

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF MARCH, 1976, AT 7:30 P. M.

On the 2nd day of March, 1976, 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:

R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison	Mayor
W. O. Ricks, Jr.	Commissioner at Large, Place A

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

1. Meeting opened with prayer by Rev. Curtis Keith, Pastor of First Christian Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed a large group of visitors who were present in connection with items on the agenda or as observers. Mayor Pro Tem Wareing also announced the illness of both Mayor Garrison and Comm. W. O. Ricks, Jr.

3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of February 17, 1976, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Annexation & Permanent Zoning-Ordinance Approved 2nd Readings-Sabine Investment Company - Crown Colony Sub-Division

Mayor Pro Tem Wareing stated that both annexation and permanent zoning ordinances had been approved on first reading during last regular meeting of this Commission on request by Sabine Investment Company for the annexation and permanent zoning of the Crown Colony Sub-Division covering property fronting on U. S. Highway 59 South, immediately East of Angelina Junior College.

There were no persons present appearing in opposition to either the annexation or permanent zoning of this property. Comm. Pat Foley made motion that annexation request by Sabine Investment Company be approved on second and final reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. Pat Foley made motion that permanent zoning of this property be approved on second and final reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-Leland & Esther Gay, William McCall from R-3 & NR District to LB District

Mayor Pro Tem Wareing stated that zone change application by Leland & Esther Gay, William McCall from R-3 & NR District to LB District covering property located between Lufkin and Wood Avenues, immediately East of Ridge Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application as presented. Comm. Joe E. Rich made motion that zone change application by Leland & Esther Gay, William McCall be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Marlin H. Anthony from R-1 District to C District

Mayor Pro Tem Wareing stated that zone change application by Marlin H. Anthony from R-1 District to C District covering property located immediately West of and adjacent to Loop 287 between Homer-Alto Road and Central Freight Lines had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application as presented. Comm. Joe E. Rich made motion that zone change application by Marlin H. Anthony from R-1 District to C District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Maxie R. Richards from R-1 District to R-3 District

Mayor Pro Tem Wareing stated that zone change application by Maxie R. Richards from R-1 District to R-3 District covering property fronting on & immediately West of Walters Street between Wood Avenue and Knight Street had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Comm. Joe E. Rich made motion that zone change application by Maxie R. Richards from R-1 District to R-3 District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Plumbing Code Amended 2nd Readings-SDR 33.5 PVC for House to Main Cast Iron, No-Hub DWV Pipe (Commercial Use Only)

Mayor Pro Tem Wareing stated that ordinance had been approved at last regular meeting to accept the SDR 33.5 PVC pipe from House to Main in all areas of the City. Comm. Pat Foley made several observations regarding the use of this pipe and asked a number of questions concerning same.

Members of this Commission were furnished pieces of this pipe for observation. City Attorney Flournoy read caption of ordinance regarding approval of this ordinance which provided use of the SDR 33.5 PVC pipe from house to main in all areas except under slab.

Comm. R. A. Brookshire made motion that the Plumbing Code be amended and ordinance be approved on second and final reading approving this amendment to allow SDR 33.5 PVC pipe from house to main in accordance with information presented. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Pro Tem Wareing, Comms. R. A. Brookshire, Joe E. Rich and E. G. Pittman

Voting Nay: Comm. Pat Foley

Mayor Pro Tem Wareing declared motion approved by majority vote of four to one.

Mayor Pro Tem Wareing stated that members of this Commission had approved ordinance on first reading at last regular meeting to provide for the use of cast-iron, no-hub pipe for Commercial use only.

Considerable discussion developed regarding further consideration of this pipe. Comm. Pat Foley stated that he had met with a factory representative concerning the use of this no-hub pipe and was now of the opinion that there should be no difference between the use of this pipe for commercial and residential installations. Comm. Foley stated that the no-hub type pipe was quieter and cheaper.

It was further determined that the no-hub pipe was presently being used by the City in installations only above ground and the approval of this ordinance would provide the use of the no-hub pipe for commercial use only underground.

Comm. R. A. Brookshire stated that he had originally suggested the use of this pipe for commercial use only and made motion that ordinance be approved on second and final reading to provide an amendment to the City of Lufkin Plumbing Code for the allowance of the no-hub type installation for commercial use only. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. Pat Foley asked that the consideration for the no-hub type installation for underground use in residential areas be placed on the agenda for first regular meeting in April. Members of Commission were in unanimous agreement with this suggestion.

9. Pool Tables-Request to Amend City Code-Private Club Provision-Page Perry-Denied

Mayor Pro Tem Wareing stated that members of this Commission had reviewed request by Mr. Page Perry at last regular meeting for an amendment of the existing regulation to provide a separate provision for private clubs.

Mayor Pro Tem Wareing asked City Attorney Flournoy to comment regarding further consideration of this request. City Attorney Flournoy stated that he had met with the City Manager and Mr. Steve Mason, attorney for Mr. Page Perry, and it was his personal recommendation that further consideration of this request be deferred until full Council was present.

Mayor Pro Tem Wareing recognized Mr. Page Perry, who was present without legal counsel. Mr. Perry stated that he was present against the advice of his attorney, Mr. Wilson McVicker, but expressed his personal concern that some type of action be decided by this Commission regardless of the outcome. Mr. Perry further stated that the law regarding pool halls in his opinion, as it was presently written, was for the purpose of protecting minors from entering the premises of pool halls. Mr. Perry further stated that private clubs did not appear to be affected by the application of this Code. Mr. Perry requested that members of this Commission consider action on his request at this meeting, if possible.

City Attorney Flournoy stated Mr. Perry was asking that private clubs be deleted from the existing regulation. City Attorney Flournoy further stated that it was difficult to find any legislative history regarding pool halls and original regulation was written to protect immoral acts and to protect against tables from being placed in areas other than one-story buildings. Mr. Flournoy concluded his remarks indicating that he saw no particular justification for changing the existing regulation.

Mayor Pro Tem Wareing asked City Attorney Flournoy if the specific problem was due to the coin-operation of pool machines in private clubs. City Attorney Flournoy stated that this was a violation due to the specific operation of coin machines. Mayor Pro Tem Wareing recognized Mr. Page Perry who stated that only recently had the ordinances been enforced in private clubs and the City had gone for years without adequate enforcement of this regulation in private clubs.

Mayor Pro Tem Wareing stated that he saw no particular reason to change the regulation at the present time. Comm. Pat Foley inquired as to the operation of a coin-operated pool table at the Shangri La Club. City Attorney Flournoy stated that, to the best of his knowledge, the operation of a coin-operated pool table at this club had existed prior to 1965 and same was considered under these conditions as a non-conforming use.

Comm. R. A. Brookshire stated that the previously referred to City Ordinance regarding private clubs and the operation of coin-operated pool tables was now being enforced and several operations had been closed, to include Mr. Perry's pool tables, until further consideration had been made by this Commission regarding conclusion as to whether or not ordinance would be changed.

Comm. R. A. Brookshire made motion that the City regulation regarding the operation of pool halls not be amended in accordance with request of Mr. Page Perry. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Zone Change Application Withdrawn-Ralph McClain from R-1 District to LB District

Mayor Pro Tem Wareing recognized Mr. Dan Brazil, attorney for applicant Ralph McClain who was present in behalf of zone change application from R-1 District to LB District covering property fronting on West side of South First Street, South of East Menefee Street, being 1116 South First Street. Mayor Pro Tem Wareing stated that this zone change application had been unanimously denied by the City Planning and Zoning Commission.

It was determined that a number of individuals were present appearing in opposition to this zone change request and Mayor Pro Tem Wareing recognized Mr. Dan Brazil. Mr. Brazil stated that he was aware of the fact that opposition was present to speak against Mr. McClain's application and his client had decided not to become involved in a bitter discussion regarding aspects of application at this meeting.

Mayor Pro Tem Wareing stated that a decision in this regard may be to Mr. McClain's advantage at the present time inasmuch as two members of this Commission were not present which may offer a disadvantage to the applicant.

Due to request by attorney for applicant, no further discussion developed and individuals present appearing in opposition were not recognized. Mayor Pro Tem Wareing then tabled further consideration of this application on his own volition.

11. Zone Change Application Approved 1st Reading- W. L. Vincent from R-3 District to LB District

Mayor Pro Tem Wareing stated that zone change application by W. L. Vincent from R-3 District to LB District covering property located on corner of Chestnut & Ross, fronting on Ross, being Lots 7 & 8, Block 1 of the Oakwood Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change request and Comm. Joe E. Rich made motion that zone change application by W. L. Vincent from R-3 District to LB District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Hearing Date Established-Annexation & Permanent Zoning Request-J & S Development-Southridge Addition

Mayor Pro Tem Wareing stated that the City Planning and Zoning Commission had recently recommended consideration for establishment of hearing date on request by J & S Development for annexation and permanent zoning covering property located South of Wooded Acres in the Brookhollow area (Southridge Addition).

There was no opposition present and Comm. Pat Foley made motion that hearing date be set for next regular meeting of this Commission at 5:00 p.m. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Ellen Trout Park - Parking Lot Extension Approved

Mayor Pro Tem Wareing recognized City Manager Harvey Westerholm who stated that City had requested of the Lufkin Industrial Foundation for use of a portion of their land to increase the parking facilities at Ellen Trout Park. Members of the Commission were asked to consider whether or not they desired to develop this area for additional parking. City Manager Westerholm stated that there was a definite need for the additional parking to furnish area for the Hushpuppy Olympic parking and the Annual Fourth of July Celebrations, to include the bicentennial celebration planned for this year. City Manager Westerholm stated that there would be no asphalt applied and only approximately \$200 in costs of clearing

would be incurred by the City on a six-acre area.

Comm. Joe E. Rich made motion that City Manager Westerholm be authorized to further develop the parking area in accordance with request as presented. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. Street Name Changed - Palmore Road to Maberry Street

Mayor Pro Tem Wareing recognized City Manager Westerholm who stated that there had been a recommendation by the City Planning and Zoning Commission for this Commission to change a street name which created a considerable amount of confusion. City Manager Westerholm stated that the recommendation of the City Planning and Zoning Commission was to change Palmore Road to Maberry Street to prevent confusion with Palmore Street.

Comm. Pat Foley made motion that the name of Palmore Road be changed to Maberry Street in accordance with recommendation by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Authorization to Advertise for Bids on Property-Westbury Addn.

Mayor Pro Tem Wareing recognized City Manager Westerholm who explained that property in the Westbury Addition had been originally donated to the City and it had been requested by Comm. Pat Foley that members of this Commission consider the sale or development of this property in order to utilize same and at the same time, provide necessary area for residential development.

A brief discussion developed and it was the conclusion of this Commission that this 11-acre area be considered for bids with the condition that if a developer purchased the area, all costs of advertising fees and application would be waived if same was used for a sub-division. Comm. R. A. Brookshire stated that he desired this be provided as a part of the bid in order to encourage any possible development.

Comm. Pat Foley made motion that City Manager Westerholm be authorized to advertise this property for bids with the stipulation as stated above by Comm. Brookshire. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. State Highway Dept.-Escrow Agreement Approved-Laurel Avenue & North First Street Intersection

City Manager Westerholm stated that the State Department of Highways & Public Transportation was ready to begin improvements at the intersection of Laurel Avenue and North First Street and had requested the City Commission enter into an escrow agreement as reflected in the information supplied members of Commission for review. Mr. Westerholm further stated that the cost of this construction would be \$1,860.

Comm. R. A. Brookshire made motion that the City be authorized to enter into this escrow agreement with the State Highway Department in accordance with request as presented. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Authorization Approved-Purchase of Salvageable Material from Speedarama

City Manager Westerholm stated that Mr. Don Reilly with the Corrigan bank had asked the City if it desired to make any offer for the facilities at the Speedarama track which consisted of bleachers, lighting system, poles and electric cable, and iron-ore gravel (500 cubic yards). City Manager Westerholm further stated that the value of this material to the City was approximately \$4,050. City Manager Westerholm recommended members of Commission consider purchase of this material in a bid amount of \$1,000 to include all of the above items which could be utilized in various departments of the City.

Comm. R. A. Brookshire made motion that City Manager Westerholm be authorized to make bid offer to Mr. Reily in the amount of \$1,000 for this equipment. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

18. Pershing Avenue Construction - Disc.

Comm. R. A. Brookshire inquired as to the status of construction on Pershing Avenue. City Manager Westerholm stated that the bridge was near completion, but the City desired to keep the road closed in this section in order to conclude as much curb and gutter street as possible inasmuch as the absence of traffic through this area would speed the construction process.

19. Kirkley David, et al, vs City of Lufkin-Disc. of Law Suit

Comm. Joe E. Rich inquired of City Attorney Flournoy as to the status of the 5th Court Circuit of Appeals decision regarding Kirkley David, et al, vs City of Lufkin. City Attorney Flournoy stated that the last information he had received regarding this suit seemed to indicate that information would be forthcoming in December of 1975, but no information had been received to this date.

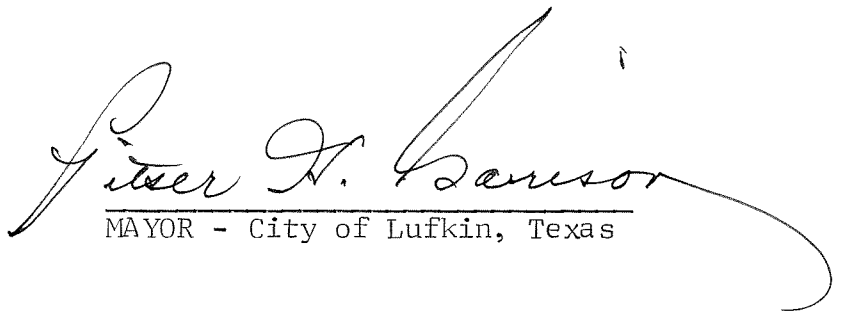
20. Second Street-Disc. of Construction-Civic Center Construction

Comm. E. G. Pittman inquired as to whether or not Second Street had been officially completed. City Manager Westerholm reported that Second Street was now officially completed and opened to the public.

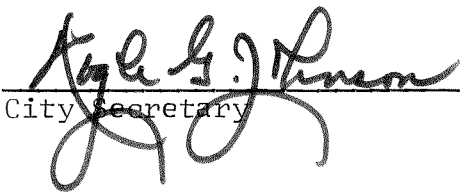
Comm. E. G. Pittman inquired as to whether or not an open house could be considered for the Civic Center inasmuch as the recent public use of this building had not provided all citizens adequate opportunity to thoroughly review the facility. City Manager Westerholm was in agreement that an open house would be an advantage to the public, but suggested members of Commission hold in abeyance this consideration until the Civic Center was officially accepted by the City Commission.

21. Adjournment

There being no further business for consideration, meeting adjourned at 7:35 p.m. and Mayor Pro Tem Wareing suggested that members of Commission meet in a brief executive session following the conclusion of this meeting to consider property acquisition for street extension.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary