

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF MAY, 1979, AT 5:00 P.M.

On the 15th day of May, 1979, 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
Pat Foley	Commissioner, Ward No. 4 (new plan)
E. C. Wareing	Commissioner, Ward No. 4 (old plan)
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Assistant City Manager
Gayle Dickey	Assistant City Secretary

being present, and

Don E. Boyd	Commissioner, Ward No. 2 (new plan)
W. O. Ricks, Jr.	Commissioner at Large, Place A

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

1. Meeting opened with prayer by Rev. Hubert Yount, Minister of Unity Baptist Association, Lufkin, Texas.

2. Approval of Minutes

Motion was made by Comm. Pat Foley that minutes of regular meeting of May 1, 1979, be approved. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

3. Lufkin News - Approval of Property to be Removed From Fire Zone

Mayor Garrison stated that at last regular meeting of City Commission, ordinance had been passed on first reading removing property owned by Lufkin News located west of railroad tracks and south of Frank Street from the City's fire zone. Mayor Garrison also stated that it had been determined by City staff that fire insurance rates would not be altered by the property being removed from the fire zone. There were no persons appearing in opposition.

Motion was made by Comm. E. C. Wareing that ordinance removing property owned by Lufkin News, including all property west of railroad tracks and south of Frank Street, from the City's fire zone be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Zone Change Approved 1st Reading - Leon R. Bennett from RM to RM District, Special Use (Day Nursery)

Mayor Garrison stated that zone change application by Leon R. Bennett from RM to RM District, Special Use (Day Nursery) covering property in Lot 3, Block 54 of the Original Townsite of Lufkin, located between Oak and Persimmon Avenues had been recommended for approval by the City Planning & Zoning Commission.

Comm. Richard Thompson inquired as to whether or not the present structure on the property would be utilized as part of the present Jack & Jill Day Care Center. Comm. E. C. Wareing stated it was his understanding that the structure on the property at the present time would be utilized until same could be moved or demolished at which time a new facility would be constructed similar to the present structure at the corner of Raguet and Persimmon.

Comm. Pat Foley inquired as to how it was determined by the City's staff whether or not a structure was considered a commercial building. Comm. E. C. Wareing stated that owners of the structure would be required to rewire the present building for commercial purposes.

Mayor Garrison expressed his concern as to how the City staff would be informed of the need for an inspection of the property.

City Manager Westerholm stated that the only requirement for persons obtaining zone change applications when a residential structure was converted to commercial property was when the original zone change application was made.

Assistant City Manager Roger Johnson stated that it was the responsibility of the building inspector to determine the correct zoning and require certain building code requirements.

Comm. E. C. Wareing stated it was his understanding that the state inspection which would be performed was quite rigid and should include inspection of wiring in the structure.

Motion was made by Comm. Pat Foley that zone change application by Leon R. Bennett from RM to RM District, Special Use (Day Nursery) be approved on first reading of ordinance. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

5. Improvements to Frank and Ellis Intersection on Highway 94 - Texas Department of Highways & Public Transportation - Action Postponed

City Manager Westerholm reviewed letter from Mr. J. L. Beaird of the Texas Department of Highways & Public Transportation recommending improvements to Ellis and Frank intersection on Highway 94 to accommodate additional traffic created by improvements to Loop 287, widening of Highway 94 West, and other growth and expansion in the area. City Manager Westerholm also stated that one of the property owners in the area had requested action be postponed on these improvements until they could negotiate further with the TDH&PT. City Manager Westerholm also stated that most property owners in the area had been contacted and were in agreement with improvements.

Mayor Garrison recognized Mr. Al Luedecke of the TDH&PT and inquired of Mr. Luedecke if it would be acceptable to him and the TDH&PT for this matter to be postponed until a later date. Mr. Luedecke was in agreement.

Motion was made by Comm. Richard Thompson that action be postponed on agreement with TDH&PT for improvements to intersection of Ellis and Frank on Highway 94. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Ellen Trout Zoo - Approval to Construct Bald Eagle Breeding Facility - Temple-Eastex Sponsorship - Miz Lillian Carter Visit

Mayor Garrison stated that Temple-Eastex, Inc., had been in communication with Mr. Gordon Henley, Zoo Director, and other Zoo employees regarding sponsoring construction of a facility for breeding of bald eagles. Mayor Garrison also stated that members of Commission had been given copies of proposed layout for facility.

Mayor Garrison recognized Mr. Gordon Henley, Zoo Director for Ellen Trout Park & Zoo, who stated that the function of the Zoo, in addition to recreation, was conservation. Mr. Henley stated that when considering the bald eagle exhibit at the Zoo it was determined that better facilities should be provided for the bald eagles. Mr. Henley also stated that Bird Technician for the Zoo, Mr. Bob Smith, had drawn diagrams to provide proper housing for reproduction of bald eagles. Mr. Henley stated that Temple-Eastex had been contacted concerning sponsorship of this facility and they had been very cooperative in responding to the Zoo's request. Mr. Henley stated that the bald eagle facility would be 40' long, 20' high, and 20' wide. Mr. Henley also stated that the facility would be large enough to allow a pair of bald eagles to fly about in the exhibit, and would also enable the birds to be viewed by the public in their natural environment. Mr. Henley also stated that one portion of the facility would provide a nesting site for the birds, and an observation chamber. Mr. Henley also stated that the bald eagle facility would be an asset to the Ellen Trout Zoo and other zoos concerning propagation of bald eagles in captivity.

Mr. Henley stated that the next problem considered after the sponsorship of construction of the facility had been settled was to determine a location for the structure. Mr. Henley stated that the only feasible location for the bald eagle facility would be outside the existing fence for the Zoo, adjacent to the present wolf pen. Mr. Henley also stated that the facility, when completed, would have to be fenced.

Mr. Henley stated that if the facility was approved for construction then possibly "Miz Lillian" Carter could dedicate the groundbreaking for the bald eagle structure during the Hushpuppy Olympics to be held the following Saturday. Mr. Henley stated that this would be in order considering that Miz Lillian was the mother of Jimmy Carter, President of the United States, and the designation of the bald eagle as the nation's symbol. Mr. Henley also stated that this would be excellent publicity for Ellen Trout Zoo and Temple-Eastex, perhaps on a national scale if dedicated by Miz Lillian Carter.

Mr. Henley expressed his confidence in the proposal, and stated if two birds placed in the exhibit did not mate, eagles would be exchanged with other zoos until compatible birds could be obtained. Mr. Henley stated that Temple-Eastex, Inc., had agreed to finance the complete exhibit, and costs to the City would be nominal.

Mr. Henley then introduced Mr. Tim Malloy, Special Projects Technician for Temple-Eastex, who was present at this meeting. Mr. Malloy made no additional comments to Mr. Henley's presentation.

Motion was made by Comm. Pat Foley that offer by Temple-Eastex to construct bald eagle breeding exhibit be accepted. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Mayor Garrison stated that this offer from Temple-Eastex was accepted with the City's sincere appreciation for their interest in the development and progress of Ellen Trout Park & Zoo.

7. Appointment of Member to Fill Unexpired Term of Comm. Pat Foley - Action Postponed

Mayor Garrison stated that members of Commission had received copies of a letter from Comm. W. O. Ricks, Jr., explaining his physical condition and his intention to attend the next regular meeting of the City Commission in June. Mayor Garrison also stated that Comm. Ricks had requested members of Commission give consideration to postponing filling of unexpired term vacated by Comm. Foley until this time.

Motion was made by Comm. Pat Foley and seconded by Comm. Richard Thompson that action be postponed on filling of unexpired term vacated by Comm. Pat Foley until next regular meeting. Prior to vote on motion, Mayor Garrison stated that several members of Commission were concerned about the fact that an appointment should be made to the Commission as soon as possible. Mayor Garrison then stated that Comm. Ricks was a senior member on the Commission and it would be in order to defer action on this matter at Comm. Ricks' request inasmuch as a two-week delay would not be critical. Mayor Garrison also stated that he was sorry for the delay in appointing an individual to this position.

Comm. E. C. Wareing stated that he would be hesitant to vote for the motion as made by Comm. Pat Foley since at time of next meeting it would be exactly three months in which the position had not been filled.

Mayor Garrison stated it was his understanding that the motion was made to postpone action until the next regular meeting instead of postponing same until Comm. Ricks could attend a meeting. Comm. Foley stated that he had made his motion with the stipulation that action be postponed only until next regular meeting. A unanimous affirmative vote was recorded to previous motion to postpone action.

8. Angelina Street Extension - Progress Discussed

Comm. Pat Foley inquired as to the progress of the Angelina Street extension. City Manager Westerholm stated that he had discussed this matter with new Public Works Coordinator Dwayne Humphrey and had suggested same be set a a priority. City Manager Westerholm also stated that funds were available in the present year's budget in the amount of \$175,000. City Manager Westerholm also stated that progress had been slowed due to the weather which had hampered installation of storm sewers for the street extension. City Manager Westerholm also stated that the City staff would work with personnel at Lufkin Industries to obtain slag to pour and form ducts for the street work. City Manager Westerholm also stated that when this process was completed, bids would be advertised for street construction from Denman Avenue to Pershing Street.

Comm. Pat Foley stated that he was interested in a time schedule for completion of the Angelina Street extension, and expressed his desire for this project to be completed within this fiscal year. Comm. Foley stated that the project had been in progress for two to three years.

City Manager Westerholm inquired of Public Works Coordinator Dwayne Humphrey concerning the scheduled date of completion for the project.

Mr. Humphrey stated that weather had delayed progress on the project, and weather would have to be clear before crews could begin laying storm sewers.

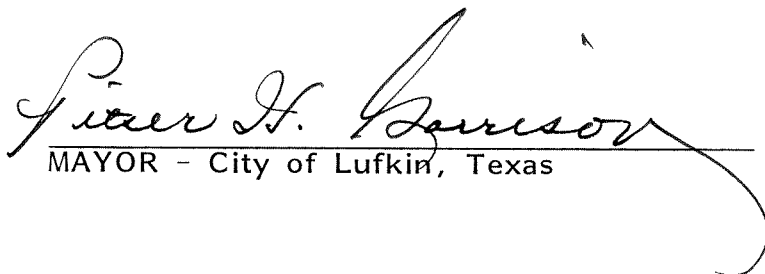
Comm. Pat Foley inquired of Mr. Humphrey as to whether or not he could have definite plans for a time schedule for the project by next regular meeting. Mr. Humphrey stated that he would have same for review by Commission.

Comm. E. C. Wareing inquired of City Manager Westerholm as to whether or not the \$175,000 in the budget would complete the project or if more funds would be necessary.

City Manager Westerholm stated costs would be lowered by using slag as subgrade in the street extension which would be obtained from Lufkin Industries, and that we would obtain curb and gutter and paving from same. Comm. E. C. Wareing inquired as to whether or not the \$175,000 would be adequate to complete the extension. City Manager Westerholm stated that it may be possible to complete construction for this amount.

9. Adjournment

There being no further business for consideration, meeting adjourned at 5:30 p.m.

  
MAYOR - City of Lufkin, Texas



  
Assistant City Manager