

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF AUGUST, 1978, AT 5:00 P.M.

On the 15th day of August, 1978, 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:

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
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Pitser H. Garrison	Mayor
--------------------	-------

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

1. Meeting opened with prayer by Comm. Richard Thompson in absence of scheduled pastor.
2. Mayor Pro Tem Wareing welcomed visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. Richard Thompson made motion that minutes of regular meeting of August 1, 1978, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Animal Control Ordinance Approved 2nd Reading-Dog Leash Law

Mayor Pro Tem Wareing stated that ordinance had been approved on first reading at last regular meeting accepting results of the Public Opinion Poll and providing for an animal control ordinance for dogs. Mayor Pro Tem Wareing stated that he had previously been opposed to this ordinance due to the wording of "at heel", which, in his opinion, did not seem clear. Mayor Pro Tem Wareing asked City Attorney Flournoy to clarify this definition. City Attorney Flournoy read from a dog training manual a true definition of the term "at heel" which was defined as "by your side, nose by knee, not forging ahead or lagging behind". City Attorney Flournoy stated that this definition could be made available in the ordinance definition section. City Attorney Flournoy also stated that this could be made a part of the second and final reading of the proposed ordinance if members of Commission desired.

City Attorney Flournoy then read proposed ordinance previously approved at last regular meeting which set an effective day of January 1, 1979, for implementation of the dog leash law. There were no persons present appearing in opposition to ordinance. Comm. W. O. Ricks, Jr., then made motion that dog leash law ordinance be approved on second and final reading establishing new provisions for control of dogs to become effective January 1, 1979, to include the new definition of "at heel" as defined by City Attorney Flournoy. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 1st Reading-Gaslight Square Development Corporation from LB, RL & A Dists. to C & C Dist., SU (Recreation Club)

Mayor Pro Tem Wareing stated that Gaslight Square Development Corporation had submitted zone change application from LB, RL & A Districts to C & C District, Special Use (Recreation Club), covering property located in Gaslight Square Development, between Allendale & Gaslight Square Blvd., South of Ellis Avenue. Mayor Pro Tem Wareing inquired of City Attorney Flournoy to further clarify purpose for which application had been made. City Attorney Flournoy stated that inasmuch as Gaslight Square Development Corporation proposed to use this property for a commercial type activity and not limit use of same to residential property owners within the development, it was necessary that the area described in application be established for zone change as submitted.

Mayor Pro Tem Wareing then recognized Mr. Jim Coleman appearing in representation of Gaslight Square Development Corporation. Mr. Coleman reviewed in detail a slide presentation of the area to be considered in this zone change for a recreation club area, which would include various type facilities to be available to the citizens of Lufkin by club membership. Mr. Coleman also stated that he had discussed oppositions presented by property owners adjacent to this complex and made various concessions in the development of facility due to specific concerns. Mr. Coleman stated that previous letter of opposition to proposal forwarded by these individuals had been followed by another letter obtained by Gaslight Square Development Corporation indicating specific agreements of property owners and concessions made by Gaslight Square Development Corporation to satisfy property owner concerns. Mr. Coleman stated that four major concessions were made by Gaslight Square Development Corporation to include the following:

- a. Construction of an eight-foot sight-bearing fence;
- b. Agreement to construct tennis courts a minimum of 40 feet from the nearest adjacent residence in this area;
- c. Maintenance of grounds behind the fence to be constructed; and
- d. Correction of lighting for proposed tennis courts so as not to disturb adjacent residences.

Mayor Pro Tem Wareing then recognized Mrs. Deborah Thomas who was present. Mrs. Thomas stated she had been visited by Mr. Coleman and she owned an adjacent home in this area. Mrs. Thomas stated that she desired to have letter of agreement by property owners in this area attached to minutes for permanent record. Mrs. Thomas also inquired as to whether or not this land would remain for the purpose for which it was being zoned if same was sold in the future. City Attorney Flournoy explained to Mrs. Thomas that this land would revert back to a Local Business zone if same was not used for a club complex as proposed under special use.

Comm. W. O. Ricks, Jr., made motion that zone change application by Gaslight Square Development Corporation from LB, RL & A Districts to C & C District, Special Use (Recreation Club), be approved on first reading of ordinance with the condition that proposed letter of agreement be attached to minutes and ordinance for permanent record. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Josephine DiStefano from RS & C to A Dist.

Mayor Pro Tem Wareing stated that zone change application by Josephine DiStefano from RS & C Districts to A District covering property located between Chestnut Street & Atkinson Drive, adjoining each street, Southeast of intersection, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by Josephine DiStefano from RS & C Districts to A District be approved on second and final reading. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-J. P. Thomas from RL to C District

Mayor Pro Tem Wareing stated that zone change application by J. P. Thomas from RL to C District covering property located inside East Loop 287, South of FM 325 (Lufkin Avenue), East of Renfro Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by J. P. Thomas from RL to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Cleve Day from C to RS District

Mayor Pro Tem Wareing stated that zone change application by Cleve Day from C to RS District covering property fronting on West side of Maxwell Street, East of Loop 287 (Medford Drive), & South of Highway 103 East, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Jack McMullen made motion that zone change application by Cleve Day from C to RS District be approved on second and final reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

9. Morris Frank Park Baseball Complex-Future Date Established for Consideration of Bids

---

Mayor Pro Tem Wareing stated that further discussion of awarding of bids for Morris Frank Park Baseball Complex had been postponed from last regular meeting to provide members of Commission and City staff more time to plan and receive additional information.

Comm. W. O. Ricks, Jr., stated that it was necessary to determine whether or not to deviate from the proposed contract in order to meet the budgeted amount for this construction. Comm. Ricks proposed that the City Street Department complete street development in the complex and other work that could be completed by City work forces.

Mr. Jimmy Griffith of Griffith Engineers who was present stated that the City could complete some of this work activity, but problems may develop in obtaining of bids for all work in excess of \$3,000. Mr. Griffith stated that this procedure would require more time which may not be available to meet the needs of the grant.

City Manager Westerholm explained that the City could probably accept only the fencing bid of the bids already received on this project if the City proposed to complete some of this construction, unless bidders would be desirous of negotiating same. City Manager Westerholm stated that the City proposed to complete the clearing and grubbing on this project.

Mr. Griffith stated that in obtaining bids on this project, he had proposed within the bidding that various items be separated as had been requested by Comm. Ricks. Mr. Griffith stated that bids could not be obtained because contractors seemed to be preoccupied with ample work loads and very little response was received from the bidding process on this project due to a large amount of work which was available in the area at the present time.

Comm. W. O. Ricks, Jr., stated that he was not in favor of making a second or third-rate baseball park in this area, but was of the opinion that the City could complete a considerable amount of the construction on this project.

City Manager Westerholm stated that if this work was completed by the City, same would have to be made available in the budget for the next fiscal year.

A brief discussion developed regarding funds available in the Street Department for this project. Comm. Ricks expressed his opinion that 75 percent of the City Street budget was to be proposed for development of streets. City Manager Westerholm stated that records reflected that this proposal had been completed after a seven-year period which was agreed by Mayor Pro Tem Wareing. Comm. Pat Foley expressed his opinion that the City should complete the project with the budgeted amount and Mayor Pro Tem Wareing suggested that the City complete the amount of construction possible as money was available.

Mr. Griffith explained to members of Commission that this construction would have to be accomplished within a time frame under grant guidelines, but necessary revisions could be made and resubmitted to members of Commission if they desired. Mr. Griffith explained that necessary earth work must be completed prior to construction in this area, and same must fit into construction time periods.

Members of Commission were in agreement that Mr. Griffith prepare necessary revisions in proposed construction and resubmit same at the next scheduled meeting. Comm. Richard Thompson then made motion to provide for discussion of this construction and awarding of bids on Morris Frank Park Baseball Complex at the next city council meeting. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

10. Solicitation Ord.-Amendment Approved 1st Reading-Nonprofit Organizations

Mayor Pro Tem Wareing stated that City Attorney Flournoy was requested at last regular meeting to prepare ordinance with appropriate changes to reflect recent federal court decree regarding certain requirements concerning bonds, licenses and fees for religious organizations. City Attorney Flournoy read caption of proposed ordinance which would exempt non-profit organizations from being required to furnish bonds, licenses and fees for solicitations within the corporate limits. City Attorney Flournoy stated that the City could require non-profit organizations to register, but certain requirements regarding fees, etc., would be omitted in the future under new federal guidelines.

There were no persons present appearing in opposition to this proposed amendment. Comm. R. A. Brookshire made motion to approve implementation of federal guidelines in City Solicitation Ordinance as explained by City Attorney Flournoy on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading-Hulen Squyres from C to C District, Special Use, Item 13 (Nursing Home)

Mayor Pro Tem Wareing stated that zone change application by Hulen Squyres from C District to C District, Special Use, Item 13 (Nursing Home), covering property fronting on East side of Medford Drive (Loop 287), North of Highway 103 East, had been recommended for approval by the City Planning and Zoning Commission.

Mayor Pro Tem Wareing recognized Mrs. Velma Reese, a member of the City Planning and Zoning Commission who was present. Mrs. Reese stated that this application had been recommended by the City Planning and Zoning Commission with one abstaining vote from Mr. James Gibbs who expressed his opinion during this meeting that approval of this zone change may be hazardous to the proposed nursing home development planned by Mr. Squyres.

Mayor Pro Tem Wareing recognized Mr. Hulen Squyres who was present. Mr. Squyres stated that he had recently visited with his attorney regarding this matter and it was explained to him that guidelines and regulations were not in conflict with this type construction.

There were no persons present appearing in opposition to zone change request. Comm. R. A. Brookshire made motion that zone change application by Hulen Squyres from C District to C District, Special Use, Item 13 (Nursing Home), be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club)

Mayor Pro Tem Wareing stated that zone change application by Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club), covering property being Lot 4, Block 75, Original Town of Lufkin, fronting on North side of Frank Avenue at intersection of Bonner Street, 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. Pat Foley made motion that zone change application by Tiffany's Restaurant from NR District to NR & C District, Special Use, Art. 15, Sec. 16 (Private Club), be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Comms. R. A. Brookshire, Pat Foley, Jack McMullen, E. C. Wareing, and W. O. Ricks, Jr.

Voting Nay: Comm. Richard Thompson

Comm. Thompson expressed his reason for voting in opposition to this zone change request was due to the fact that Angelina County had in previous elections voted to be a dry county and private clubs seemed to circumvent the law in this regard. Mayor Pro Tem Wareing stated that application was approved on a five to one majority vote.

13. Zone Change Approved 1st Reading-Travis Carter from RS to D District

Mayor Pro Tem Wareing stated that zone change application by Travis Carter from RS to D District covering property being a portion of Lot 3a, Block 1, Abney-McMullen Addition, fronting on Leach Street, West of Booker Street intersection, had been recommended by the City Planning and Zoning Commission for approval.

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

14. Lufkin Tennis Association-Proposed Addition to Kiwanis/City Park Complex Disc.-Deferral for Further Study

Mayor Pro Tem Wareing recognized Mr. Buddy Gibson representing the Lufkin Tennis Association's request for addition to the Kiwanis-City Park Tennis Complex. Mr. Gibson reviewed the community interest, both private and public, for additional tennis facilities within the city, and made reference to previous discussion of these additions at Kiwanis-City Park Complex by the City Commission from meeting of September 6, 1977. Mr. Gibson stated that at this meeting, members of Commission asked the Lufkin Tennis Association to re-submit a request to this Commission prior to budget consideration in 1978 and complete a more detailed study regarding proposed complex. Mr. Gibson stated that considerable interest had developed since this time and all age groups had expressed an interest in playing tennis in the Lufkin area. Mr. Gibson stated that various data accumulated revealed that additional courts could be utilized at Kiwanis-City Park. Mr. Gibson stated that he had made numerous contacts regarding a possible 50/50 matching grant on four courts and the Texas Parks & Wildlife, as a federal agency, could be consulted regarding this possibility. Mr. Gibson stated that Mr. John Ruben of the Texas Parks & Wildlife had advised him of certain requirements for an application of this type. Mr. Gibson stated that the Lufkin Tennis Association was proposing that the City Commission provide six new tennis court facilities at Kiwanis-City Park in conjunction with the existing facilities to complete a ten-court complex at this location.

It was determined that Crown Colony Subdivision was proposing seven new courts. Mayor Pro Tem Wareing inquired if the six additional courts at Kiwanis-City Park would involve the cutting of trees in this area. Mr. Gibson stated that he was not sure as to the number of trees that would be cut as a result of this type construction, but was of the opinion that some trees would have to be removed. Mr. Gibson stated that no specific type layout was available at the present time.

Mayor Pro Tem Wareing inquired of Mr. Gibson as to whether or not the City's new population of 30,273 may qualify the City to apply for six new courts instead of the 1975 requirement of only four under Texas Parks & Wildlife guidelines. Mr. Gibson stated that this information could be presented to the Texas Parks & Wildlife and determination could be made as to the amount of courts that could be applied for under federal matching grant.

Comm. R. A. Brookshire inquired as to the present cost per court. Mr. Gibson stated that the present cost per court was approximately \$15,000, including lighting and fencing.

City Manager Westerholm expressed his opinion that the City possibly would not get this money from the Texas Parks & Wildlife within the near future inasmuch as the City had recently received Texas Parks & Wildlife grants on the Kit McConnico Park and Morris Frank Park Complexes. City Manager Westerholm was asked by Comm. R. A. Brookshire to inquire of the Texas Parks & Wildlife as to whether or not this matching grant would be possible and as to the amount of courts that could be considered under the City's new population total.

Comm. Richard Thompson inquired as to why Kiwanis-City Park was being considered as a development area. Mr. Gibson explained that this was a previously developed location and maintenance keeper was provided in the area and tennis court complex type development was essential to large tournament activity within a particular area.

Members of Commission were in unanimous agreement that this item be placed on the agenda for next regular meeting on September 5, 1978, to review further information to be reported by City Manager Westerholm.

15. Standard Building, Mechanical & National Electric Codes-Adoption of Revisions & Additions-Ordinance Approved 1st Reading.

City Manager Westerholm reported that each year members of Commission considered amendments to the Standard Building, Mechanical & National Electric Codes, revisions and additions, and same had been submitted to members of Commission for review.

Members of Commission reviewed various amendments and comments were made regarding same. Comm. Pat Foley inquired as to whether or not City Manager Westerholm would recommend approval of these amendments. City Manager Westerholm stated that he personally desired to approve changes which had been recommended by the building industry and experts in this area.

Comm. Richard Thompson made motion to approve revisions and additions to the Standard Building, Mechanical & National Electric Codes and amendments with the condition that approval of same not be in conflict with local City regulations. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

16. City Service Center-Future Site Disc.-Hill Street

City Manager Westerholm reported that the City's present site for service center on Amey Street contained 4.359 acres and same was extremely crowded by City vehicles within the various departments. City Manager Westerholm stated that he would like to recommend a new site for the City Service Center on the East portion of the Morris Frank Park area fronting on Hill Street. Mr. Westerholm stated that this site was approximately twice the size of the present site and same could be developed within budget limitations on a gradual basis by continuing to use the old site as a storage area for rough material.

Members of Commission reviewed the two locations and Wesley Byrd, Public Works Coordinator, explained in more detail from a prepared slide presentation regarding the problems at the present City Service Center.

Comm. W. O. Ricks, Jr., expressed his opinion that the City should continue to maintain the old area and the new area should be maintained as nearly as possible so as not to conflict with the overall development at Morris Frank Park. Comm. Pat Foley inquired as to the cost of this development. City Manager Westerholm explained that this new City Service Center site could be developed over a period of years without large costs at any one time.

Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to proceed with this development at the new site on Hill Street for the new City Service Center with the condition that same would not conflict with the development of the Morris Frank Park Baseball Complex area and adjacent rodeo complex. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. R. A. Brookshire requested that the overall development plan be outlined in detail on a phase development showing the various stages of growth and same be presented to members of Commission as soon as possible. City Manager Westerholm stated that this information could be provided and it was only necessary that members of Commission grant approval of this development at the present time. Mayor Pro Tem Wareing requested that members of Commission be provided various costs for these developments in stages, if possible.

A unanimous affirmative vote was then recorded to previous motion and second to authorize City Manager Westerholm to proceed with this new site development for the City Service Center with the condition that the overall tentative plan be approved at a later date.

17. Downtown Parking Area-Improvements to Existing Parking Locations-Disc. Postponed-Chamber of Commerce Parking Study

City Manager Westerholm stated that the First Baptist Church had acquired a lease on some property adding 33 parking spaces on Grosebeck Street and made reference to letter from the church submitted for consideration by

City Council at an estimated cost of \$15,000. City Manager Westerholm stated that if this work was completed by City forces same could be completed at approximately \$4,000.

Comm. Pat Foley stated that the Chamber of Commerce was in the process of completing a downtown parking study and, in his opinion, this comprehensive study should be made available to members of Commission prior to approval of this request by the First Baptist Church. Members of Commission were in agreement with suggestion by Comm. Foley. Comm. Pat Foley made motion that this request be postponed until the comprehensive study was available for members of Commission to review. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Comm. Pat Foley requested that City Manager Westerholm forward a copy of this report to Mr. John Parker when same was received by members of Commission.

18. City Sales Tax-Repeal of 1% Tax on Residential Gas & Electrical Bills Disc.-Decision Postponed Until September 5, 1978.

Mayor Pro Tem Wareing stated from his review of information furnished members of Commission regarding repeal of 1% City sales tax on residential gas and electrical bills, this tax would become effective October 1, 1979, unless an ordinance was received from the City Council continuing the tax, and if the City Commission desired to make same effective prior to this date, it must be approved by September 10, 1978.

City Manager Westerholm stated that the City, by majority vote, may vote to exempt residential use of gas and electricity from the 1% sales tax effective October 1, 1978, which was the date same became effective if it was approved by September 10, 1978, and by May 1, 1979, by majority vote of the governing body, the City may adopt an ordinance continuing the imposition of the 1% City sales tax on a residential use of gas and electricity which would automatically be abolished on October 1, 1979, unless the ordinance was received from the City Council continuing the tax. City Manager Westerholm explained that the City may, any time prior to October 1, 1979, by majority vote of its governing body, exempt residential use of gas and electricity from the 1% City sales tax.

Mayor Pro Tem Wareing inquired as to what effect this would have on the City budget. City Manager Westerholm stated that best estimates would be approximately \$50,000, which would include all parties concerned.

It was determined that this decision could be made at the next regular meeting of the City Commission if members desired to further study information provided and members were in unanimous agreement that same be considered at the September 5 meeting.

19. Proposed City Budget-Hearing Date Set for Fiscal Year 10/1/78-9/30/79

City Manager Westerholm stated that it would be necessary to set a public hearing date for consideration of the 1978-79 City Budget and suggested that September 5, 1978, be date considered.

Mayor Pro Tem Wareing suggested that a budget workshop be considered prior to this time and Mr. Royal Dunlap obtain additional information regarding the repeal of the 1% sales tax prior to this time.

Comm. R. A. Brookshire made motion that City Budget Workshop prior to the City Budget hearing on August 22, 1978, at 7:30 p.m., in the City Hall Council Chambers and City Budget hearing for fiscal year 1978-79 on September 5, 1978, during regular meeting at 7:30 p.m. Motion was seconded by Comm. Pat Foley with the condition that Morris Frank Park bids also be considered at the August 22 workshop meeting and a unanimous affirmative vote was recorded.

20. Dept. of Public Safety-Water Policy Discontinued

City Manager Westerholm stated that the City Commission had allowed the Dept. of Public Safety free water at their old building location in previous years and the exact time in which this authority was granted by the City Commission could not be determined. City Manager Westerholm stated that it had been requested by the Dept. of Public Safety that the City continue this policy at its new location on Loop 287. City Manager Westerholm stated that since the City had obligated itself for free water



to be furnished to the Dept. of Public Safety, the DPS had not been charged for water and members of Commission may desire to reconsider this policy due to the new location of the DPS building on Loop 287.

City Manager Westerholm stated that no information in the City Commission minutes could be found during time which was given as to the approval date of the City Commission. Following a brief discussion, Comm. R. A. Brookshire made motion that the Dept. of Public Safety pay for future use of water in accordance with all other users within the City of Lufkin. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

21. Leslie Lane Annexation-Sewer Extension Policy Disc.

City Manager Westerholm stated that a question had recently developed regarding extension of sewer in the Leslie Lane area and requirements of property owners with regard to new homes constructed in this area.

Comm. W. O. Ricks, Jr., expressed his opinion that the City Commission had only made the obligation to serve present and existing houses at the time Leslie Lane annexation was approved, with the balance of the area to be considered as any new subdivision would be considered.

Members of Commission reviewed a plat of the Leslie Lane annexation from 1975 and it was the unanimous agreement of members of Commission that decision of the City Council during this period was to provide individuals making application for annexation at this time extension of sewer services, but any new additions to this area must be considered under the City's present sewer extension policy providing that residents pay for their proportionate shares.

Comm. Brookshire stated that, in his opinion, the only reason the City had annexed this particular area was to assist the property owners and provide sewer extensions. Comm. W. O. Ricks, Jr., expressed his opinion that all streets in this area should have been dedicated at the time of annexation and lots should not be developed on these streets unless dedications had been accepted by the City.

City Attorney Flournoy stated that any street was considered an existing roadway and was adequate for permitting construction along and adjacent to it without curb and gutter and the sale of lots along these roadways was permissible under the City's existing regulation. Comm. W. O. Ricks, Jr., stated that he did not agree with the City Attorney regarding this interpretation of the existing City regulations. City Attorney Flournoy stated that the City could not require an owner of property to curb and gutter a street simply because he desired to build a home or sale a lot along the street.

Comm. Pat Foley made motion that this item be placed on the agenda for consideration at next regular meeting in order that more information may be provided members of Commission with regard to the historical background of this application. Motion by Comm. Foley died for lack of second, but members of Commission were in unanimous agreement that discussion of this item be placed on the agenda for next regular meeting.

City Attorney Flournoy stated that it was not necessary to obtain information regarding how many property owners lived along existing roadways in the Leslie Lane area at the time it was annexed inasmuch as this information had no bearing on the point in question which was to determine whether or not there was an existing roadway in the area and if this was the final determination, it would be allowable under the City regulations to subdivide along this roadway without providing curb and gutter.

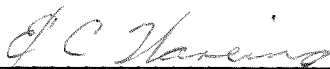
Mayor Pro Tem Wareing requested that City Attorney Flournoy consider a policy for the Leslie Lane area in order that same may be developed in accordance with that which had been previously determined by this Commission and applicable under existing City ordinances for the extension of facilities to this area. Mayor Pro Tem Wareing also requested that members of Commission be furnished any excerpts from previous minutes regarding annexation of this area for further review and consideration at next regular meeting.



Public Works Coordinator Wesley Byrd inquired as to what size water main should be extended to the Leslie Lane area. Mayor Pro Tem Wareing stated that, to his knowledge, no commitments were made by the Commission with regard to size of water main extensions. Mayor Pro Tem Wareing also stated, in his opinion, members of Commission must comply with previous decisions regarding this area and additional legal obligations which were incurred at this time.

22. Adjournment

There being no further business for consideration, meeting adjourned at 7:35 p.m.

  
\_\_\_\_\_  
MAYOR PRO TEM E. C. Wareing -  
City of Lufkin, Texas

ATTEST:



  
\_\_\_\_\_  
Assistant City Manager