MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 9TH DAY OF JUNE, 1981, AT 7:30 P.M.

On the 9th day of June, 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
Don E. Boyd	Commissioner, Ward No. 2
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. Flournoy	City Attorney
Ann Griffin	City Secretary

being present, and

Percy A. Simond, Jr.	Commissioner, Ward No. 1

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Dewey Underwood, Chaplain of Memorial Hospital, Lufkin, Texas.

2. Mayor Garrison welcomed visitors present.

3. Approval of Minutes

Minutes of regular meeting of May 19, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

4. Senate Resolution - Acknowledging Lufkin's Centennial - Read

Mayor Garrison stated that the City of Lufkin had received a copy of a Senate Resolution acknowledging Lufkin's Centennial year and read same to persons present. Mayor Garrison stated that he was happy to accept the Resolution on behalf of the City and the people of Lufkin, and stated that the Resolution would be kept in the archives for the Centennial year.

5. Appointments to Plumbing Appeals & Advisory Board - Announced - Oath of Office - Larry Sumners

Mayor Garrison stated that as previously discussed in Executive Session, three (3) people were asked to serve as members of the Plumbing Appeals and Advisory Board, and each has agreed to serve. Mayor Garrison stated that the new members are: Dick Gardemal, Larry Sumners, and Floyd Marsellos. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that these men be appointed to the Plumbing Appeals & Advisory Board. A unanimous affirmative vote was recorded. Larry Sumners was present at City Commission Meeting, and Mayor Garrison administered the Oath of Office.

6. Annexation & Permanent Zoning - First Reading - Helen Lowe - C, SU(Item 1-County Jail) - Meeting Date Set

Mayor Garrison stated that Annexation & Permanent Zoning request by Helen Lowe covering property located north of Loop 287 at Kurth Drive to Commercial, Special Use(Item 1-County Jail) had been set for first reading at this meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance for annexation be approved on first reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing that Ordinance for permanent zoning to Commercial, Special Use(Item 1-County Jail) be approved on first reading with the provision that special use for county jail would become moot if option of County is not exercised. Motion was seconded by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

Mayor Garrison stated that the regular meeting date of City Commission is the third Tuesday of each month which would be next week, but because there are five (5) Tuesdays in the month of June the Commission might want to schedule the meeting for June 23 on the fourth (4) Tuesday. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that the next City Commission meeting be held on June 23, 1981, at 5:00 p.m. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - First Reading - 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 postponed at last meeting for reconsideration at this meeting.

Mayor Garrison recognized Clay Dark, local attorney, who stated that because the first legislation on private clubs was effective in 1961, and Lufkin's zoning ordinance was effective in 1963, he felt the zoning ordinance was referring to private club legislation adopted by the State. Mr. Dark further stated that his client was willing to erect a sign advising that Mr. Gattis is a private club. Mr. Dark stated that this is a zoning hearing, not a hearing to determine whether Angelina County or Lufkin is a wet or dry county.

In response to question by Mayor Garrison, Mr. Dark stated that the memberships in the private club are governed by the Alcoholic Beverage Commission which requires a three (3) person membership committee. Mr. Dark further stated that temporary memberships effective for a period of 72 hours can be purchased at the clubs for $2.00. Mr. Dark stated that a temporary membership does not entitle the holder to bring a guest to the club.

Mr. Dark further stated that the Alcoholic Beverage Commission issues warrants and closes clubs, but the city police would have authority to enforce any minor violation.

Commissioner E. C. Wareing stated that the private club issue had been postponed to allow the City Attorney to obtain a definition and prepare an ordinance for consideration. City Attorney Bob Flournoy stated that he had attempted to ascertain if original City Commission was contemplating the kind of private clubs now before Commission, and reached the conclusion that they did intend to include same. City Attorney Flournoy further stated that a definition would not effect the petitions now before City Commission, and an attempt to adopt an ordinance at this date to effect present applications would cause a legal problem.

Commissioner Richard Thompson stated that he had obtained some sample ordinances from other cities and would like to hear from other members of Commission about whether these ordinances might be considered for Lufkin. Commissioner Thompson further stated that clubs have changed since the zoning ordinance was written in 1963, and additional consideration should be given to the changes.

City Attorney Flournoy stated that he needed information from City Commission on desired regulations for private clubs. City Attorney further stated that applications presently before City Commission should be considered at this meeting.

Motion was made by Commissioner Richard Thompson that zone change application by Exeter Investment Corporation be denied. Motion was seconded by Commissioner E. C. Wareing and the following vote was recorded: Aye - Commissioners Wareing and Thompson; Nay - Mayor, Commissioner McCurry, Foley, and Boyd. Mayor Garrison declared motion to deny zone change application defeated by a majority vote of 4 to 2.

City Attorney Flournoy stated that the Commission could not impose any regulations on private clubs, but possibly establish some guidelines while looking to the morals and welfare of the community; however, future guidelines would not apply to this application by Exeter Corporation.

Commissioner E. C. Wareing stated that he voted Nay because of his personal opinion that the City needs to reconsider private club permits, and Mr. Gattis' Pizza Parlor is a fast food, carry out, transient operation, private beverage club.

Commissioner Bob McCurry stated that he believed private clubs were required to be segregated from the restaurant, but the state does not require segregation.

Motion was made by Commissioner Pat Foley that application be approved on first reading. Motion was seconded by Don Boyd and the following vote was recorded: Aye - Mayor, Commissioners Foley, Boyd, McCurry; Nay - Commissioners Thompson and Wareing. Mayor Garrison declared motion approved by a majority vote of 4 to 2.

8. Zone Change- Approved - First Reading - David D. Dunn - LB to C, SU(Item 16-Private Club)

Mayor Garrison stated that zone change application by David D. Dunn covering property located at 207 N. Raguet between Frank Avenue and Moore Avenue from Local Business to Commercial, Special Use (Item 16-Private Club) had been postponed at last meeting for reconsideration at this meeting. There was no opposition present.

Commissioner Richard Thompson inquired of Mr. Dunn if parking regulations of the City had been met. Mr. Dunn stated that his parking had been approved by Building Inspection Department, and space for 30 cars was provided.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that application be approved on first reading. The following vote was recorded: Aye - Mayor, Commissioners Wareing, Foley, Boyd, McCurry; Nay - Commissioner Thompson. Mayor declared motion approved by a majority vote of 5 to 1.

9. Zone Change - Failed - First Reading - Paul J. Reavis - C to C,SU (Item 16-Private Club)

Mayor Garrison stated that zone change application by Paul J. Reavis, covering property located at 111 South Chestnut between Lufkin Avenue and South Timberland Drive from Commercial to Commercial, Special Use, (Item 16-Private Club) had been postponed at last meeting for reconsideration at this meeting. There was no opposition present.

Gilbert Fears proposed manager for private club stated that there would be no food served, and dancing would be allowed.

Motion was made by Commissioner Don Boyd that application be approved on first reading. There was no second to the motion. Mayor Garrison declared that motion failed for lack of a second.

Commissioner Bob McCurry stated that he was against this zone change because it was not a restaurant, and felt the establishment would be classified as a dance hall.

Mayor Garrison stated that a determination of guidelines for private clubs should be made before another private club application is received, and that Commissioner Richard Thompson and City Attorney Flournoy would be working toward that goal.

10. Zone Change Application - Approved - Second Reading - J.L. Johnson, Jr. RL to LB

Mayor Garrison stated that zone change application by J. L. Johnson, Jr. covering property located at 1909 Pin Oak Lane between John Redditt Drive and Gaslight Square Blvd. from Residential Large to Local Business had been approved on first reading at last meeting of City Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

11. <u>Zone Change Application - Approved - First Reading - Sabine Investment - RL to A</u>

Mayor Garrison stated that zone change application by Sabine Investment covering property located at Lot 2, Block 7, Crown Colony, west of Crown Colony Drive from Residential Large to Apartment had been recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Ray Faircloth, representative of Sabine Investment, stated that the Planning & Zoning Commission felt an Apartment zone would be appropriate for the development because of plans to sell each unit as a condominium.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

12. <u>Zone Change Application - Approved - First Reading - Ruby Mae Sapp - RS to D</u>

Mayor Garrison stated that zone change application by Ruby Mae Sapp covering property located at 916 Highland Avenue, west of Keltys and south of Weaver Street from Residential Small to Duplex had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change application be approved on first reading. A unanimous affirmative vote was recorded.

13. <u>Participation in Exposition Complex - Approved - Money Pledged - Centennial Project</u>

Mayor Garrison stated that the City had received a letter from Angelina County Chamber of Commerce requesting the City's participation in the development of the Angelina County Exposition Center complex. Mayor Garrison recognized Mr. George Henderson, Jr., Chairman of the Exposition Center Task Force, who stated that the facility would be a multi-use building housing everything from Rodeos to special events like the Southern Hushpuppy Olympics. Mr. Henderson further stated that the County had pledged $300,000 to the project, and the Chamber was asking the City of Lufkin to pledge a matching amount. Mr. Henderson stated that construction would begin at the end of this year if a large percentage of money was received in order to have the complex ready for the Centennial . Mr. Henderson further stated that plans presented to the City Commission only represented an artist's conception of the facility, and the final plans had not been developed at this time.

After further discussion, motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that the City endorse the project and pledge $300,000 to be paid over a five (5) year period with every effort being made to complete payments in three (3) years. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that the manner in which this contribution should be made would be decided by next meeting of City Commission.

14. <u>State Department of Highways & Public Transportation - Agreement Approved - Improvements to State Highway 94 from Loop 287 west to City Limits</u>

Mayor Garrison stated that the City had received a letter and proposed agreement from the State Department of Highways & Public Transportation representing the City's share for improvements to Hwy. 94 from Loop 287 to the City Limits.

City Manager Westerholm stated that the funds are available in the capital improvements budget for the Street Department, and the City's share would be $25,000.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that agreement be approved. A unanimous affirmative vote was recorded.

15. Speed Zone Ordinance - Approved - First Reading - Lotus Lane & Fuller Springs Drive

Mayor Garrison stated that the City had conducted a speed survey on Lotus Lane and Fuller Springs Drive, and the results reflect that 40 MPH speeds would be appropriate on Lotus Lane from Verna Drive northwest to Loop 287 and on Fuller Springs Drive from Chestnut (FM 58) east to Dawson Street.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved on first reading. A unanimous affirmative vote was recorded.

16. Change of Computer - Data Processing Department - Approved

Mayor Garrison stated that Dwayne Humphrey who is serving as head of Data Processing Department, had recommended the City lease its present computer to a firm that can use it more effectively and purchase an IBM System 34 which would be more economical and easier to operate.

Mayor Garrison recognized Curtis Burton, representative of CMI, a local computer firm, who stated that he would lease our present computer and the City would immediately begin saving money on monthly maintenance which is $1,600 for the present computer and only $500 for the IBM System 34. Mr. Burton further stated that IBM does not provide training on the present computer and trained operators are impossible to find. Mr. Burton stated that his firm recommended the City purchase the new computer because six (6) weeks work on the old computer can be done in one (1) week on the system 34. Mr. Burton stated that it is hard to find a customer for the old computer because only a company that has the same computer and is going to expand their operations would be interested.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Bob McCurry that City Manager Westerholm be authorized to enter into agreement with CMI as outlined and, when the opportunity arises, to sell the present computer. The following vote was recorded: Aye - Mayor, Commissioners Boyd, McCurry, Thompson, Wareing; Nay - Foley. Mayor declared motion approved by a majority vote of 5 to 1.

Commissioner Pat Foley stated that he voted Nay because of insufficient information and time for study.

Commissioner E. C. Wareing stated that he had checked with the computer people at Texas Foundries, and they advised the transaction would be worthwhile.

17. Report from EPA - Vermicomposting Project - Discussed

Mayor Garrison stated that the City had been informed that a research grant for the vermicomposting project had been rejected.

City Manager Westerholm stated that the City would be conferring with Ed Green, consultant on the project, to determine what can be done to bring the project to the state where it will adequately utilize the amount of sludge originally anticipated. City Manager further stated that he would ask Mr. Green to submit a proposal setting forth a schedule for accomplishing the objectives of the project.

Mayor Garrison stated that he was glad the City would be continuing the project inasmuch as grant funds had not been originally anticipated.

18. Excess Buildings from Republic Bank - Approved

Mayor Garrison stated that H. J. Shands, Jr. of Republic Bank, Lufkin had offered two sheet clad steel buildings to the City that were formerly used by the Buick Motor Company.

City Manager Westerholm stated that the only obligation on the part of the City would be the dismantling and moving of the buildings which would then be used as the new service center on Hill Street.

Commissioner Richard Thompson stated that the buildings were fine structures, and the City should take advantage of the offer. Commissioner Thompson further stated that the buildings could be moved for approximately $60,000 with the work being contracted to an outside company.

Mayor Garrison stated that the bank would like for the City to move the buildings as quickly as possible, and the City Manager has informed the Commission that $154,000 of unencumbered funds may be available.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that City accept the offer of buildings and advertise for bids to move same, subject to cancellation of acceptance if not economically feasible to be moved. A unanimous affirmative vote was recorded.

19. Executive Session - Old Sewer Treatment Plant Site, Possible Sale - Updating of Zoning Ordinance - Sign Control Ordinance - Tax Equalization Board - Portable Signs

Mayor Garrison stated that the City Commission would adjourn to Executive Session to discuss possible real estate transaction. Mayor Garrison then recessed formal open meeting of the City Commission at 9:30 p.m. At 9:50 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of Executive Session.

Mayor Garrison announced that members of Commission had discussed the possibility of selling the old sewer treatment site on south Loop 287 adjoining fire station #4 containing 32 acres. Mayor Garrison stated that no action had been taken and invited comments from members of Commission.

Commissioner E. C. Wareing made motion that invitation for bids on the property be considered at next regular meeting. Motion was seconded by Commissioner Pat Foley, and a unanimous affirmative vote was recorded.

Commissioner E. C. Wareing expressed his desire to pursue the updating of the City's Zoning Ordinance to provide a definition for private clubs.

Commissioner E. C. Wareing also expressed his thanks to members of the Tax Equalization Board who had recently completed their annual meeting as documented by letter received by members of Commission. Mayor Garrison was in agreement with Commissioner Wareing and asked City Manager Westerholm to send a letter of appreciateion to the Tax Equalization Board for their fine service.

Commissioner E. C. Wareing also expressed his compliments to members of the City Staff for a job well done on the updating of the sign control ordinance throughout the City. Commissioner Wareing also made reference to whether or not certain blinking light signs should be regulateed within 1,000 feet of an intersection.

City Manager Westerholm stated that he felt this regulation could be enforced the same as other ordinances, but reminded members of Commission that all blinking signs within 1,000 feet of intersections must be considered in this regard.

Commissioner E. C. Wareing expressed his concern as to the amount of distance specified by the ordinance in this regard concerning blinking signs, and asked City Attorney Flournoy and City Manager Westerholm to inquire concerning same and report to members of Commission at a later date. Commissioner Wareing stated, in his opinion, portable signs properly used, had a place in the community.

20. There being no further business for consideration, meeting adjourned at 10:00 p.m.

Pitser H. Garrison

Pitser H. Garrison, Mayor

CITY OF LUFKIN TEXAS

ATTEST:

Ann Griffin

City Secretary