

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE  
CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF MAY, 1981,  
AT 7:30 P.M.

On the 5th 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
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. Flourney	City Attorney
Ann Griffin	City Secretary

being present, and

Don E. Boyd	Commissioner, Ward No. 2
-------------	--------------------------

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church of Lufkin.
2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

Minutes of regular meeting of April 21, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Percy Simond, and a unanimous affirmative vote was recorded.

4. Zone Change Application - Approved - Second Reading - Helen Lowe - RL to C, SU(Item 1-County Jail)

Mayor Garrison stated that zone change application by Helen Lowe covering property located on Loop 287 at Kurth Drive from Residential Large to Commercial, Special Use(Item 1-County Jail) 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 Percy Simond that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

5. Zone Change Application - Approved - Second Reading - Texas Foundries - RL & LM to HM

Mayor Garrison stated that zone change application by Texas Foundries covering the following property: Parcel 1-South of North Raguet and North of Lotus Lane; Parcel 2 - East of Hill Street and North of Lotus Lane from Residential Large and Light Manufacturing to Heavy Manufacturing District had been approved on first reading at last meeting of City Commission.

Commissioner E. C. Wareing recused himself from vote or discussion on zone change because of his employment with Texas Foundries. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded with Commissioner E. C. Wareing recusing himself from vote.

6. Zone Change Application - Approved - Second Reading - Phil Medford - RL to A

Mayor Garrison stated that zone change application by Phil Medford covering property located between Schuller and Calvin Street from Residential Large to Apartment District had been approved on first reading at last regular meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Establishment of Hearing Date - Annexation & Permanent Zoning - Helen Lowe - C,SU(Item 1-County Jail)

Mayor Garrison stated that Annexation & Permanent Zoning request by Helen Lowe on property located north of Loop 287 at Kurth Drive to Commercial, Special Use (Item 1-County Jail) had been recommended to City Commission by Planning & Zoning Commission for establishment of a hearing date.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that Hearing Date be set for May 19, 1981, the next regular meeting of the City Commission. A unanimous affirmative vote was recorded.

8. Zone Change Application - Approved - First 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 recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

In response to question by Commissioner Pat Foley, Ray Faircloth, Sabine Investment, stated that because of the Commission's aversion to spot zoning, his company decided to request the central business zone for the entire piece of property.

Commissioner Pat Foley stated that he was somewhat reluctant to zone the entire piece of property central business for the erection of a billboard, but Sabine Investment has maintained their property very well in the past.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that zone change application be approved. A unanimous affirmative vote was recorded.

Mayor Garrison stated that he had some question about granting a central business zone for a billboard if the property had not been used for a central business activity. Mayor Garrison requested that City Planner, Edward Richie, investigate this use of a central business district.

9. Zone Change Application - Approved - First 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 recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Richard Thompson that zone change application be approved. A unanimous affirmative vote was recorded.

10. Zone Change Application - Approved - First 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 recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that zone change application be approved. A unanimous affirmative vote was recorded.

11. Zone Change Application - Denied - First Reading - Reconsideration 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 recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Commissioner E. C. Wareing stated that Lufkin should decide whether to allow the sale of alcoholic beverages, or not, and eliminate the many requests for private clubs in the area. Commissioner Wareing inquired about the City's enforcement of the club memberships to insure that only club members are served alcoholic beverages. City Attorney, Bob Flournoy, stated that the zone is not going to be affected by whether someone illegally sells liquor.

Mayor Garrison stated that maybe the zone should carry a stipulation that the establishment should be operated in accordance with the laws of the State of Texas, because he felt the City should have some control over the liquor sales.

Commissioner Richard Thompson stated that because the beer is served in pitchers there is no way of knowing who is being served from the pitcher.

Commissioner E. C. Wareing asked the City Attorney to look into the state laws governing the service of alcoholic beverages in pitchers and prepare a statement on his findings.

Commissioner Richard Thompson stated that if this fast food restaurant was granted a special use zone for a private club, then every other fast food restaurant would want one. Commissioner Bob McCurry stated that he agreed with Commissioner Thompson, but there were three (3) private clubs in existence in this general area.

Mayor Garrison stated that the zone would not cause any problems, and the State Law should guide the Commissioners not personal feelings.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that zone change be approved on first reading. The following vote was recorded: Aye: Mayor Garrison, Commissioners Foley and McCurry. Nay: Commissioners Thompson, Simond, and Wareing. Mayor Garrison declared the motion defeated by a vote of three (3) to three (3) due to the lack of a majority vote of four (4) as required by Charter.

Discussion then ensued by Tim Sampson, representative of Mr. Gattis Pizza Parlor, who stated that his establishment would provide a family atmosphere, and follow the state law exactly in regard to the issuing of memberships for the private club. Mr. Sampson stated that Clay Dark was his attorney in Lufkin and they would work closely together to insure the law is followed exactly. Mr. Sampson stated that his restaurant felt the customer should be offered the option to have beer with pizza as an added attraction to the menu.

Commissioner Percy Simond stated that he voted against the zone change pending a decision from the City Attorney, and he felt the City should have some control over the private club.

City Attorney, Bob Flournoy, stated that the application could be resubmitted at the next City Commission meeting if a legal decision is desired.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that zone change application be resubmitted for further consideration at next regular meeting of City Commission. The following vote was recorded: Aye: Mayor Garrison, Commissioners Simond, McCurry, Foley, Wareing; Nay: Thompson. Mayor Garrison declared the motion approved by a vote of 5 to 1.

12. Zone Change Application - Approved - First 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 recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Bob McCurry that zone change application be approved. A unanimous affirmative vote was recorded.

13. Zone Change Application - Approved - First 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 recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that zone change application be approved. A unanimous affirmative vote was recorded.

14. Report on Lufkin-Diboll Water Study - Authorization for Payment

Mayor Garrison recognized Mr. Billy Sims, representative of Temple Associates, who reviewed the report prepared by Temple Associates on the Lufkin-Diboll Water Study recently completed. Mr. Sims stated that the purpose of the study was to forecast the water needs of Lufkin and Diboll through the year 2011. Mr. Sims then reviewed and explained the various graphs included in the report previously distributed to Commissioners.

Mr. Sims stated that if Lufkin continues to develop at the rate projected, the watertable will reach a "no reserve situation" in ten (10) years. Mayor Garrison stated that Lufkin should begin to investigate obtaining water from Sam Rayburn Lake by examining the cost and procedures for implementing this plan.

Mr. Sims stated that Temple Associates would like to prepare a feasibility study of what it would take to develop ground water and the cost of delivery to Lufkin for distribution to Diboll.

Mayor Garrison stated that the cost might double if water came from Rayburn, but there is a supply available for 175,000 people. In response to a question by Commissioner Foley, Mr. Sims stated that the feasibility study should take about two (2) months to complete.

Commissioner E. C. Wareing requested that Temple Associates be prepared to present the City Commission with facts about the feasibility study at next meeting to include what the study would cover, length of study, and the expected cost.

City Manager Westerholm stated that the City Commission needed to authorize payment of Temple Associate's bill in the amount of \$2,160 for the study recently completed. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that the City Manager be authorized to pay Temple Associates. A unanimous affirmative vote was recorded.

15. Taxicab Franchise - Approved - Smitty Langford

Mayor Garrison stated that a letter had been received from Mr. Smitty Langford requesting a franchise for a taxicab service in Lufkin.

Mr. James Peebles, Jr., attorney for Mr. Langford, stated that he had recently learned the license for operation of radios would take three (3) to four (4) months to obtain. Mr. Peebles further stated that the opening date of the taxi service would be contingent upon the receipt of the license. In answer to question by Commissioner Foley, Mr. Peebles stated that Mr. Langford would have no difficulty operating within the taxicab ordinance.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that franchise be granted to Mr. Smitty Langford. A unanimous affirmative vote was recorded.

16. Curb & Gutter Paving Petition - Tabled - Cain St.

Mayor Garrison stated that the curb and gutter paving petition was reviewed by Planning & Zoning Commission and recommended to the City Commission.

City Manager Westerholm stated that the improvement of the street will necessitate the installation of two (2) blocks of twin 36" storm sewers which will empty into the recently completed storm sewer at Glenn and Culverhouse. The City Manager further stated that the estimated cost for the storm sewer is \$69,300. The property owners will pay for the curb and gutter and one-third (1/3) of the cost of the driving surface.

Commissioner E. C. Wareing stated that Cain Street to O'Quinn could be constructed without storm sewer, and the remainder of the project could be put on the list for completion as funds become available with the drainage construction being considered in the next budget.

Commissioner Pat Foley stated that curb and gutter improves the maintenance of streets, and if work could begin on any part of the street, he would be in favor of same. In answer to question by Commissioner Pat Foley, City Manager Westerholm stated that a portion of Cain Street could be done for approximately one-half (1/2) of the City's projected \$30,000.

It was unanimously agreed that curb and gutter paving petition would be considered at next regular meeting of City Commission, and City Manager Westerholm would have figures available in regard to a portion of the work being completed.

17. 1981 Tax Equalization Board - Approved

Mayor Garrison stated that with the advent of the Central Appraisal District, this would be the last year for the City to name a Tax Board of Equalization, and Roy Sinclair, Tax Assessor/Collector, was recommending that the five previous members be reappointed.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that present Board Members be asked to serve another year. A unanimous affirmative vote was recorded.

May 5, 1981

18. Extension of Water Main on Kurth Drive - Approved

Mayor Garrison stated that the City was attempting to extend fire protection to the residents of Minnie Lou Street north and south of its intersection with Kurth Drive, and a 12" water main needs to be extended along Kurth Drive from Sayers west to McMullen Street.

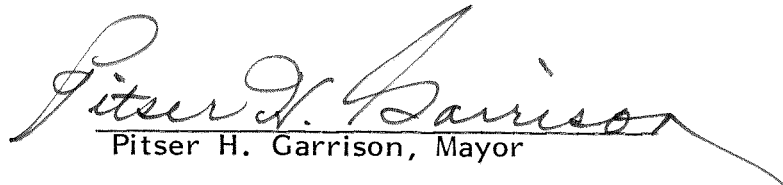
City Manager Westerholm stated that \$43,634.85 remained in the Water Improvement Project and \$13,250 is available from the liquidated damages on the elevated Water Storage Tank.

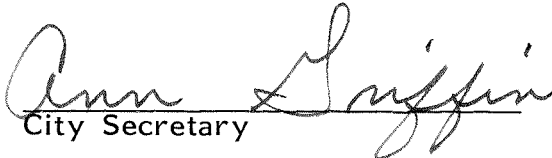
Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that the project be approved and funds be transferred to begin work. A unanimous affirmative vote was recorded.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that Loop 287 from 103 East to Hwy. 58 does not have 12" water mains, Crown Colony is also in need of additional work, but funding is not available at present.

19. There being no further business for consideration, meeting adjourned at 9:00 p.m.



  
Pitser H. Garrison, Mayor

  
City Secretary