

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF MAY, 1977, AT 5:00 P. M.

On the 17th day of May, 1977, 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
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Harvey Westerholm	City Manager
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Lynn Durham, former City Secretary, City of Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of May 3, 1977, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Oaths of Office Administered - Various City Board Members

Mayor Garrison stated that newly appointed members of various City Boards were present to receive oaths of office. Mayor Garrison recognized the following individuals recently appointed to Boards as indicated and administered oaths of office for two-year terms:

Zoning Board of Adjustment & Appeals - Ray Henson, Member; Mrs. W. D. O'Quinn, Alternate Member; Jack Irish, Alternate Member; and Lynn Durham, Member

Examining & Supervising Board of Electricians - Don Cutler and Jerry Vail, Members

Plumbing Appeals & Advisory Board - Jimmy Lawrence and George F. Ricks, Members

Mayor Garrison congratulated members of these boards and complimented their public service.

5. Annexation & Permanent Zoning-Open Hearing-Whitehouse Road-Tom Gann-Tracts I & II

Mayor Garrison officially opened hearing for Tract I consideration which had been separated from original annexation and permanent zoning request by Mr. Tom Gann, covering property South of Forest Hills Sub-Division. Mayor Garrison stated that this tract had been separated from original request because there had not been a petition by property owners in this area for annexation. Mayor Garrison further stated that it had been the policy of the City Commission to consider annexation of ROW on either side of any streets being considered.

There were no persons present appearing in opposition to Tract I annexation consideration.

Mayor Garrison then opened hearing for consideration of Tract II containing property North and South of Whitehouse Road as originally petitioned for annexation with the exception of additional property considered by the City South of Whitehouse Road for ROW control. Mayor Garrison recog-

nized Mr. Walter Borgfeld, appearing in representation of Mr. Tom Gann. Mr. Borgfeld stated that Mr. Gann had tentative plans for development of the property originally considered for annexation in this area and invited further questions from Commission.

Comm. E. C. Wareing inquired as to whether or not it was the recommendation of the City Planning and Zoning Commission to alter the recommended zoning for the Natt and M. L. Gann properties. Mr. John Waak, a member of the City Planning and Zoning Commission who was present, stated that this was the recommendation of the planning commission. Comm. Wareing also inquired as to whether or not the County would complete construction of street resurfacing South of & adjacent to Forest Hills Sub-Division. Mayor Garrison stated that it was his understanding that the County would complete this work regardless of annexation. Mayor Garrison officially closed hearing on Tracts I and II.

Comm. E. C. Wareing then made motion that Tracts I and II as described above be considered on first reading of ordinance at next regular meeting.

Prior to second of motion, Mayor Garrison stated that Texas Power & Light Company increase request, which was on the agenda for this meeting, would extend their approval deadline to June 25 which would provide for allowance of an additional meeting in the month of June, if members of Commission were in agreement, allowing for the possibility of considering Texas Power & Light Company increase request on first reading on the June 14 meeting and second and final reading at the June 21 meeting.

Previous motion by Comm. Wareing to set first reading consideration of previously stated annexation was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, Comm. E. G. Pittman stated that he personally was of the opinion that all individuals involved in these annexations should understand that the City was committed to other property owners with regard to City services and no promises should be made for the supply of rapid City services to this area.

Comm. R. A. Brookshire stated that some type of development plan for Whitehouse Road should be approved by the City Commission before this area was annexed due to the amount of concern previously stated by property owners in this area.

City Attorney Flournoy stated that these hearings could be set for consideration on first reading by the City Commission on the June 14 meeting unless the law provided to the contrary for same. A unanimous affirmative vote was then recorded to previous motion and second to consider first reading of ordinance for annexation and permanent zoning of this property at June 14th meeting.

6. Open Hearing-Pentecostal Campground Property-Proposed Annexation

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended annexation of the Pentecostal Campground property based on their request covering property located East of & adjacent to Highway 59 South, and South of FM 819. There were no property owners present appearing in opposition to this request for annexation.

Comm. E. C. Wareing inquired as to whether or not members of Commission desired to consider annexation of additional property in this area 300 feet on the North side of FM 819 to comply with standards of ROW control.

Discussion developed with regard to this consideration, and Comm. E. G. Pittman requested that the City staff research the need for control along the Farm Road being considered and correct ownership of property prior to next regular meeting. It was also requested that the City staff determine who had control when property was owned by the City on both sides of a state highway or farm road. Mayor Garrison officially closed hearing.

Comm. W. O. Ricks, Jr., then made motion that ordinance be set for first reading to consider annexation of this property at June 14 meeting. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Zone Change Denied - A. E. Poulan from RL to A District

Mayor Garrison stated that Mr. A. E. Poulan was present representing his zone change application which was previously postponed from last regular

meeting from RL to A District covering property located North of Lilac, between Highway 69 South and Lilac. Mayor Garrison stated it was his understanding that the City had met with Mr. Poulan and a property owner in this area with regard to the drainage discussed at last regular meeting. Mr. Poulan stated that he had personally discussed this matter with the City, and considerable improvement had been made to the drainage problem, which was also agreed by individuals appearing in opposition.

Mayor Garrison then recognized individuals present appearing in opposition of application who stated that all property owners residing on Lilac Street desired to uphold their opposition to this application regardless of improvements to drainage or additions of fences because they did not desire apartment units in this residential area.

Comm. E. G. Pittman made motion that zone change application by Mr. A. E. Poulan from RL to A District be denied, based on opposition present. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

8. Speed Zone Ordinance - Recommendation Postponed

Mayor Garrison stated that information had been furnished members of Commission from the State Department of Highways & Public Transportation with regard to proposed speed zone changes on various City streets as requested from last regular meeting. Mayor Garrison stated that he had mixed emotions with regard to changing these speeds based on recommendation, due to speed variations as discussed at last regular meeting. Mayor Garrison and Comm. Foley both expressed their opinions with regard to respect for recommendation submitted and personal support of same based on highway department's expertise.

It was the opinion of the Commission that consideration be allowed for postponement of this speed zone change until next regular meeting to provide further comments from a representative of the highway department. Mayor Garrison then tabled further consideration of this item on his own volition until next regular meeting.

9. Abandoned Vehicle Ordinance - Amendment Approved 2nd Reading

Mayor Garrison stated that the Abandoned Vehicle Ordinance was approved on first reading at last regular meeting amending the existing requirements for abandoned vehicles. There was no opposition present, and Comm. E. C. Wareing made motion that Abandoned Vehicle Ordinance be approved on second and final reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Zone Change Approved 2nd Reading-Joe F. Martin, et al, from RL to HM Dist.

Mayor Garrison stated that zone change application by Joe F. Martin, et al, from RL to HM District covering property located immediately West of Sayers and South & adjacent to A&NR Railroad, had been approved on first reading of ordinance at last regular meeting. Comm. Pat Foley abstained from vote and discussion on this item due to his personal interest.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Joe F. Martin, et al, from RL to HM District be approved on second and final reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Zone Change Approved 2nd Reading-Mr. & Mrs. William B. Floyd from RL & C District, Special Use, to C District

Mayor Garrison stated that zone change application by Mr. & Mrs. William B. Floyd from RL & C District, Special Use, to C District covering property located South of Hwy. 103 West & North of Central Freight Lines fronting on West side of Loop 287, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Mr. & Mrs. William B. Floyd from RL & C District, Special Use, to C District, be approved on second and final reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

12. Zone Change Approved 2nd Reading-Wallace Davis from RL to RL District, Special Use (Dress Shop)

Mayor Garrison stated that zone change application by Wallace Davis from RL to RL District, Special Use (Dress Shop), covering property located West of & fronting on Ford Chapel Road, West of Renfro Drive area, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Wallace Davis from RL to RL District, Special Use (Dress Shop), be approved on second and final reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

13. Texas Power & Light Company-Rate Increase Request Deferred

Mayor Garrison recognized Mr. James B. Manning, John Powers and Gary Kennedy of the Texas Power & Light Company representing request for rate increase. Mr. Manning, appearing as spokesman for Texas Power & Light Company, stated that he had not received the full tariff application and same would be provided for members of Commission to review in complete form prior to next regular meeting, if they desired. Mr. Manning stated that he would provide each member of the Commission a copy of this application prior to next regular meeting. Mr. Manning stated that providing members of Commission desired, he would accept deferrment of this application at this meeting and return at next regular meeting for consideration of this request. Mr. Manning explained that his company's deadline was June 25 under the law.

Mayor Garrison stated that enough time would be provided to consider this request on two readings of ordinance if members of Commission decided to establish a second meeting date for the month of June.

Comm. E. C. Wareing then made motion that further consideration of the Texas Power & Light Company increase request be deferred until next regular meeting on June 14 and the June 21 meeting of the City Commission at 5:00 p.m. be re-instated as a regular meeting date to provide for two meetings in the month of June and allowance of this consideration. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison stated that if the City Commission approved proposed rate increase request as recommended by the Public Utility Commission, Texas Power & Light Company had the privilege of appeal. Mayor Garrison stated that it appeared the Public Utility Commission had the authority to override any decision of this Commission with regard to approval of this rate request and the authority to deny further appeal. Mayor Garrison stated that, in this respect, the Commission did not have the power to establish rates for the City. Mayor Garrison stated it was his understanding that the City would retain this power prior to creation of the Public Utility Commission.

Mayor Garrison stated that in view of the fact no opposition was present and members of Commission were in agreement, he would defer further consideration of this rate increase request on his own volition until June 14.

Mayor Garrison asked that the City Attorney provide further information with regard to the City's power in determining the rate increase requests based on information discussed at this meeting.

City Attorney Flournoy explained that provided members of Commission did not approve this request by the deadline previously stated on June 25, it was his understanding that the rate increase would go into effect immediately thereafter.

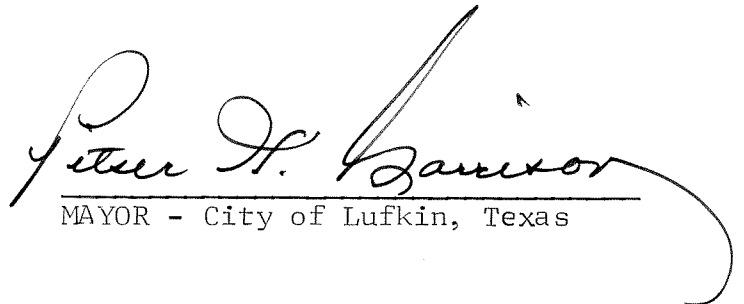
14. Zone Change Approved 1st Reading-Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop)

Mayor Garrison stated that zone change application by Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop), covering property located West of & fronting on Old Mill Road, North of McMullen & South of Henderson, had been recommended for approval by the City Planning and Zoning Commission.

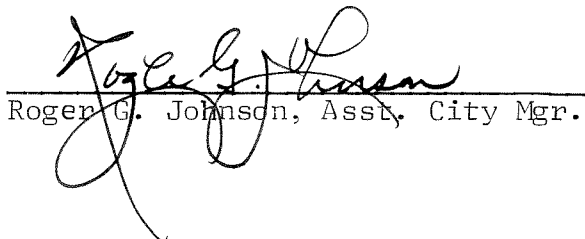
There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by Elizabeth Ashton from RL to RL & NR District, Special Use (Tropical Fish Shop), be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

15. Adjournment

There being no further business for consideration, meeting adjourned at 6:30 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


Roger G. Johnson, Asst. City Mgr.