

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF JULY, 1981,
AT 5:00 P.M.

On the 21st day of July, 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. Flourney	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. Bob Lewis, Pastor of
First Assembly of God, Lufkin, Texas.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of July 7, 1981, were approved on
motion by Commissioner Richard Thompson. Motion was seconded
by Commissioner E. C. Wareing, and a unanimous affirmative
vote was recorded.

4. Zone Change Application - Approved - Second Reading - Claude A.
Konetzke & Florine Rhodes Konetzke - RL to C

Mayor Garrison stated that zone change application by Claude A.
Konetzke and Florine Rhodes Konetzke covering property located
on South Medford Drive, tract 8 of the G.W. Massengill Survey
west of Ford Chapel Road and south of South Medford Drive from
Residential Large to Commercial 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 Don Boyd that zone change application be approved
on second and final reading. A unanimous affirmative vote was
recorded.

5. Zone Change Application - Approved - Second Reading - Multiventures,
Inc., RM to RM, SU(Item 6 - Day Nursery)

Mayor Garrison stated that zone change application by Multiventures,
Inc., covering property on Tulane Street adjacent to National Guard
Armory between Tulane and South Third Street from Residential
Medium to Residential Medium, Special Use (Item 6-Day Nursery)
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 Don Boyd that zone change application be approved
on second and final reading. A unanimous affirmative vote was
recorded.

6. Amendment to Zoning Ordinance - Private Clubs - Approved - Second
Reading

Mayor Garrison stated that amendment to zoning ordinance in regard
to private clubs had been approved on first reading at last meeting
of City Commission. Mayor Garrison further stated that the amendment
provided a definition of private clubs, elimination of clause relating to
"Beer Taverns " and "lounges," with provision for placement of
private clubs in the "NR" District.

Motion that amendment to zoning ordinance be approved on second and final reading was made by Commissioner Pat Foley. Motion was seconded by Commissioner E. C. Wareing, and a unanimous affirmative vote was recorded.

7. Ordinance for regulation of Private Clubs - Approved - First Reading

Mayor Garrison stated that proposed ordinance had been discussed at several meetings concerning regulation of private clubs, and the City Attorney had met with representatives of the individual groups which resulted in the drafting of the ordinance for consideration at this meeting. Mayor Garrison further stated that it seems to be the consensus of several groups that this ordinance is basically acceptable, but Clay Dark, local attorney, has made additional comments that have been submitted to the Commission for consideration.

Commissioner E. C. Wareing stated that he approved of proposed ordinance as written. Commissioner E. C. Wareing further stated that in Section One, he would suggest that \$10 be designated as the initial and renewal fee for City Permit to operate a private club. City Attorney Flournoy stated that the City would be reviewing gross receipt reports, and the fee should be used to offset the time involved in the review. Mayor Garrison stated that the \$10 fees would be sensible until a determination could be made of the involvement by the City.

Bill Fenley, local attorney, stated that the purpose of the "We Care" Organization wanting a percentage of the seating designated for non-drinkers was to allow service of minors separate from the private club area, but there was no objection to stating that it should be a reasonable area in lieu of a percentage.

Mayor Garrison stated that the percentage of food sold may have no relationship to the volume of food and drink sold. Commissioner Richard Thompson stated that the ordinance originally was begun to insure that private clubs would be a secondary use instead of a primary use, and he would suggest that 50% of the gross receipts be derived from food sales.

Commissioner Bob McCurry stated that the State does not provide a definition of adequate food service. City Attorney Flournoy stated that a contract with a catering service was adequate for the State law. City Attorney Flournoy further stated that the price of drinks would be much higher than food, and 40% of total sales allocated for drinks would insure more food being sold.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that 50% of the gross combined receipts of the restaurant and private club be derived from the sale of food. The following vote was recorded: Aye: Commissioners Wareing, McCurry and Thompson; Nay: Mayor Garrison, Commissioners Foley and Boyd. Mayor Garrison declared motion failed by a vote of 3 to 3.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that a percentage of food sales not be required, but the ordinance state that a restaurant be required to serve food to customers during regular business hours. The following vote was recorded: Aye: Commissioners Foley and Boyd; Nay: Mayor Garrison, Commissioners McCurry, Thompson and Wareing. Mayor Garrison declared motion failed by a vote of 2 to 4.

Commissioner E. C. Wareing stated that the term general restaurant is not defined in the ordinance which would be a problem in the future. City Attorney Flournoy stated that a general restaurant is an establishment that serves primarily food. Commissioner E. C. Wareing stated that according to that definition a hot dog stand at a ballgame is a general restaurant, and the term should be defined specifically.

Commissioner Pat Foley stated that he disagreed with rescinding a restaurant's license if the percentage of food sold is less than specified.

Motion was again made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that 50% of the gross combined receipts of the restaurant and private club be derived from the sale of food. The following vote was recorded: Aye: Mayor Garrison, Commissioners McCurry, Thompson, and Wareing; Nay: Commissioners Foley and Boyd. Mayor Garrison declared motion approved by a majority vote of 4 to 2.

Commissioner Pat Foley stated that the 300 foot distance of a private club from churches and schools should be measured from property line to property line and not from door to door. City Attorney Flournoy stated that the problem is that property lines could be adjoining, but the buildings may exist a great distance apart. City Attorney Flournoy further stated that the State law specified that private clubs must be at least 300 feet apart, but the City could increase the distance if they desired.

Commissioner Richard Thompson stated that a portion of the ordinance being rewritten was because of his concern about young people in an area where alcoholic beverages are being served, and he would suggest Section Six read as follows: "No individual under the legal age for drinking alcoholic beverages shall be permitted in the area where alcoholic beverages are served unless accompanied by parent or guardian. However, any establishment that is granted a private club license may provide an area for dining, separated off from the balance of the area by a sight-baring screen, where alcoholic beverages are not served."

Commissioner Don Boyd stated that all restaurants, present and future, should comply with all provisions of the proposed ordinance. Mayor Garrison stated that the big difference is that private clubs already in existence were granted their permit on a permanent basis.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that proposed ordinance be approved on first reading to include the following provisions: 50% of gross combined receipts be derived from food sales; Section Six read as stated above; \$10 fee for permit and renewal. The following vote was recorded: Aye: Mayor Garrison, Commissioners McCurry, Thompson, Wareing; Nay: Commissioners Foley and Boyd. Mayor Garrison declared motion approved by a majority vote of 4 to 2.

8. Agreement - Deferred - Texas Department of Highways & Public Transportation - Improvement to FM 1271 (Old Union Road - Pershing Ave. west to Loop 287)

Mayor Garrison stated that all property owners along Old Union Road were invited to a meeting to discuss the possibility of their participating in the cost of the City's share of the improvements proposed by the State Department of Highways and Public Transportation.

City Manager Westerholm stated that a majority of property owners were not present, and the fact that property owners on Frank Ave. and Lufkin Ave. were not required to participate in their street improvement made the City's argument weak. City Manager Westerholm further stated that the property owners present did seem agreeable to participate for a token amount of \$2.00 per front foot and offered to visit with the absent property owners to get their reaction. City Manager Westerholm stated that if all property owners participate in the \$2.00 per front foot the City's cost would be \$65,000 instead of \$85,000 which would be paid in next year's budget.

Mayor Garrison stated that he would like to see a canvass of the neighborhood to determine their response. Mayor Garrison further stated that he did not want to decline the offer from the Highway Department because of what they have done for the City, and the Highway Department feels this project is important.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that further consideration be deferred until next meeting to provide a report on neighborhood canvass. A unanimous affirmative vote was recorded.

9. Zone Change Application - Approved - First Reading - Billy Ray Whiteside - HM to HM,SU(Item 15-Lodge-Knights of Columbus)

Mayor Garrison stated that zone change application by Billy Ray Whiteside covering property located at 2007 Spence Street west of Spence Street and north of Banks Street from Heavy Manufacturing to Heavy Manufacturing, Special Use (Item 15-Lodge-Knights of Columbus) received much opposition at Planning & Zoning Commission meeting, but was unanimously recommended to City Commission for approval.

Commissioner Pat Foley abstained from vote or discussion because of a business relationship in this application.

Mr. Pat Hartman was present in representation of zone change application and presented a brief history of the Knights of Columbus, pictures of present property, and drawings of proposed development. Mr. Hartman stated that the property would be fenced, all parking would be well off Spence Street, and the property contained $5\frac{1}{2}$ acres with the possibility of another $\frac{1}{2}$ acre tract being purchased.

Mayor Garrison recognized Mrs. Velma Baker who was present in representation of 50 to 60 property owners, and she read a prepared statement stating the following objections to the zone change:

- a. High traffic volume
- b. Loud parties
- c. Excessive use of alcohol on premises
- d. Destruction of neighborhood tranquility

Commissioner Don Boyd stated that the petition is signed by 4 or 5 people living in the same house, not by 60 different families.

Mayor Garrison stated that the City Commission is to determine if the Knights of Columbus will be allowed to build a meeting hall, and they seem to be a worthwhile and civic minded group which would be an improvement to the neighborhood.

Mrs. Maxine Davis stated that the property owners are not against Catholics, but are against the building of a lodge in a residential area.

Commissioner E. C. Wareing stated that according to the Heavy Manufacturing Zone no new residences can be built in the future, and the area will eventually be taken over by manufacturing.

Mr. George Reynolds, 704 Desert Willow, stated that the question of liquor was discussed more at the Planning & Zoning Commission, and he wondered if the organization would be willing to build the lodge without provisions for the use of liquor.

Mayor Garrison stated that the City Commission does not have the question before them of liquor being served, and they cannot pass judgment on a special use for alcohol. Mayor Garrison further stated that the question is whether it is prudent for the Knights of Columbus to build a lodge on the property.

Jim Stone, past president of the organization, stated that the Lodge cannot be rented to other groups, and alcoholic beverages will be used on the property for Mass.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that zone change application be approved on first reading. A unanimous affirmative vote was recorded with Commissioner Pat Foley abstaining from vote or discussion.

Commissioner E. C. Wareing stated that the area can only be used for heavy manufacturing which will reduce the number of residences in the future.

Mayor Garrison stated that the City Commission is considerate of the property owners in the neighborhood and hope that the Knights of Columbus will be considerate for the future benefit of the community.

10. Zone Change Application - Approved - First Reading - Deep East Texas PICED Corporation - RS to RS,SU (Item 6-Day Care Center)

Mayor Garrison stated that zone change application by Deep East Texas PICED Corporation covering property of Long Chapel C.M.E. Church Education Building located at 514 Lining Street between Paul Avenue and Milam Street from Residential Small to Residential Small, Special Use (Item 6-Day Care Center) was recommended to City Commission for approval. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd to approve this application on First reading of Ordinance. A unanimous affirmative vote was recorded.

11. Bids - Approved - Front Loading Containers, Sanitation Department
Bids - Rejected - Sale of Former Sewer Treatment Site

Mayor Garrison stated that bids had been received for the purchase of 6 and 8 cubic yard, front loading containers for the Sanitation Department. City Manager Westerholm stated that he would recommend the following bid by Benjamin Feld Associates, Houston, Texas:

6 cu. yd. - \$455.00 each
8 cu. yd. - \$495.00 each

Motion was made by Commissioner Don Boyd and seconded by Commissioner Richard Thompson that bid by Benjamin Feld Associates be approved. A unanimous affirmative vote was recorded.

Mayor Garrison stated that bids had been invited on the sale of former sewer treatment plant site, and four (4) bids were received from three (3) bidders. Mayor Garrison stated that the highest bid was from John Henderson in the amount of \$170,903.38. but this bid was considerably under the property appraisal.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that bids be rejected. A unanimous affirmative vote was recorded.

Commissioner Pat Foley stated that he felt the property should be kept available for changes in the real estate market.

Mayor Garrison stated that in the future the property will be worth considerably more, and thanked all bidders for their time and effort.

Commissioner Richard Thompson stated that when the City has excess fill material this area should be considered which would improve the property.

12. Purchase of Standby Roll-off Unit - Approved - Sanitation Department

Mayor Garrison stated that the present budget provided for the purchase of a standby roll-off tractor unit for the Sanitation Department to be used when the new unit is not in service.

City Manager Westerholm stated that \$25,000 was budgeted for a used unit, and Dwayne Humphrey, Public Works Director, had recommended the purchase of a 1972 Ford Truck from Doherty Brothers Trucking, Ennis, Texas, for the amount of \$17,500. City Manager Westerholm stated that the present unit was used to take packer units from 19 businesses to the landfill, and the present truck was kept busy eight (8) hours a day.

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Mayor Garrison stated that he would like to know how much income is generated by the roll-off unit now in operation.

Dwayne Humphrey, Public Works Director, stated that the used truck could also be utilized for the hauling of wet sludge and save the City a great amount of time.

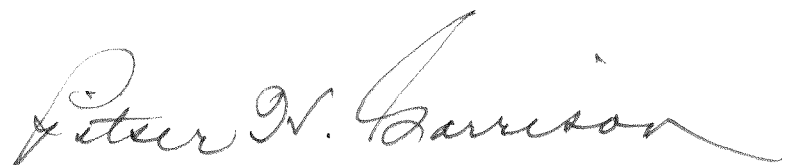
Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that the 1972 Ford Truck be purchased from Doherty Brothers for \$17,500. A unanimous affirmative vote was recorded.

13. Commissioner Don Boyd stated that future study should be made on the standard housing code, and improvements made in the Lufkin area to eradicate the slums.

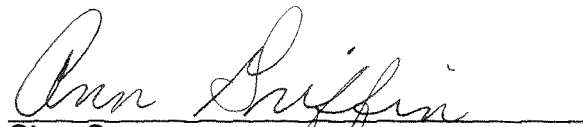
City Manager Westerholm stated that budgets were presented to Commissioners at tonight's meeting for future discussion. City Manager Westerholm further stated that the resume of the proposed budget will be published in the Lufkin News, Sunday, July 26, 1981.

14. There being no further business for consideration, meeting adjourned at 7:40 p.m.




Pitser H. Garrison, Mayor

ATTEST:


City Secretary