was approved on first reading of ordinance at last regular City Commission meeting covering property located South of Pershing Avenue, West of Trout Street, near Parkview Baptist Church. There were no persons present appearing in objection to zone change application. Comm. R. A. Brookshire made motion that ordinance be approved on second and final reading changing zone from R-1 District to A District as requested by Margaret B. Ezell. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

8. Amendment to Zoning Ordinance #1146 - Special Use Provision

Ordinance was approved on first reading at last regular City Commission meeting amending the Zoning Ordinance #1146, Art. XV, Section 16, by adding Item D, allowing a Special Use Provision under any zoning classification. There were no persons present appearing in objection to this amendment as previously approved. Comm. R. A. Brookshire made motion that ordinance amending Zoning Ordinance #1146 allowing a Special Use Provision under any zoning classification be approved on second and final reading. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

9. Amendment to Fireworks Ordinance #244

Ordinance amending Fireworks Ordinance #244 was approved at last regular City Commission meeting and passed on first reading to allow the discharge of fireworks under special conditions approved by the City Commission. There were no persons present appearing in objection to amendment as previously approved. Comm. R. A. Brookshire made motion that ordinance amending Fireworks Ordinance #244 be approved on second and final reading. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

10. Angelina County Chamber of Commerce - Request to Activate Lufkin Housing Authority

Mayor Garrison briefly reviewed previous attempts by the City Commission to solve housing situation in the City and explained problems encountered in attempts to resolve same. Mayor Garrison stated that the Angelina County Chamber of Commerce had requested a place on the agenda in an attempt to appoint and activate a Lufkin Housing Authority. Mayor Garrison further explained that Mr. Perry Allgood, President of the Angelina County Chamber of Commerce, was present along with other members of the Chamber, including Herman Brown, Director, George Henderson, Woody Gann and others. Mayor Garrison then called

on Mr. Perry Allgood, President, to speak in behalf of request. Mr. Allgood explained that members of the City Commission had been furnished a copy of resolution with respect to the Housing Authority adopted by the Chamber Board of Directors on July 12, 1973. Mr. Allgood read from various sections of this resolution and asked members of the City Commission if they had any questions regarding same. Various members of the City Commission presented questions to representatives of the Chamber who were present. Mayor Garrison called on Mr. George Henderson and other members of the Chamber who stated that serious consideration for the appointment of the Housing Authority and activation of same should be made at the present time in order that preliminary arrangements would not hold back the possibility of receiving funds from the government when available. Mayor Garrison expressed his concern that members of the City Commission must activate and appoint Housing Authority with "measured steps" since the City Commission was responsible to the citizens and a Housing Authority would assume considerable power.

Considerable discussion prevailed concerning the appointment and activation of a Housing Authority for the City and it was determined that members of the City Commission desired access to more information prior to rendering decision regarding same. Comm. E. G. Pittman asked City Manager Westerholm if the Deep East Texas Council of Government had made any comments in regard to local problems with Housing Authorities and further requested the status of this study. City Manager Westerholm stated that studies being conducted by the Deep East Texas Council of Government would only indicate where problems existed, but no solutions to these problems would be made a part of this study. Comm. E. C. Wareing asked City Manager Westerholm if the current Comprehensive Planning Engineers were completing studies regarding the Lufkin housing situation. City Manager Westerholm stated that the Comprehensive Planning Engineers were making a study of the housing problems and other related material which would be available in November of this year.

Mayor Garrison explained that the City Commission was aware of the housing problems and a great percentage of the population could not purchase adequate housing. Mayor Garrison also stated that the City Commission would feel responsible for the actions of a Lufkin Housing Authority and members of the City Commission desired to assist in this problem. Mr. Perry Allgood expresses his appreciation to members of the City Commission for their consideration of request by the Chamber of Commerce as presented. Comm. E. G. Pittman expressed his agreement with Comm. R. A. Brookshire to be furnished additional information including a copy of the Housing Authority Law no later than Thursday of this week. Comm. E. G. Pittman further requested that this request by the Chamber of Commerce be placed on the agenda for consideration at next regular meeting. Comm. E. C. Wareing asked Mr. Herman Brown if he had additional information regarding the Housing Authority that would be helpful to members of the City Commission. Mr. Brown stated that he had more information and would furnish copies as soon as possible. Mayor Garrison then tabled consideration of this item on his own volition until next regular meeting as agreed by other members of the Commission.

11. Pornographic Material-Ordinance Approved-Ministerial Alliance Assn.

Mayor Garrison explained that the Ministerial Alliance Association had requested members of the City Commission consider a proposed ordinance regarding the display of obscene articles within the City Limits of Lufkin, Texas. Mayor Garrison related a brief account of the recent Supreme Court decision regarding pornographic material which had initiated this effort by the City Commission and the MAA. Mayor Garrison also explained that following this decision by the Supreme Court, members of the City Commission were asked by Comm. E. G. Pittman to consider an ordinance along this line. Mayor Garrison also explained that City Attorney Flournoy, through several meetings with attorneys for the MAA, had prepared a proposed ordinance to regulate material as it was displayed for sale in various

business locations. City Attorney Flournoy then read a copy of the proposed ordinance and later explained that the Texas Legislature had passed authority to the City to regulate the display of this pornographic material.

Mayor Garrison called on Mr. Jim Salles, spokesman for the MAA. Mr. Salles extensively reviewed the City's need for this ordinance as proposed and explained that children were being permitted to see too much pornography in various businesses throughout the City. Mr. Salles stated that it was the desire of the MAA to protect the minor children and no attempt was being made to control the sale of these items to adults. Mr. Salles then distributed copies of various magazines depicting pornographic material to members of the City Commission for their review. Mr. Salles stated that Mr. David Porter, Attorney from Chandler, Weed & Conner, had been employed to consider a formal ordinance and work with City Attorney Flournoy regarding same.

A number of representatives of the MAA were present supported by a large group of citizens. Members of the City Commission expressed their sincere support of the proposed ordinance as read by City Attorney Flournoy and motion was made by Comm. W. O. Ricks, Jr., to approve ordinance on first reading regulating the display of pornographic material throughout the City as explained by City Attorney Flournoy. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Mayor Garrison called on Mr. Bill Luther, a local distributor, who was present regarding proposed ordinance. Mr. Luther stated that he was not aware of action to be considered by members of the City Commission and desired more time to speak to publishers and lawyer. Mayor Garrison explained to Mr. Luther that he could be heard at next regular meeting before second and final reading of ordinance was considered on the 18th of September, 1973.

12. Annexation Costs - Publication of Notices

City Attorney Flournoy stated that he had considered request by members of the City Commission from last regular meeting regarding a proposed ordinance controlling annexation costs and transfer of this cost to individuals making request for same. City Manager Westerholm informed members of the City Commission that the City could probably impose cost on various individuals in certain instances without an official ordinance by imposing certain conditions toward annexation. Considerable discussion developed regarding a proposed ordinance and Comm. E. C. Wareing expressed his concern that transfer of annexation costs to individuals to cover cost of advertising was a good idea since City sewer services were not being provided to individuals living outside the Corporate Limits. Comm. E. G. Pittman asked City Attorney Flournoy if new annexation laws would assist the City with problems encountered in request for annexation for small tracts. City Attorney Flournoy stated that a limit of 500 feet widths recently imposed by law would prevent a number of these requests from being considered. Comm. R. A. Brookshire made motion that an ordinance not be adopted by the City as proposed by City Attorney Flournoy. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, J. T. Hopson,  
Joe E. Rich, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. E. C. Wareing

Mayor Garrison declared motion carried by majority vote of 6 to 1.

13. Water Pollution Control Plant - Status of Suit - B. F. Gipson

City Attorney Flournoy reported on the status of the Benjamin F. Gipson vs City of Lufkin law suit indicating the Gipson's recent application for stay, pending appeal, had been denied and no further information had been made available.

14. Extension of Angelina Street - Denman Avenue to Pershing Avenue

City Attorney Flourney reported that the City of Lufkin had received ROW easement privileges from the Southern Pacific Transportation Company to extend Angelina Street from Denman Avenue to Pershing Avenue. City Attorney Flourney further stated that a resolution had been prepared accepting the grant of this easement and expressing appreciation to the Southern Pacific Transportation Company for their consideration. City Attorney Flourney then read from copy of prepared resolution. Comm. E. G. Pittman made motion that resolution be approved accepting ROW easements as granted by the Southern Pacific Transportation Company and commending this company for their consideration. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

15. Carrothers Const. Co.-Change Order #2-Water Pollution Control Plant

City Manager Westerholm reported that he had received a letter from Henningson, Durham & Richardson approving Change Order #2 for the Water Pollution Control Plant. City Manager Westerholm stated that this change order would authorize the contractor to remove existing materials under the buildings and replace with satisfactory materials under the direction of the soils engineer. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Change Order #2 be approved subject to provisions as stated without admission of liability and responsibility for payment of additional cost by the City. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

16. Comprehensive Master Plan - Lockwood, Andrews & Newnam

City Manager Westerholm requested authority for Mayor Garrison to execute agreement with the Texas Department of Community Affairs to complete the Comprehensive Master Plan by Lockwood, Andrews & Newnam. City Manager Westerholm reported that the City's cost would be \$7,046 which had been provided for in the present Budget. Comm. E. G. Pittman then made motion that Mayor Garrison be authorized to execute agreement accordingly in accordance with cost as explained by City Manager Westerholm. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

17. Authority to Advertise for Bids-Recreation & Parks and Street Dept.

City Manager Westerholm stated that street resurfacing programs would soon begin and the City must also consider bids on garbage can liners for the new Budget year. City Manager Westerholm also informed members that lighting equipment would be necessary for the installation of lights on two new softball fields and authority to advertise for bids must be granted by the City Commission. Following a brief discussion, Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to advertise for bids on items as mentioned above. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire expressed concern that the City attempt to bid new garbage can liners on rolls as acquired in bid from last fiscal year. Comm. W. O. Ricks, Jr., expressed his concern that the City bid the same mil plastic bag and use specifications from last fiscal year.

18. Gulf Oil Refining Company - Park Property - Disc.

City Manager Westerholm reported that he had received a letter from Mr. Glenn J. Parmley, Gulf Oil Refining Company, in regard to the City Commission's recent request to use certain properties of Gulf Oil Refining Company for bicycle paths, bridal paths and playground equipment for neighborhood park purposes. City Manager Westerholm stated that Gulf Oil Refining Company had approved request by City Commission and forwarded maps indicating areas to be used for these purposes subject to various conditions. Mayor Garrison stated that

these particular areas offered for use by Gulf Oil Refining Company would be ideal areas to be utilized by the City for park purposes without much additional cost. It was determined that the City's only obligation would be to keep this area clean and provide liability insurance which was already available to the City. Comm. E. G. Pittman made motion that property owned by Gulf Oil Refining Company be accepted and used for park purposes in areas as described in plats forwarded by Gulf Oil Refining Company. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

19. Vumore (Cablecom General) - Monthly Report

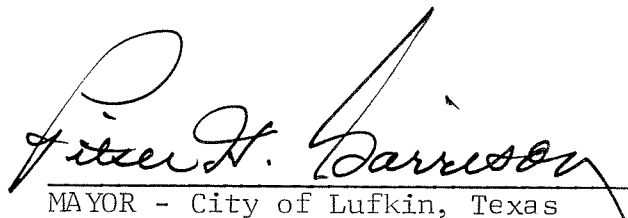
City Manager Westerholm reported that Vumore had submitted their monthly report by way of letter from Mr. Art Kempf and copies of this report had been made available to members of the City Commission. Comm. R. A. Brookshire asked City Manager Westerholm to make copies of this report available to members of the press present at this meeting.

20. Municipal Court - Prosecution of Cases

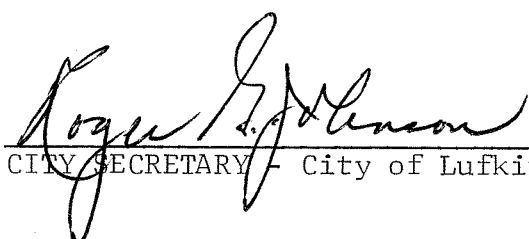
Comm. Joe E. Rich asked City Attorney Flournoy if further progress had been made in regard to court trials in the City Court. City Attorney Flournoy reported that court trials had been set for the week of September 17, 1973.

21. Adjournment

There being no further business for consideration, meeting adjourned at 9:20 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas