MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF APRIL, 1978, AT 7:30 P.M.

On the 18th day of April, 1978, 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
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. 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	Asst. City Manager

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

1. Meeting opened with prayer by Rev. Bill Fowler, Pastor of First Nazarene Church, Lufkin, Texas.

2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. Pat Foley made motion to approve minutes of regular meeting of April 4, 1978. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Permanent Zoning of Herty Area Approved 2nd Reading

Mayor Garrison stated that permanent zoning of the newly annexed Herty area had been approved on first reading of ordinance at last regular meeting covering property located South of Highway 103 East, East of existing City Limits.

There were no persons present appearing in opposition to proposed permanent zoning of the newly annexed Herty area. Comm. E. C. Wareing made motion that ordinance be approved on second and final reading permanently zoning the newly annexed Herty area as advertised. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-Gaslight Square Development Corporation from LM to RL, RM, A, LB & C Districts

Mayor Garrison requested that Mayor Pro Tem Wareing conduct this particular item of the agenda due to his personal involvement in application. Mayor Pro Tem Wareing stated that zone change application by Gaslight Square Development Corporation from LM to RL, RM, A, LB & C Districts covering property located South of Ellis, East of Loop 287 & North of Pershing Avenue, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Gaslight Square Development Corporation from LM to RL, RM, A, LB & C Districts be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison and Comm. R. A. Brookshire recused themselves from discussion or vote on this item due to their involvement with same.

6. Zone Change Approved 2nd Reading-Phil Medford from LB to LB & CB Districts, Special Use (Warehouse or Storage)

Mayor Garrison stated that zone change application by Phil Medford from LB to LB & CB Districts, Special Use (Warehouse or Storage), covering property being a portion of Lot 4, Block 11, Englewood Terrace Addition, fronting on North side of Denman Avenue between Chestnut Street & Cunningham Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Pat Foley made motion that zone change application by Phil Medford from LB to LB & CB Districts, Special Use (Warehouse or Storage), be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Gerald & Mary Jane Ricks from A to CB District

Mayor Garrison stated that zone change application by Gerald & Mary Jane Ricks from A to CB District covering property being the East portion of Lot 2, Block 47, Original Town of Lufkin, fronting on South side of Abney Avenue at intersection with Maple Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Pat Foley made motion that zone change application by Gerald & Mary Jane Ricks from A to CB District be approved on second and final reading of ordinance. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., recused himself from discussion or vote on this item due to his relationship with applicants.

8. Zone Change Approved 1st Reading-Lloyd Parrish from RL to RM District, Special Conditions

Mayor Garrison explained that there was no actual opposition at previous zoning meeting regarding this application and same had been recommended for approval on a unanimous vote of the City Planning and Zoning Commission with special conditions indicated in application for a minimum of 1200 square foot heated area homes and minimum 6200 square foot lots. Mayor Garrison stated that this property was located immediately East of & fronting on Feagin Drive, South of Scott Street deadend and Norris Street deadend.

There was no opposition present and Mayor Garrison stated that Mr. Charles Webb was present appearing in representation of application if members of Commission had any questions regarding same.

Comm. W. O. Ricks, Jr., made motion that zone change application by Lloyd Parrish from RL to RM District, Special Conditions, be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Street Department-Bid Awarded for Purchase of Aerial Bucket Truck-Greater Lufkin Ford Sales

Mayor Garrison stated that bids had been received and tabulated by the City staff regarding the purchase of an aerial bucket truck for the Street Department and the bid recommended by the City Manager was Greater Lufkin Ford Sales in the amount of $24,596.00, which exceeded the City budget by $196.00.

Comm. W. O. Ricks, Jr., made motion to accept low bid of Greater Lufkin Ford Sales as recommended by Mr. Westerholm in the amount of $24,596.00 for the purchase of this aerial bucket truck. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Exeter Investments (Angelina Mall)-Release of Abandoned Water Line Easement Approved

City Manager Westerholm stated that in 1937 a water line easement had been abandoned by the City which was located in the parking lot area of Angelina Mall and same had been requested by Exeter Investments for release of this abandoned easement. City Attorney Flournoy stated the state statutes were not clear regarding this particular procedure with respect to releasing same for a fair market value. City Attorney Flournoy recommended the possible consideration of a $50 market value for this particular procedure or some type of value on release of same.

Comm. R. A. Brookshire suggested a release of this easement in the amount of $1.00 and other considerations.

Comm. R. A. Brookshire then made motion that release of abandoned water line easement be granted and Mayor Garrison be authorized to sign documents regarding same as requested by Exeter Investments of the Angelina Mall. Motion was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, Mayor Garrison suggested that the particular portion of Mr. Brookshire's motion regarding "other considerations" be dropped and the simple value fee of $1.00 be established. Members of Commission were in agreement with suggestion by Mayor Garrison and Comms. Brookshire and Ricks were in agreement that motion be amended to indicate that consideration for the sum of $1.00 be the only value granted and a unanimous affirmative vote was recorded to previous motion and second.

11. East Texas Adult Education Coop-Downtown Recreation Center-Request for Use of Office Space Granted

City Manager Westerholm made reference to a letter received by the East Texas Adult Education Coop from Mr. David D. Dunn. Mr. Westerholm stated that Mr. Dunn had requested the use of vacant offices in the Downtown Recreation Center and request was made only to initially involve a period through September of 1978. City Manager Westerholm recommended that members of Commission consider this request with the condition that the East Texas Adult Education Coop share in the cost of utilities with the City of Lufkin which, in his estimation, would be nominal.

Mr. Dunn was in agreement to participate in the cost of these utilities. Comm. Pat Foley made motion that City Manager Westerholm be authorized to provide these services in accordance with request submitted by East Texas Adult Education Coop through September 1978 of the present year. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Canvass of Special City Runoff Election - April 18, 1978

Mayor Garrison stated that the City's Special City Runoff Election had been held this date and announced that election judges had forwarded all materials for review by members of Commission for official canvass at this meeting.

The following returns indicating the results of the City election were reviewed for election of Commissioner at Large, Place B, from a total of 1526 votes cast:

Commissioner at Large, Place B	Votes Received
Richard Thompson	1,053
Juanita R. Spencer	473

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated winner of the election to be Richard Thompson for Commissioner at Large, Place B.

Comm. E. C. Wareing made motion that above listed election results be made official and Richard Thompson be declared winner of Commissioner at Large, Place B, for a three-year term to terminate April of 1981. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison then administered oath of office to the newly elected Commissioner at Large, Place B, Richard Thompson and congratulated him for his accomplishments.

13. Comm. E. G. "Rod" Pittman - Commendation Presented

Mayor Garrison stated that Mr. E. G. "Rod" Pittman had served the City of Lufkin in two capacities, being a City Planning and Zoning Commissioner and a City Commissioner in the past years and should be commended for his outstanding services to the City of Lufkin.

Comm. W. O. Ricks, Jr., made motion that special award of commendation be presented to Comm. Pittman for his outstanding services with the City of Lufkin as a member of both the City Planning and Zoning Commission and City Commission in the past years. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison then presented Comm. Pittman a plaque as a token of appreciation from the City Commission members for his outstanding services with the City of Lufkin and congratulated him for his achievements.

14. Leash Law Proposed for Referendum or Ordinance

Comm. Jack McMullen suggested that City Attorney Flournoy prepare an ordinance for consideration at next regular meeting regarding a possible leash law for the City of Lufkin due to comments he had received in the recent past from property owners requesting same.

City Attorney Flournoy stated that he would prepare this ordinance as requested.

Mayor Garrison stated that it may be the desire of the Commission to consider this leash law proposal by a referendum in lieu of ordinance, if same was possible.

It was unanimously agreed by members of Commission that this item be placed on the agenda for consideration at next regular meeting either as a proposed ordinance or possible consideration to submit to a referendum as discussed.

15. Zoning Ordinance-Disc. of Proposed Amendments for Definition of "Family"

Comm. W. O. Ricks, Jr., stated that there had been a recent problem regarding the definition of the term "family" as indicated in the City Zoning Ordinance and suggested that City Attorney Flournoy prepare a proposed amendment to this ordinance to clarify definition as outlined. City Attorney Flournoy stated that he would review this item and prepare a proposed ordinance for consideration at next regular meeting regarding same.

16. Adjournment

There being no further business for consideration, meeting adjourned at 8:35 p.m.

MAYOR - City of Lufkin, Texas

ATTEST:

Assistant City Manager