

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF MAY, 1972, AT 7:30 P. M.

On the 2nd day of May, 1972, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar 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	Dep. City Secretary

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

1. Meeting opened with prayer by Rev. Bill Richardson, Pastor of the Bethel Nazarine Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers and expressed appreciation for their interest.
3. Approval of Minutes

Comm. E. C. Wareing made motion that minutes of regular meeting of April 18, 1972, be approved with one minor correction. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

4. Annexation of Property Off Highway 94 West

City Attorney Flournoy read caption of ordinance covering annexation of area South of the North side of the T & SE Railroad R.O.W. Comm. J. T. Hopson made motion that area South of the North side of the T & SE Railroad R.O.W. be annexed and ordinance be approved on second reading. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison called attention to the fact that areas not previously annexed covered in the last regular City Commission meeting included areas West of Loop 287 and South of Highway 94 to the T & SE Railroad. Mayor Garrison asked City Manager Westerholm to deliver a cost analysis report on this area. City Manager Westerholm stated that this area was divided into three sections for cost analysis:

	Cost (Sewer Expense)	Revenue (Ad Valorem Taxes)
Area #1 (South of T & SE Railroad) .....	\$ 5,212.50	\$ 2,175.00
Area #2 (North of T & SE Railroad and South of Highway 94).....	4,285.00	<del>4,538.00</del>
Area #3 (North of Hwy. 94) .....	<u>1,325.00</u>	<u>250.00</u>
	\$10,822.50	\$ 6,963.00

City Manager Westerholm further stated that sewer cost expense in these three sections would be \$10,822.50 and that revenue ad valorem taxes would total \$6,963.00. City Manager Westerholm further advised the City Commission that he had received a letter from Mr. Cockrell of the State Highway Department stating that if the City annexed Highway 94, the City would be obligated to the R.O.W. acquisition. City Manager Westerholm stated that the City could

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annex the area South of Highway 94 to within 20 feet of Highway 94 and not be obligated to any R.O.W. acquisition costs; or, the City could annex the area and install curb and gutter, assessing the costs to the property owners, and if the curb and gutter was installed, no additional R.O.W. would be needed. Mayor Garrison called on Mr. Woody Gann, who was present in favor of this annexation. Mayor Garrison asked Mr. Gann several questions in regard to this annexation. Mr. Gann stated that if this R.O.W. was enlarged, he would donate his part to the City. There were no persons present appearing in objection to this annexation.

City Attorney Flournoy read caption of ordinance annexing area North of T & SE Railroad and South of Highway 94 for first reading. Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that the balance of property postponed from the last regular City Commission meeting, area #2 of the above, covering property North of the T & SE Railroad and South of Highway 94 be annexed and approved on first reading of ordinance. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded. It was the general consensus of the City Commission members that if the City decided to put in curb and gutter, property owners would be assessed for this charge.

5. Lufkin Ski Bears - Skiing Permit - Ellen Trout Lake

City Manager Westerholm stated that he had received a letter from Max Griffin, Parks & Recreation Director, recommending that the City give seasonal permission to the Lufkin Ski Bears to use Ellen Trout Park Lake for practice on Sunday afternoons between 12:00 Noon and 6:00 P.M. City Manager Westerholm further stated that in return for this permit the Ski Bears would donate two free performances per year to the Parks & Recreation Department which would be worth an estimated \$500. Following discussion, Comm. Roy L. Leamon, M.D., made motion that the Lufkin Ski Bears be granted permission to use Ellen Trout Lake for practice during the hours of 12:00 Noon and 6:00 P.M. on Sundays. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

6. Zone Change Application - Home Savings & Loan Association from R-1 District to LB and A Districts

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to LB and A Districts as submitted by Home Savings & Loan Association, covering property located 300 feet West of Loop 287 near intersection with Pershing Street. There were a number of persons present appearing in objection to this zone change request by Home Savings & Loan Association. Mayor Garrison called on Mr. John Henderson, President of Home Savings & Loan Association, representing this zone change request. Mr. Henderson stated that from the very beginning, this sub-division had met all City requirements and that an estimated \$50,000 to \$70,000 would be gained annually by the City through taxation upon completion of this sub-division. Mr. Henderson further stated that he was willing to make changes that were necessary without hindering the overall sub-division plan. Mayor Garrison then called on Mr. Bayo Hopper, Mr. Gene Tate and Mr. Joe Byrd who individually voiced objections to this zone change as follows:

- (a) Decrease in property values;
- (b) Proposed excessive commercial property;
- (c) Preferred that proposed LB and A District be denied; and
- (d) Proposed that Mr. Henderson's request for 300 feet be reduced to 150 feet.

Several questions were directed to these individuals by members of the City Commission. Comm. E. G. Pittman asked Mr. Henderson about screening and landscaping. Mr. Henderson stated that from the very beginning it was his intention to provide this area with adequate landscaping especially in the front of the proposed entrance off State Highway Loop 287. Following a lengthy discussion, Comm. E. C. Wareing made motion that the City Commission grant this zone change as requested by Home Savings & Loan Association and as recommended by the City Planning and Zoning Commission with the exception of a 110 foot strip immediately West of and parallel to the

West R.O.W. line of Loop 287. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. J. T. Hopson, E. C. Wareing and E. G. Pittman

Voting Nay: Comms. Joe E. Rich, W. O. Ricks, Jr., and Roy L. Leamon, M.D.

Mayor Garrison declared motion approved on first reading of ordinance by a majority vote of 4 to 3.

Comm. E. C. Wareing requested that City Attorney Flournoy prepare an amendment to the zoning ordinance allowing parking in any district upon approval by the City Commission.

7. Zone Change Application - Kye Lee and Elizabeth Hamilton Lee from R-3 District to C District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-3 District to C District covering property on portion of Lots 7, 8 and 9, Block 24 of Lufkin Land & Lumber Company, Second Sub-Division, J. L. Quinalty League. There were no persons present appearing in objection to this zone change request. Following a brief discussion, Comm. J. T. Hopson made motion that zone change application of Kye Lee and Elizabeth Hamilton Lee from R-3 District to C District be approved on first reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Application - Elliott W. Cavanaugh, Lyle Peden and A. G. Perry & Son, Inc., from R-2 District to LB District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-2 District to LB District covering property located between Ellis Avenue and Moore Avenue on the West side of Raguet Street. There were no persons present appearing in objection to this zone change request. Following discussion, Comm. W. O. Ricks, Jr., made motion that zone change application of Elliott W. Cavanaugh, Lyle Peden and A. G. Perry & Son, Inc., from R-2 District to LB District be approved on first reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

9. Park Land - Resolution

City Manager Westerholm stated that a resolution was in order for the adoption of the McConnico property to be considered exclusively for park land purposes. City Manager Westerholm further explained that when the City initially considered this area for park land, the passage of a resolution at this time was overlooked. Comm. E. C. Wareing made motion that a resolution be passed adopting the use of the McConnico property exclusively for park land purposes. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Texas Power & Light Company - Proposal for Steel Standards and Buried Cable - Highway 59 South

City Manager Westerholm stated that he had received a letter from Mr. James B. Manning, District Manager of Texas Power & Light Company, stating that Texas Power & Light Company could provide steel poles and underground cable on the proposed street light project on U. S. Highway 59 South near Angelina College in the highway esplanade. City Manager Westerholm further explained that these additions would include 29 steel poles and 6,000 feet of underground cable for a cost to the City of \$534.00 annually. Following a brief discussion, this item was tabled until next regular meeting date. City Manager Westerholm was instructed by members of the City Commission to find more information in regard to this proposal by the Texas Power & Light Company.

11. Charles Marberry - Champion Papers, Inc. - Acceptance of Access Easement

City Manager Westerholm stated that he had received a letter from Mr. Erich H. Krumm, Jr., of Champion Papers, Inc., Huntsville, Texas. City Manager Westerholm stated that Mr. Krumm explained in his letter that U. S. Plywood Champion Papers, Inc., was willing to grant R.O.W. easement to the City of Lufkin as requested providing that nine (9) conditions were met by the City. Following a brief discussion, this item was tabled for consideration at a later meeting.

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12. Rufus Duncan - Application for Water & Sewer Services - Thousand Oaks Sub-Division

City Manager Westerholm stated that since Mr. Duncan's former request for water and sewer services had been denied by the City Commission, Mr. Duncan had presented a new proposal listing provisions. City Manager Westerholm furnished members of the City Commission with a copy of this proposal which was thoroughly reviewed. Mayor Garrison called attention to the fact that Mr. Duncan was present and several questions were directed to Mr. Duncan by the Mayor and members of the City Commission in regard to his new proposal. Following considerable discussion, Comm. W. O. Ricks, Jr., stated that he was unwilling to sell water to people living outside the City Limits for less than half the price tax payers are paying. Comm. Roy L. Leamon, M.D., made motion that this new proposal, as submitted by Mr. Duncan, be accepted in accordance with agreements between the City and Mr. Duncan under contract for a 15-year period subject to final approval by the City Commission. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Roy L. Leamon, M.D.,  
J. T. Hopson, E. C. Wareing, Joe E. Rich,  
and E. G. Pittman

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by a vote of 6 to 1.

City Attorney Flournoy was instructed by members of the City Commission to prepare a contract concerning an agreement by the City and Rufus Duncan for water and sewer services by next regular meeting date.

13. Codification of Ordinances - Through Chapter 10

City Attorney Flournoy stated that a memo on the Codification of Ordinances was ready for consideration through Chapter 10. Beginning with Chapter 6, every chapter was carefully reviewed ending with Chapter 10. Following considerable discussion, no major corrections were made and the review of the Codification was completed through Chapter 10.

14. Comm. E. G. (Rod) Pittman - Resolution - Past Member of the City Planning and Zoning Commission

City Attorney Flournoy read a prepared resolution commending Comm. E. G. (Rod) Pittman as a past member of the City Planning and Zoning Commission from June, 1967 to April, 1972. Following the reading of this resolution, Mayor Garrison made motion that this resolution be passed commending Comm. E. G. Pittman for his service. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Mayor Garrison then presented Comm. E. G. (Rod) Pittman with a special plaque from the City and Mr. Pittman expressed his sincere appreciation for this commendation.

15. John Waak & Raymond Moore - Appointments to the City Planning and Zoning Commission

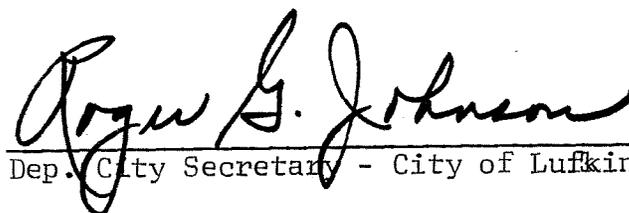
City Manager Westerholm brought attention to the fact that the City Planning and Zoning Commission needed two replacements due to the recent loss of two members. City Manager Westerholm stated that Mr. Danny Martin, who was appointed on November 2, 1971, had resigned his position from this Commission to the proper authorities. City Manager Westerholm further stated that Mr. E. G. (Rod) Pittman was now serving with the City Commission as of April 4, 1972. Following discussion, Comm. J. T. Hopson made motion that Mr. John Waak be appointed to fill the unexpired term of Mr. Danny Martin ending on June 30, 1973; and Raymond Moore be appointed to fill the unexpired term of Mr. E. G. (Rod) Pittman ending June 30, 1972. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

16. Adjournment

There being no further business for consideration, meeting was adjourned at 10:30 P. M.

  
Peter W. Harrison  
Mayor - City of Lufkin, Texas

ATTEST:

  
Roger G. Johnson  
Dep. City Secretary - City of Lufkin, Texas