

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 11TH DAY OF JULY, 1972, AT 7:30 P. M.

On the 11th day of July, 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 Dr. William L. Hattaway, Pastor of First Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda and expressed appreciation for their interest.

3. Approval of Minutes

Comm. Roy L. Leamon, M.D., made motion that minutes of regular meeting of June 20, 1972, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Resolution - Police Officer Danny Lee Ray

Mayor Garrison asked City Attorney Flournoy to read a prepared resolution commending Police Officer Danny Lee Ray for his outstanding and commendable services with the Lufkin Police Department. Mayor Garrison expressed compliments to Officer Ray who had been recognized by the East Texas Peace Officers Association as ROOKIE OF THE YEAR. Comm. Joe E. Rich made motion that this resolution be passed as read by City Attorney Flournoy. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded. Mr. & Mrs. Danny Lee Ray were present and a copy of this resolution was presented to Officer Ray by Mayor Garrison.

5. Zone Change Application - Estate of Oscar Wolff, Deceased, from R-1 District to C District

City Attorney Flournoy read caption of ordinance for second reading changing zone from R-1 District to C District covering property in the G. W. Massingill and L. Holloway Surveys adjoining Paul Avenue on the South side of Loop 287 at intersection with Paul Avenue, including the 0.172 acre tract owned by Mr. Buford Maddux. There were no persons present appearing in objection to this zone change. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on second and final reading changing zone from R-1 District to C District as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Zone Change Application-David Brevell from C District to C District & Special Use (Art. XV, Section 16 of Zoning Ordinance)

City Attorney Flournoy read caption of ordinance for second reading changing zone from C District to C District and Special Use (Art. XV, Section 16 of the Zoning Ordinance) covering portion of Lots 2 and 3 of the C. F. Thompson Addition located in rear of

Humble Station, 1507 South Timberland Drive, an addition to the existing Seafood Inn Restaurant. There were no persons present appearing in objection to this zone change request. Comm. E. C. Wareing made motion that zone change application of David Brevell from C District to C District and Special Use be passed on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

7. Zone Change Application-James P. Hunter, III and Ruth Metcalf from D District to D District and Special Use (Art. XV, Item 18 of the Zoning Ordinance)

City Attorney Flournoy read caption of ordinance for second reading changing zone from D District to D District and Special Use (Art. XV, Item 18 of Zoning Ordinance providing Special Use Zone for parking in various districts) on property located between Montrose and Homer Streets immediately South of Oakley-Metcalf Funeral Home. There were no persons present appearing in objection to this zone change request. Comm. J. T. Hopson then made motion that zone change application as presented by James P. Hunter, III and Ruth Metcalf and, as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission, be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Application-D. C. Canada from R-3 Dist. to C Dist.

Mayor Garrison stated that zone change application of Mr. D. C. Canada from R-3 District to C District covering property in Lot 9, Block 2 of the D. H. Adams Addition had been denied in a previous meeting of the City Planning and Zoning Commission on May 25, 1972. Mayor Garrison further explained that there had been several persons present appearing in objection to this zone change request on May 25, 1972, and that the City Planning and Zoning Commission had recommended denial of this application in that its approval would create a spot zone situation. Mayor Garrison called on Mr. Bill Ricks, Attorney for Mr. D. C. Canada, who briefly described the location of the property and the circumstances involved. Mr. Bill Ricks stated that this property previously contained a hotel; but, in 1971 this hotel was closed and the property lost its non-conforming status and reverted back to R-3 District. Mr. Bill Ricks explained the fact that if this zone change request was granted, Mr. Canada desired to construct a pool hall to be managed by Mr. Joe Burch. Comm. W. O. Ricks, Jr., asked Mr. Bill Ricks how far this property would be located from a Commercial zone. Mr. Bill Ricks stated that the nearest Commercial property was approximately 400 feet on Paul Avenue. There were no persons present appearing in objection to this zone change request. Comm. W. O. Ricks, Jr., was concerned about the possibility of a further study of this situation that would allow conformity with existing zoning regulations. Following considerable discussion, Comm. Roy L. Leamon, M.D., made motion that zone change application, as presented by Mr. D. C. Canada from R-3 District to C District be referred back to the Planning and Zoning Commission to further research the possibility that may allow this request in conformance with existing zoning regulations. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

9. Zone Change Application-Keith M. Barnes from C District to C District & Special Use (Art. XV, Item 16 of Zoning Ordinance)

City Attorney Flournoy read caption of ordinance for first reading changing zone from C District to C District and Special Use covering portion of Shangri La Motel located at 308 North Timberland Drive. There were no persons present appearing in objection to this zone change request. Comm. E. C. Wareing made motion that zone change application of Keith M. Barnes from C District

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to C District and Special Use be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

10. Zone Change Application - Ina McCall Estate from R-1 District to LB District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to LB District covering property located West of U. S. Highway 59 South and adjoining present LB District to State Highway 35 from R.O.W. easement of Texas Power & Light Company, South to Angelina College property. There were no persons present appearing in objection to this zone change request. Comm. J. T. Hopson made motion that zone change application of Ina McCall Estate from R-1 District to LB District be approved on first reading of ordinance as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Texas Highway Dept.-Beautification Act-Outdoor Advertising Signs

City Attorney Flournoy stated that in a letter from Mr. M. G. Goode, District Engineer, District II of the Texas Highway Department, the City has been requested to participate in the regulation of signs in accordance with the Texas Highway Department Beautification Act, Art. 6674V-1, effective June 29, 1972. City Attorney Flournoy further stated that this request includes the regulation of signs and the issuance of permits for signs as provided in the regulation law along Federal-aid Primary highway systems within the City Limits. City Attorney Flournoy further stated that if the City did not participate in this request, the highway department should be requested to handle the issuance of permits within the City. City Attorney Flournoy concluded that the following highways would be affected in this request:

- 1. U. S. Highway 59 - From South City Limits to North City Limits
- 2. U. S. Highway 69 - From South City Limits to North City Limits
- 3. State Highway 103 -From East City Limits to West City Limits

Following considerable discussion, City Manager Westerholm recommended that the City accept this responsibility. Comm. E. C. Wareing then made motion that the City assume the responsibility of administering the Highway Beautification Act within the City Limits until this function should become recognized as a burdensome process by members of the City Commission. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

12. Plumbing Board Recommendations - Cedar Creek Study (Extension of Hill Street)

City Manager Westerholm stated that he had furnished copies of a letter to the Mayor and members of the City Commission pointing out the fact that in a regular meeting of the Plumbing Board on May 22, 1972, certain recommendations for amending the City's Plumbing Ordinance had been made. City Manager Westerholm further stated that, in compliance with other City officials, he would recommend changes made by the Plumbing Board in the City of Lufkin Plumbing Ordinance with one exception---the addition of an Art. 22:12:2A. Following considerable discussion among members of the City Commission, it was the general concensus of opinion that the City Attorney be authorized to prepare an ordinance for first reading reflecting the changes and recommenda-

tions as submitted by the Plumbing Board and reviewed by City officials.

City Manager Westerholm stated that at the regular City Commission meeting of June 6, 1972, he had been requested to study Cedar Creek between the Perco Distributors property and the Broadmoor Addition to see if it could be cleaned and possibly re-channelled to allow the extension of Hill Street to intersect Highway 94 and the Perco Distributors property line rather than cross the property of Simon Purvis. City Manager Westerholm reported that representatives from the Soil Conservation Service met with him on Friday, July 7, 1972, and recommended that the City consider the possibility of re-channeling Cedar Creek. Following discussion among members of the City Commission, it was the general concensus of opinion that City Manager Westerholm be authorized to continue study and provide the City Commission with cost estimates concerning this re-channeling process.

13. Plumbing Board - Member Replacement - Edward Bollier

City Manager Westerholm stated that Edward Bollier, a member of the Plumbing Board, had submitted his resignation and a replacement should be considered. Following discussion, Comm. E. C. Wareing made motion that James F. Lawrence be appointed as a member of the Plumbing Board to replace Edward Bollier. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. City Planning & Zoning Commission-Members-Replacement and Reappointment-Roy E. Miller, Jr., and Mark Swan, Jr.

City Manager Westerholm stated that Raymond Moore, who was appointed to fill Comm. E. G. Pittman's unexpired term on the City Planning and Zoning Commission, should be considered for reappointment, effective July 1, 1972, for a three-year period. City Manager Westerholm further stated that Roy E. Miller, Jr.'s, term on the City Planning and Zoning Commission expired on June 30, 1972, and his re-appointment or replacement should be considered for a three-year period. Following discussion, Comm. E. G. Pittman made motion that Raymond Moore be re-appointed for a three-year period effective July 1, 1972. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. Joe E. Rich then made motion that City Planning and Zoning Commission member Roy E. Miller, Jr., be replaced by Mark Swan, Jr., for a three-year period effective July 1, 1972. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

15. Water & Sewer Tapping Charges - Amendment to Ordinance

City Manager Westerholm stated that a prepared chart indicating recommendations concerning charges for water and sewer taps to the City's water and sewer mains had been distributed among members of this Commission for consideration. Comm. W. O. Ricks, Jr., made motion that changes be made in the following water and sewer tap rates by amending portion of Civil Ordinance #1358 on first reading:

Water Taps

	<u>Present Rate</u>	<u>Approved Increase</u>
In City's extraterritorial limits	\$85.00	\$150.00
Outside extraterritorial limits	\$85.00	\$175.00

Sewer Taps

	<u>Present Rate</u>	<u>Approved Increase</u>
In City's extraterritorial limits	\$10.00	\$ 30.00
Outside extraterritorial limits	\$10.00	\$ 50.00

Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

16. Kurth Memorial Library-Request for Use of Dormant Funds

City Manager Westerholm stated that Kurth Memorial Library had a remaining balance of approximately \$20,000 toward final payment of the newly constructed building. City Manager Westerholm further stated that it was the request of the library board that the library be granted use of the City's dormant funds to pay this remaining balance in order to avoid the extra cost of interest. City Manager Westerholm also stated that the City had monies available if the Commission desired to grant this use of funds. Following discussion, Comm. E. C. Wareing made motion that funds be granted to the Kurth Memorial Library not to exceed \$25,000 to be repaid to the City out of pledges made to the library. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

17. Approval of Invoice - First Southwest Company

City Manager Westerholm stated that he had received an invoice in the amount of \$21,615.41 from the First Southwest Company of Dallas, Texas, for services rendered in the recent issues of bonds plus accumulated City expenses incurred during the rating trip to New York. Comm. J. T. Hopson made motion that this invoice from the First Southwest Company in the amount of \$21,615.41 be paid. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

18. City Commission - Date Set for Next Regular Meeting

Comm. W. O. Ricks, Jr., made motion that the next regular City Commission meeting date be set for August 8, 1972, due to expected absences. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

19. Baseball Field - Name Consideration

Comm. E. G. Pittman stated that Parks & Recreation Director, Max Griffin, should consider a name for the newly constructed baseball field located near Lufkin's sewer plant. City Commission members were in unanimous agreement with this request by Comm. E. G. Pittman.

20. Parks & Recreation - Attendance Recognition

Mayor Garrison stated that the Parks & Recreation Department, to include Lufkin's zoo facilities, should be commended for their efforts in generating the attendance of 555,722 people as of June 30, total attendance for this year. Members of the Commission were in unanimous agreement with this recognition as pointed out by Mayor Garrison.

21. Comm. Roy L. Leamon, M.D. - Resignation

Comm. Roy L. Leamon, M.D., stated that he wished to submit his letter of resignation to the City Commission and that this letter be placed on record as follows:

July 11, 1972

Mayor Pitser Garrison
City of Lufkin
Lufkin, Texas

"Dear Mayor Garrison,

Please accept my resignation as a City Commissioner, effective this date. This resignation is necessary because of my moving from this city.

My service to this community has been one of the most gratifying and pleasant things that I have done during my twelve years of residence here. It has been a unique experience in that I have been exposed to people and things that ordinarily I would not have been. This exposure has both broadened and deepened my knowledge and appreciation of city government and the people associated with it. More especially, my association with you and my fellow Commissioners has been something for me to look forward to every two weeks.

I want to know when the Commission comes to Austin as we can have a visit.

Sincerely,

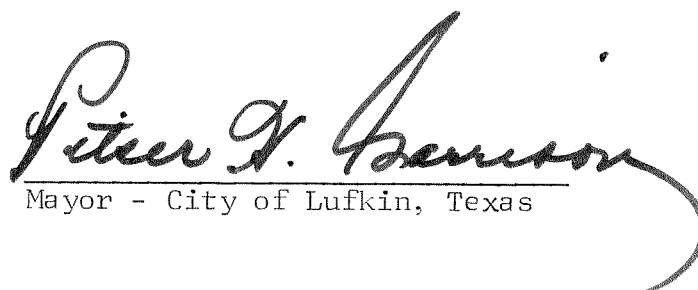
(Signed)

Roy L. Leamon, M.D."

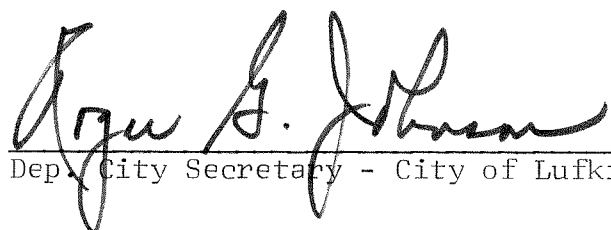
Comm. Roy L. Leamon, M.D., further expressed his appreciation for having had the opportunity to serve on this Commission. Mayor Garrison and City Commission members expressed their appreciation for having had the opportunity to also serve with Comm. Roy L. Leamon, M.D. Comm. W. O. Ricks, Jr., requested City Attorney Flournoy be authorized to draft a resolution of commendation, and that a plaque be made in representation of the same. It was the unanimous opinion among members of this Commission that this recognition be prepared.

22. Adjournment

There being no further business for consideration, meeting was adjourned at 8:45 P. M.


Mayor - City of Lufkin, Texas

ATTEST:


Dep. City Secretary - City of Lufkin, Texas