

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF APRIL, 1983, AT 7:30 P.M.

On the 5th day of April, 1983, 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 Boyd	Commissioner, Ward No. 2
Gil Fears	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
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Brian Boudreaux	Assistant City Manager
Ron Wesch	Public Works Director

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Kenneth Goodell, Pastor of St. Paul's Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of March 8, 1983 and March 22, 1983 were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Canvass of April 2, 1983 - City Officer's Election - Returns Accepted As Certified By Election Judges - Oath of Office Administered

Mayor Garrison stated that the City's regular election had been held on April 2, 1983, and announced that Election Judges forwarded all materials for review by Members of Commission for official canvass.

The following returns indicating results of the City Election were reviewed for election of Commissioner of Ward I and Commissioner of Ward III.

Total No. Votes Received

Commissioner, Ward I
Percy Simond, Jr.

249

Commissioner, Ward III.
Bob McCurry
Gilbert (Gil) Fears, Sr.

144
200

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated winners of the election to be Percy Simond, Jr, Commissioner of Ward I, Gilbert (Gil) Fears, Sr., Commissioner of Ward III.

Commissioner Pat Foley made motion that above listed election results be made official as reported by election judges, and Percy Simond, Jr. be declared winner for position of Commissioner, Ward I for a three-year term to terminate in April of 1986, and Gilbert (Gil) Fears, Sr. declared winner for position of Commissioner, Ward III for a three-year term to terminate in April of 1986. Motion was seconded by Commissioner E.C. Wareing, and a unanimous affirmative vote was recorded.

Mayor Garrison congratulated newly elected Commissioner Percy Simond, Jr. and Commissioner Gil Fears. Mayor Garrison then administered Oath of Office to Commissioner Simond and Commissioner Fears.

5. OPEN HEARING - Reinvestment Zone Designated - Lufkin Daily News - Tax Abatement Program

Mayor Garrison stated that Lufkin Daily News was requesting their property located at the Intersection of Ellis Avenue and Herndon Street be designated as a "Reinvestment Zone" to take advantage of tax abatement. Mayor Garrison stated that the Tax Abatement Program was designed to provide help for renovation of

deteriorating sections of the City which allows taxes on improvements to be abated for a certain number of years. Mayor Garrison officially opened public hearing. There was no opposition present. Mayor Garrison officially closed public hearing due to lack of discussion and stated that ordinance would be considered at next meeting of City Commission regarding "Reinvestment Zone".

6. Ordinance - Approved - Second Reading - Zone Change and Permanent Mobile Home Permit - Benny Sipes - RL to RS

Mayor Garrison stated that ordinance for zone change and permanent mobile home permit request by Benny Sipes covering property located at 1012 Shermell Street, north of Wayne Street from Residential Large to Residential Small had been approved on first reading of City Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

7. Ordinance - Approved - Second Reading - Zone Change - Joseph Kwiatkowski - RL to C

Mayor Garrison stated that ordinance for zone change application by Joseph Kwiatkowski covering property located on Medford Drive, south of Shady Pine from Residential Large to Commercial had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

8. Zone Change Application - Failed to Pass - Larelco, Inc.- RL to LB, SU (Thoroughfare Development Policy and Sign)

Mayor Garrison stated that zone change application by Larelco, Inc., covering property located on Loop 287 and Crooked Creek Drive from Residential Large to Local Business & Local Business Special Use (Thoroughfare Development Policy and Sign) had been recommended to City Commission by Planning and Zoning Commission. Mayor Garrison further stated that he was recusing himself from vote or discussion on this matter because he was a stockholder in the Land-O-Pines operation which also owns Larelco. Mayor pro tem Wareing was asked by Mayor Garrison to conduct discussion and vote on zone change application.

Mayor pro tem Wareing recognized Bill Ricks, local attorney, appearing in representation of zone change application.

Mr. Ricks stated that a deceleration lane would be constructed for entrance to the site from Loop 287. The driveway would be 45 feet in width and two (2) exits would be constructed onto Crooked Creek Drive. Mr. Ricks further stated that a landscape area would be developed across the front of the property and the pumps would be 30 feet from the highway. Mr. Ricks stated there would be six (6) pumps installed with 12 nozzles, and the store building would be constructed 70 feet from the island to provide adequate turning radius. Mr. Ricks further stated that all pumps were equipped with adequate safety features, and store sites are cleaned by a professional company twice a week. Mr. Ricks stated that the new store would employ eight (8) people, and six (6) acres of land were owned by Larelco at this location. Mr. Ricks further stated that this Okay Food Store would carry approximately 3,000 items while the adjacent Kwik-Chek presently stocks only 1,500 items. Mr. Ricks stated that Okay Foods was now selling gasoline for \$1.01 a gallon compared to \$1.04 at Kwik-Chek. Mr. Ricks stated that Larelco was attempting to design a store that would be pleasant to shop in and provide competitive prices to its customers.

The following persons spoke in opposition to zone change application:
Rev. Bob Lewis, Steve Kendrick, Rochelle Springfield, Dr. Pulaski, and Lois Adams.

The following points of opposition were expressed:

- a. 24 hour operation of proposed store would disrupt quiet of neighborhood.
- b. Increased traffic would cause congestion at intersection of Crooked Creek and Loop 287.
- c. Zone Change would be contrary to Thoroughfare Development Policy adopted by City Commission.
- d. Paving required by construction of Okay Food Store would greatly add to flooding in the area.
- e. Privacy of residents in the neighborhood would be damaged.
- f. Increased traffic would be a hazard to children in the area.

Mr. Ricks stated that construction of the Okay Food Store was permissible at the present time behind the 110 foot setback, and all entrances and exits conformed to State requirements.

Commissioner Don Boyd stated that the Loop was for the movement of traffic and business operations.

Commissioner Pat Foley stated that it was difficult to satisfy both parties in regard to zone change applications, but each side is given careful consideration.

Commissioner Richard Thompson stated that petition previously submitted against zone change application contained more signatures than voters that elected him at his last election, and that he was in favor of the Thoroughfare Development Policy.

Mayor pro tem Wareing stated that he did not believe the store would generate as much revenue as predicted, and he was in favor of growth and improvements for the City of Lufkin of which Mr. Smith has been a great part. Mayor pro tem Wareing further stated that as an elected official he had a duty to the citizens of the area to provide for orderly growth and planning for the future. Mayor pro tem Wareing stated that the people of Lufkin have faith in the City Commission to project growth for areas, and due to this, homes are built relative to planning. Mayor pro tem Wareing further stated that he felt there was not a pressing need for the zone change in this particular area.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that zone change application be approved as presented. The following vote was recorded: Aye: Commissioners Simond, Boyd, and Foley. Nay: Commissioners Fears, Thompson, and Wareing. Mayor pro tem Wareing declared that the motion failed to pass due to lack of four (4) affirmative votes.

City Attorney Bob Flournoy stated that the application has not been granted. Mayor pro tem Wareing suggested City Attorney Robert Flournoy and Attorney Bill Ricks meet before the next meeting of the City Commission to consider the results of the vote.

9. Guidelines - Contractor's Performance Bonds- Discussed - Report At Next Meeting

Mayor Garrison stated that at last meeting of the City Commission some discussion was held concerning the requirement for a contractor's performance bond to be submitted by contractors doing work in the City of Lufkin.

City Attorney Bob Flournoy stated that he had checked with insurance companies that write performance bonds and had been informed that it is more difficult to get a performance bond than to borrow money. City Attorney Flournoy further stated that the insurance company stated that proof is required of financial responsibility, and the effect of this requirement would be that most contractors would not be allowed to work inside the City because of the difficulty in obtaining same.

Commissioner Percy Simond stated that the insurance company he consulted had advised him in the same manner, but he was opposed to anyone being designated as a contractor just because they have a hammer which does not protect the people of the City of Lufkin. Commissioner Percy Simond stated that he would rescind his request for a performance bond but would like to receive suggestions of how the people of the City of Lufkin could be protected from fly by night contractors.

Commissioner E.C. Wareing suggested that when a building permit is issued perhaps the City could mail to the property owner a sample contract to be signed by the contractor.

City Attorney Bob Flournoy stated that it might be possible to notify the owner that a contract should be drawn up by their attorney and advise that payment should not be made in advance. City Attorney further stated that the City could only make recommendations to property owners that they protect themselves.

Mayor Garrison suggested that a survey be made of citizens who have been unfairly treated by contractors obtaining details of what transpired. Mayor Garrison further stated that the City Commission might consider an ordinance requiring liens which provided that all funds received from the property owner must be spent on that particular job.

Commissioner Percy Simond requested the City Attorney and City Manager investigate the possibility of licensing contractors.

Commissioner Gil Fears stated that the City should advise property owners to beware of "fly by night" contractors.

Mayor Garrison stated that a suggestion might be given to the State Legislature regarding a type of mechanic and material's lien to be required for contractors in the State of Texas.

Commissioner Richard Thompson stated that most instances of fraud develop because a contractor is offering a "Good Deal," and the property owner feels he must take advantage before the offer ends. Commissioner Thompson further stated that banks of the City of Lufkin should be providing this information to their customers.

10. Revenue Sharing Budget - Amended - Curb & Gutter - O'Quinn Street

Mayor Garrison stated that it was suggested at last meeting of the City Commission that the possibility of funding O'Quinn Street curb and gutter project from current funds be studied. Mayor Garrison stated that the estimated cost of construction is \$15, 517.00 of which approximately \$6,000.00 will be re-imbursable from the property owners.

City Manager Harvey Westerholm stated that unallocated funds remaining in the Revenue Sharing Budget could be used for this purpose if so authorized by the City Commission.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that unallocated funds in the Revenue Sharing Budget be appropriated for construction of curb and gutter on O'Quinn Street in an amount not to exceed \$20,000.00. A unanimous affirmative vote was recorded.

11. Curb & Gutter Standards - Revisions Discussed - Subdivision Ordinance - Brentwood Place Subdivision To Be Held In Abeyance

Mayor Garrison stated that concern was expressed at last meeting of the City Commission regarding a decision by the Planning and Zoning Commission to waive curb and gutter requirements for a subdivision in the extraterritorial jurisdiction of the City of Lufkin. Mayor Garrison stated that the Planning and Zoning Commission understood that they had the authority to waive the curb and gutter requirements on subdivisions in the ETJ, but the City Commission should determine if, in fact, the Planning and Zoning Commission does have the authority to waive these requirements.

Commissioner Pat Foley stated that a clarification should be made regarding hardship situations, and why the Subdivision Ordinance should allow streets in the extra-territorial jurisdiction to be constructed without curb and gutter.

Mayor Garrison stated that annexed areas without curb and gutter require a great outlay of money to develop streets that conform to City standards. Mayor Garrison stated that the addition of curb and gutter to a street should not greatly increase the price of a home, and the additional money would guarantee that quality streets would be built. Mayor Garrison stated that appointed boards should not be allowed to waive any ordinance approved by the City Commission, and curb and gutter restrictions should not be relaxed.

Commissioner Richard Thompson stated that curb and gutter was needed to direct the flow of water and prevent deterioration of the street. Commissioner Thompson further stated curb and gutter is required for all streets developed inside the City and should be required of subdivisions in the extraterritorial jurisdiction because of possible annexation in the future.

Commissioner E.C. Wareing stated he would suggest a drainage plan to be developed for the City of Lufkin, and flooding problems in the extraterritorial jurisdiction can effect water problems within the City. Commissioner Wareing further stated that there is a Zoning Board of Adjustment and Appeals established to grant variances for extreme hardship. Commissioner Wareing further stated that all hardship decisions should be made by this board instead of Planning and Zoning Commission.

City Attorney Bob Flournoy stated that he has explained to several boards that a hardship should not be monetary. City Attorney Flournoy further stated that curb and gutter requirements could not be rescinded by the Planning and Zoning Commission.

Commissioner Percy Simond stated that neither the Planning and Zoning Commission nor the Zoning Board of Adjustment and Appeals should be allowed to grant variances without City Commission approval.

Mayor Garrison stated that guidelines should be established for appointed boards and recommendations of the boards should be submitted to the City Commission for approval.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that City Manager and City Attorney make recommendations for changes to the Subdivision Ordinance to eliminate problems regarding curb and gutter installation, and that the Planning and Zoning Commission withhold final action on final plat approval for Brentwood Place Subdivision until the study of the Subdivision Ordinance is completed. A unanimous affirmative vote was recorded.

12. Hearing Date Established - Industrial Development Bond Financing - People's National Bank - Former Woodland Heights Hospital Building

Mayor Garrison stated that the owners of the People's National Bank soon to be constructed on Highway 94 and Jerry Hill and Associates who have purchased the former Woodland Heights Hospital Building have requested Industrial Development Bond Financing for their projects. Mayor Garrison stated that a hearing date should be established to determine that the areas are eligible for this designation. Mayor Garrison stated that this program would enable the owners to sell tax free bonds to encourage development of the community.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that hearing date be established for the City Commission meeting of May 3, 1983. A unanimous affirmative vote was recorded.

13. Sewer Use Ordinance - Approved - First Reading

Mayor Garrison stated that a copy of the revised sewer use ordinance had been presented to the City Commissioners for their consideration, and the adoption of this ordinance would fulfill the requirements set forth in the Federal Register to allow the City of Lufkin to participate in the funding of the sewer plant improvements. Mayor Garrison further stated that the ordinance had been reviewed by all major industrial users, and the provisions had been discussed along with the proposed User Charge Ordinance.

City Manager Westerholm stated that the User Charge Ordinance does not necessarily need to be approved at this time, but it is important that when the ordinance is adopted that the User Charge concept be employed. City Manager Westerholm further stated that the charges must relate to the cost of treating the various elements of the effluent, and suggested fees are based on fully amortizing the operational and debt retirement cost of the plant. City Manager Westerholm stated that the proposed ordinance contained no major changes over the present ordinance.

Mayor Garrison stated that he understood this was a general ordinance that is being required of all Texas cities.

Commissioner Pat Foley stated that he would be interested in received a two (2) or three (3) page summary of the changes from the present ordinance.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that Sewer Use Ordinance be approved on first reading and the City Commission will consider it more carefully before the next meeting. A unanimous affirmative vote was recorded.

Commissioner E.C. Wareing stated that he would like to meet with the City Attorney to clarify several points of the ordinance.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the sewer charge rates not be considered at this time, but be considered at a later date. A unanimous affirmative vote was recorded.

14. Resolution - Approved - Signal Timing Grant Participation

Mayor Garrison stated that 100% of grant funds are available for a study of the City of Lufkin traffic signals through the State Department of Highways and Public Transportation. Mayor Garrison further stated that the study would primarily relate to the timing of the signals to allow for progressive and expeditious movement of traffic.

City Manager Harvey Westerholm stated that he understood the Highway Department would also select for study, two (2) busy intersections for possible future signalization. City Manager Westerholm stated that the City Staff would like to suggest Frank and Gaslight Intersection and Abney and North First Intersection be considered for this study.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that resolution be approved authorizing grant participation. A unanimous affirmative vote was recorded.

15. Citizen's Committee Authorized - Police Management Study - Arthur Young & Co.
Role Of Police Officer In The Community To Be Defined

Mayor Garrison stated that the floor was now open for discussion of elements of Police Management Consultant Report from Arthur Young & Company.

Commissioner Don Boyd stated that he had requested that consideration be given to the establishment of a Citizens' Advisory Committee to act as liaison between the Police Department and citizens of the City of Lufkin. Commissioner Boyd further stated that the committee should define the role of the police officer in the City as recommended in the Arthur Young & Company report, and also address problems between the Police Department and the Community which would provide solutions to many problems before they begin. Commissioner Boyd suggested that two (2) citizens from each Ward be appointed to the committee with a representative from the City Manager's office and the Police Department to establish guidelines for better relations between the Police Department and citizens. Commissioner Boyd stated that the committee would continue to serve as long as a need was present.

Commissioner E.C. Wareing stated that the committee could establish the guidelines and then consideration should be given to whether they should remain active. Commissioner Wareing further stated that the Mayor should have the opportunity to appoint members to the committee along with each Commissioner.

Commissioner Pat Foley stated that the committee should determine the role of the police officer in the City of Lufkin, but he had some concern about appointing people without any background in law enforcement or any idea of what the police role should encompass. Commissioner Foley stated that it should be stressed that membership on the committee should not be used as a public forum.

Commissioner Gil Fears stated that most citizens selected for membership on the committee would not have knowledge of law enforcement.

Commissioner Percy Simond stated that he would like to commend the Police Department for the report of when suggestions by Arthur Young & Company would be implemented by the department. Commissioner Simond further stated that the committee would not be a review board, but a cross section of people in the City of Lufkin should be asked to serve.

Mayor Garrison stated that he understood the citizens' committee was to define the role of the policemen in the community. Mayor Garrison further stated that the Police Department should advise what they understand a police officer should accomplish in the community and then allow the City Commission to consider same for a definition. Mayor Garrison stated that people who are not familiar with police work could not draft the role of a police officer intelligently. Mayor Garrison further stated that he was not in favor of a committee that would be given authority to usurp the role of the City Commission. Mayor Garrison stated that he would be willing to follow recommendations by Arthur Young & Company and appoint a committee for a limited purpose.

Commissioner Percy Simond stated that the committee should not have authority over the Police Department, but the committee should be appointed to meet regularly with the Police Department to prevent problems.

Commissioner Pat Foley stated that a professional was hired by the City of Lufkin to do the police study and the citizens' committee is to be established for one purpose as they suggested, to define the role of the police officer in the community.

Commissioner Percy Simond stated that the City of Lufkin could add something to the recommendations of Arthur Young & Company, and the committee should be appointed to help with prevention of crime.

Mayor Garrison stated that the committee could be appointed initially to perform the one task and then consideration given as to whether the committee would be needed further. Mayor Garrison then recognized Patricia Powell, Chairman of Political Action Committee, NAACP, who stated that she believed in law & order and loved the City of Lufkin. Ms. Powell further stated that the advisory committee of citizens would be advantageous because the attitude of the black community is fear of the Lufkin Police Department. Ms. Powell stated that the advisory committee should not attempt to guide the Police Department in their duties, but is needed and should be established permanently. Ms. Powell further stated that citizen input into the police department would help rebuild the integrity of the department.

Mayor Garrison then recognized Rev. Sylvester McClain, President of NAACP, who stated that the citizen advisory committee is needed to restore faith of the citizens in the Police Department because trust has been destroyed by the shooting of a black youth. Rev. McClain stated that a high percent of police patrol units are in the

black community whether needed or not, and a high disregard has been shown for the rights of minorities. Rev. McClain further stated that the advisory committee would not have any powers, but the people are concerned and want the Police Department to consider the rights of all persons regardless of race. Rev. McClain stated that the people should have a positive input into the department and the committee is important to minorities and poor white people. Rev. McClain further stated that if the City did not form the citizens' committee, the NAACP would consider it a mandate to pursue whatever means necessary to take corrective measures in any situations that might arise in violation of minority rights. Rev. McClain stated that due to high unemployment and recent problems in the police department the potential was right for race violence in the City of Lufkin. Rev. McClain cited the example of a prisoner arriving at a police department with a broken arm claiming that the police broke it, and the police officer claiming that the prisoner fell and broke his arm. Rev. McClain stated that the citizens' committee could help with this type of investigation, because he got very nervous and am not satisfied with the police investigating themselves.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the citizens' advisory committee be appointed of seven (7) persons with each member of the Commission appointing one (1) to serve on the committee including the City Manager and Police Chief with the duties as outlined in Police Management Study to determine the role of the police officer, and then report to the City Commission in 60 days with the consideration that the committee might develop into a permanent committee.

The following amendment was offered by Commissioner Percy Simond and seconded by Commissioner Gil Fears that motion be amended to state that each City Commissioner and Mayor appoint one (1) member and citizens at large appoint one (1) member from each Ward.

Mayor Garrison stated that all appointments to City Boards are made by the City Commission, not citizens at large. Mayor Garrison stated that the amendment had been presented to enlarge the committee by allowing groups in each Ward to add an additional member.

City Commissioner E.C. Wareing stated problems would develop if citizen groups appointed members. City Attorney Bob Flournoy stated that the problem would be implementation and the selection of the groups that would appoint the members. City Commissioner Gil Fears stated that a general meeting might be held in each Ward at which time a person could be chosen by the majority present.

Mayor Garrison stated that each member of the City Commission could appoint two (2) members after consulting with their constituents in the appointment, but the appointment would be by the City Commission. Mayor Garrison stated the nominations would come before the City Commission in the name of the Commissioner of that Ward.

Commissioner Simond stated that he would withdraw his amendment to the motion.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Gil Fears that original motion be amended to appoint two (2) members to the study group, for a total of 14 people, to serve with the City Manager and the Police Chief; that the duty of the committee would be to develop a definition of the role of the police officer in the City of Lufkin; and the committee would report back to the City Commission in 60 days. A unanimous affirmative vote was recorded.

Mayor Garrison suggested that each member of the City Commission bring their names for appointment back to the next meeting of the City Commission.

Commissioner E.C. Wareing stated that guidelines for the committee should be determined between now and next meeting of the City Commission. Commissioner Wareing suggested that each member of the City Commission write down suggested guidelines, and the result be compiled into suggested guidelines for the committee.

Commissioner Percy Simond stated that he would suggest that the Arthur Young & Co. group return to the City of Lufkin within one (1) year to see if suggestions have been implemented.

16. EXECUTIVE SESSION - Right-of-Way Acquired - Evelyn Johnson Hunter - Sewer Easement

Mayor Garrison stated that it was necessary for the City Commission to adjourn into executive session to discuss attorney-client matters. Mayor Garrison recessed formal open meeting of the City Commission at 11:13 p.m. At 11:35 p.m. Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of the executive session.

Mayor Garrison stated that the City of Lufkin had reached an agreement on the right-of-way that goes across the land of Mrs. Evelyn Johnson Hunter. Mayor Garrison

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stated that Mrs. Hunter had proposed the land for development, but because of a change in the circumstances was not sure that she would proceed with the development plans. Mayor Garrison further stated that Mrs. Hunter was distressed because the City wanted to acquire a sewer easement through the middle of her property and the City Attorney had been attempting to reach an agreement to prevent litigation in fairness to all concerned. Mayor Garrison further stated that the City Attorney has reported that Mrs. Hunter has agreed to a value of \$19,513.00, and the City Commission after discussion is in a position to approve the payment for the right-of-way along with agreement to the following conditions.

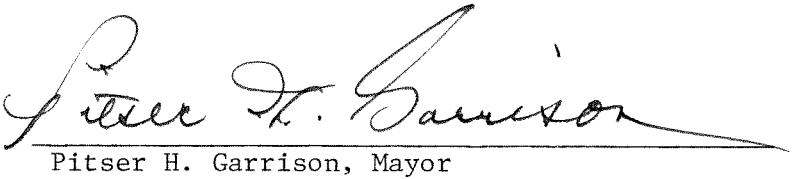
City Attorney Flournoy stated that the easement was rather long and would follow the path of the right-of-way that was created by Mrs. Hunter. City Attorney stated that there was one (1) area that the City would have to clear and agreement has been reached that it will be returned to an even smooth surface. City Attorney Flournoy stated that Mrs. Hunter would be allowed to build a street over the easement, and in one (1) area the City has agreed to route the sewer line down proposed lot line and street. City Attorney stated that sewer taps would be provided to each lot and the existing lift station on the property would not be needed, therefore, the easement for same would be returned with only a manhole being required. City Attorney Flournoy stated that the lift station would be dismantled and filled in with dirt. City Attorney Flournoy further stated that the following agreements were reached:

- a. Clean-up along Copeland Street.
- b. Removing stumps.
- c. Clean-up of trash and trees along the creek easement.
- d. Manholes along right-of-way would be reduced to street level once street was constructed.
- e. Right-of-way for drainage easement where creek was re-routed would be returned to Mrs. Hunter.
- f. Easement would be obtained on property fronting Gobbler's Knob Road that is to be conveyed back to Mrs. Hunter by the County.
- g. City of Lufkin would pay \$19,513.00.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that City Attorney be authorized to implement settlement as presented. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the City was grateful to Mrs. Hunter for her cooperation and help in obtaining the easement through her property.

17. There being no further business for consideration, meeting adjourned at 11:47 p.m.


Pitser H. Garrison, Mayor




Ann Griffin, City Secretary