

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 23RD DAY OF NOVEMBER, 1976, AT 5:00 PM

On the 23rd day of November, 1976, 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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Raymond Robbins, Pastor of First Congregational Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present appearing in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. Jack McMullen made motion that minutes of regular meeting of November 2, 1976, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Morris Frank Park-Authorization to Submit Application to Texas Parks & Wildlife for Matching Fund Grant

City Manager Westerholm stated he had been requested at last regular meeting to review proposed study with LISD and re-submit new report to members of Commission regarding cost of improvements to Morris Frank Park. City Manager Westerholm stated that the report submitted to members of Commission prior to this meeting reflected the estimated cost for the proposed development of Morris Frank Park as determined through meetings with the Parks & Recreation Director, members of Dixie Youth Baseball Association and members of City staff. City Manager Westerholm reported that, provided members of Commission decided to submit application, same must be completed by January 1, 1977, deadline. City Manager Westerholm stated that application must also be submitted for an A-95 review at the December DETCOG meeting.

There were a number of individuals present appearing in representation of the Dixie Youth Baseball Association who indicated to members of Commission their support of proposal. City Manager Westerholm reported that LISD could not spend money on property that did not belong to LISD, but offered use of approximately 1,000 seats at the old Lufkin Junior High West football stadium. City Manager Westerholm stated that the total cost of project would be \$482,869, of which the City's part would be \$241,434.50.

Mayor Garrison inquired of City Manager Westerholm as to whether or not the cost of land had been figured into the City's share and it was determined that same had not been included. Parks & Recreation Director Max Griffin stated that he would check to see if this could be counted in the City's share.

Comm. Pat Foley inquired of City Manager Westerholm as to whether or not labor could also be included in the City's share and City Manager Westerholm stated that labor could be made a part of application.

Mayor Garrison expressed his opinion that project may cost the City less money than proposed, providing land and labor could be included, but members of Commission should decide as to whether or not they preferred to submit application without obligation at this point, inasmuch as no firm commitment would be made until a later date when more accurate figures would be available.

Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to proceed with application to the Texas Parks & Wildlife for matching fund grant for the development of Morris Frank Park in accordance with information presented in report prepared by individuals previously stated. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. County/City Jail Project-Decision Not to Participate

City Manager Westerholm stated that he had prepared a written report regarding the needs of the City and its proposed participation in the County/City Jail Project. City Manager Westerholm stated that the City indicated no particular need for new facilities, at least for the next five years and present facilities were adequate. City Manager Westerholm indicated that this recommendation was based on a study made by the City staff involving existing facilities, jail registration data, jail capacities and other factors. City Manager Westerholm stated that the City's jails were classified as holding facilities and the average prisoner only remained for a four-hour period.

Comm. R. A. Brookshire inquired if the City complied with the state and federal standards for recreational facilities for layout prisoners. City Manager Westerholm stated that he could not answer this question, but information could be acquired regarding same.

There were no further comments from members of Commission who were in agreement with recommendation by City Manager and Mayor Garrison requested City Manager Westerholm provide County Judge Claude Welch a copy of this report and recommendation for non-participation in project at the present time.

6. Zone Change Approved 2nd Reading-Victoria Johnson from RS to C Dist.

Mayor Garrison stated that zone change application by Victoria Johnson from RS to C District covering property located South of Kurth Drive & East of Sayers at intersection with Kurth Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Victoria Johnson from RS to C District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Angelina Nursing Home, Inc., dba Pinelan Nursing Home from D to A District, SU, I13 (Nursing Home)

Mayor Garrison stated that zone change application by Angelina Nursing Home, Inc., dba Pinelan Nursing Home from D to A District, SU, Item 13 (Nursing Home), covering property located at 323 Moody Street between Edith & Moody and fronting on East side of Moody, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Angelina Nursing Home, Inc., dba Pinelan Nursing Home from D to A District, Special Use, Item 13 (Nursing Home), be approved on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Dorothy H. Flechtner, et al, from RL to LB District

Mayor Garrison stated that zone change application by Dorothy H. Flechtner, et al, from RL to LB District covering property located

at Northwest corner of FM 58 & Loop 287 intersection being parallel to North side of Loop 287 containing 1.776 acres, and South of C. Burris tract, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to same. Comm. E. C. Wareing made motion that zone change application by Dorothy H. Flechtner, et al, from RL to LB District be approved on second and final reading of ordinance.

9. Zone Change Approved 1st Reading-C. M. Hicks from RL to A District

Mayor Garrison stated that zone change application by C. M. Hicks from RL to A District covering property located North of & fronting on Ford Chapel Road between Renfro Drive & Loop 287, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. W. O. Ricks, Jr., made motion that zone change application by C. M. Hicks from RL to A District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Zone Change Approved 1st Reading-John Lee Slaughter from NR & RL to CB District

Mayor Garrison stated that zone change application by John Lee Slaughter from NR & RL to CB District covering property located South of Old Union Road & West of S. Bynum, existing Paint Store location, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. Pat Foley made motion that zone change application by John Lee Slaughter from NR & RL to CB District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading-P. P. Stringer from RM to LM Dist.

Mayor Garrison stated that zone change application by P. P. Stringer from RM to LM District covering property located North of & fronting on Kurth Drive between Culverhouse & Minnie Lou, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. Jack McMullen made motion that zone change application by P. P. Stringer from RM to LM District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-Elliott Cavanaugh from RM to LB District

Mayor Garrison stated that zone change application by Elliott Cavanaugh from RM to LB District covering property fronting on South side of Ellis, West of intersection with Raguet, being Lots 13, 14, 15 & 16, L. Mantooth Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. Pat Foley made motion that zone change application by Elliott Cavanaugh from RM to LB District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading-Fred Beauchamp from RS to RS & LB District, Special Use (Upholstery Shop)

Mayor Garrison stated that zone change application by Fred Beauchamp from RS to RS & LB District, Special Use (Upholstery Shop), covering property fronting on South side of Clark between Calvert & Moody, being Lots K & L, Block 23, Denman Addition, had been recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to same. Comm. R. A. Brookshire made motion that zone change application by Fred Beauchamp from RS to RS & LB District, Special Use (Upholstery Shop), be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

14. Electronic Cash Registers-Bid Awarded-Water Collection Dept.

City Manager Westerholm stated that bids had been requested and only one had been received for two validating cash register machines to be used in the Water Collection Department. City Manager Westerholm stated that only bid received from National Cash Register Company in the amount of \$5,184.50 for two cash registers met specifications.

Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to issue purchase order for the amount as stated above for purchase of these electronic validating cash registers. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. E. C. Wareing inquired of City Manager Westerholm as to what budget amount was established for the purchase of these cash registers. City Manager Westerholm stated that \$5,200 was in the present budget for purchase of same. Previous motion and second to approve purchase authority of these cash registers received a unanimous affirmative vote.

15. Angelina County Humane Society-Agreement Renewed-City of Lufkin

City Manager Westerholm stated that Howard Daniel, President of Angelina County Humane Society, had brought to his attention that the agreement between the Angelina County Humane Society and the City of Lufkin had expired. City Manager Westerholm reported that the current agreement was working very satisfactorily and he would recommend same be renewed.

A copy of this agreement was reviewed by members of Commission and Mayor Garrison inquired as to whether or not members of Commission desired to consider a ten-year contract with a 60-day cancellation notice.

Following a brief discussion, Comm. Pat Foley made motion that agreement with the Angelina County Humane Society be approved in accordance with information as presented for a ten-year lease agreement subject to a 60-day cancellation notice. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

16. Community Development Block Grant-Authorization to Submit Application for Funds

City Manager Westerholm explained that all applications for Community Development Block Grant Funds must be submitted to DETCOG prior to December 10, 1976, and same would require two public hearings prior to submission. City Manager Westerholm reported that the City was eligible to apply for a \$250,000 grant and for the City to meet these deadlines, it must acquire City Commission approval to submit application and determine two public hearing dates. City Manager Westerholm suggested one hearing date be set for November 30, 1976, and the following hearing could be considered at next regular meeting on December 7, 1976.

Following a brief discussion, Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to submit application for Community Development Block Grant Funds and hearing dates be set in accordance with information as presented for Tuesday, November 30, 1976, at 5:00 p.m., and Tuesday, December 7, 1976, at 7:00 p.m. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

17. Moore Construction Co., Jacksonville, Tx.-Keltys Street Improvements-Community Development Block Grant-Release of Retainage & Final Payment Approved

City Manager Westerholm reported that Moore Construction Company, Jacksonville, Texas, had completed the Keltys Street Improvements

under the Community Development Block Grant Program and the City Engineers, Griffith & Associates and City Inspector had approved the project and the City needed authority from the City Commission to accept same for final payment of 10% retainage. City Manager Westerholm stated that a report of the total project had been submitted to members of Commission for previous review.

There were no further comments regarding this project. Comm. Pat Foley made motion that final payment be made and 10% retainage be released as requested to Moore Construction Company, Jacksonville, Texas, for completion of this project. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

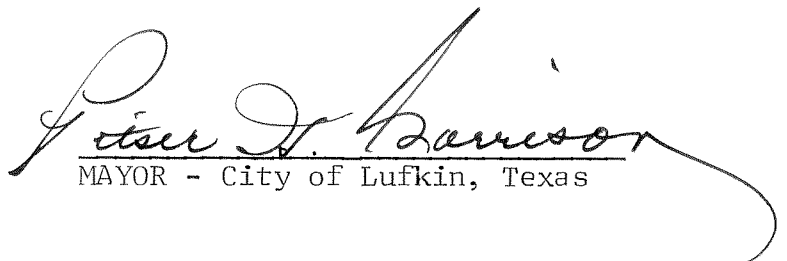
18. Georgia-Pacific-Request to Build Over Sewer Line Approved

City Attorney Flournoy explained to members of Commission that Georgia-Pacific had requested permission to build over a sewer line at their location on Lufkin Avenue and same involved the construction of a tank which would not be placed over the line. City Attorney stated that this request was not uncommon and the City Commission had granted similar requests in the past which would involve an agreement given by Georgia-Pacific to the City accepting any damages and same would not affect the existing sewer line at this location.

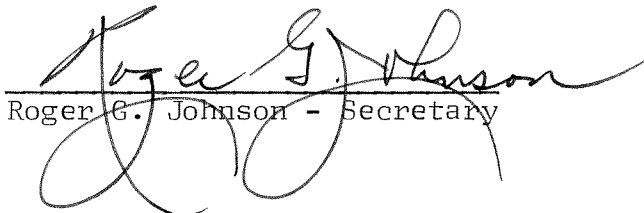
There being no further discussion regarding request, Comm. Jack McMullen made motion that request by Georgia-Pacific to build over the existing sewer line on this location be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

19. Adjournment

There being no further business for consideration, meeting was adjourned at 6:10 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


Roger G. Johnson - Secretary