

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF OCTOBER, 1980, AT 7:30 P.M.

On the 7th day of October, 1980, 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:

Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
Don E. Boyd	Commissioner, Ward No. 2(new plan)
Bob McCurry	Commissioner, Ward No. 3(new plan)
Pat Foley	Commissioner, Ward No. 4(new plan)
E. C. Wareing	Commissioner, Ward No. 4(old plan)
Richard Thompson	Commissioner at Large, Place B(old plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	Assistant City Secretary

being present, and

Pitser H. Garrison Mayor

being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Gayle R. Phillips, Pastor of Pollock Baptist Church.
2. Mayor Pro Tem Wareing welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of September 16, 1980, were approved with the addition of "utility extension policy" in Item 4, Annexation Policy. Motion to approve minutes with this addition was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd. A unanimous affirmative vote was recorded.

4. Manufactured Dwelling Amendment to Zoning Ordinance - Tabled

Mayor Pro Tem Wareing stated that the Manufactured Dwelling Ordinance considered at last regular meeting of City Commission had the same basic information as the one to be considered by the City Commission at this meeting, but instead of making a separate ordinance, the Manufactured Dwelling Ordinance was shortened and made a part of the Zoning Ordinance.

City Attorney Flournoy stated that by making the Manufactured Dwelling Ordinance an amendment to Zoning Ordinance, changes would not be necessary in the Subdivision Ordinance.

Mayor Pro Tem Wareing recognized Ronnie Freeman, President of R&H Manufactured Housing, appearing in opposition to amendment. Mr. Freeman stated that he had been seeking a Manufactured Home Ordinance for the past two (2) years, but he felt the City was making a mistake in considering all manufactured homes as one entity. Mr. Freeman further stated that there were many types and price ranges in manufactured housing and with the definition of manufactured dwelling in amendment as a guideline the City would be opening the way for "trailer houses" to be included in such developments.

Mayor Pro Tem Wareing stated that in a Residential Small District no minimum area is required and any type of house can be built, but this problem is resolved through deed restrictions. Mayor Pro Tem Wareing further stated that Lufkin needed a place for relatively inexpensive homes for people who cannot afford more.

Commissioner Pat Foley asked Mr. Freeman to explain his procedure for separating different types of mobile homes in his development outside the City Limits. Mr. Freeman stated that this was done through restrictions of square feet in a mobile home unit, type of siding on unit, roof required, and type of skirting around mobile home.

Commissioner Richard Thompson asked Mr. Freeman if the Safety Standard Act would help to take care of the problem. Mr. Freeman stated that the Safety Standard Act did not disqualify cheaper grades of mobile homes.

Mayor Pro Tem Wareing stated that he felt Mr. Freeman was trying to get too restrictive, and the developer of a mobile home subdivision would be able to establish his own restrictions.

Commissioner Richard Thompson stated that vote should be withheld until a recommendation could be made by City Planner Ed Richie.

Commissioner Don Boyd stated that the developer of a subdivision should set restrictions for same, and in order not to delay passage of amendment the City Commission could pass same on first reading and make any changes on second reading.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that consideration of amendment be tabled until next meeting, that City Planner become familiar with same, and City Planning & Zoning Commission reconsider. The following vote was recorded: Voting "Aye" - Mayor Pro Tem Wareing, Commissioners Simond, McCurry, Foley, Thompson; voting "Nay" - Commissioner Boyd. Mayor Pro Tem Wareing declared motion approved by a majority vote of 5 to 1.

5. Amendment - Approved - Pool Hall - Private Club - Wilson McVicker - Walter Albro

Mayor Pro Tem Wareing stated that amendment to Pool Hall Ordinance had been approved on first reading at last regular meeting of City Commission.

There was no opposition present. Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading. A unanimous affirmative vote was recorded.

6. Zone Change Application - Approved-Fredrick & Bishop, A Partnership

Mayor Pro Tem Wareing stated that zone change application by Fredrick & Bishop, a Partnership, from C to C, SU(Private Club) covering property located on Loop 287 between Davisville Road and Hwy. 59, had been recommended to City Commission by the Planning & Zoning Commission. There was no opposition present.

Commissioner Pat Foley stated that the minutes of Planning & Zoning Commission referred to a site plan to be presented to City Commission indicating exact location of proposed building. Pat Murphy, representing zone change application, presented plans which indicated exact location of building from property lines.

After much discussion about ingress and egress, motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change application be approved on first reading and letter from Highway Department and plans showing ingress and egress be provided at next regular meeting of City Commission. The following vote was recorded: voting "Aye" - Mayor Pro Tem Wareing, Commissioners Simond, McCurry, Foley, Boyd; voting "Nay" - Commissioner Thompson. Mayor Pro Tem Wareing Declared motion approved by a majority vote of 5 to 1.

7. Bid on Fencing and Fencing Material - Approved - Warehouse

Mayor Pro Tem Wareing stated that low bid on fencing and fencing materials to fence warehouse on Amy Street for better protection from vandals and theivery had been submitted by Clawson Insulation, Lufkin, Texas.

Commissioner Richard Thompson stated that Clawson Insulation was known to him personally and did very fine work.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that bid be awarded to Clawson Insulation as low bidder. A unanimous affirmative vote was recorded.

8. Amendment to Traffic Ordinance - Approved - First Reading - Loop 36 (Old Mill Road)

Mayor Pro Tem Wareing stated that State Department of Highways and Public Transportation recommended adjusting the speed zones on Loop 36(Old Mill Road) from 35 M.P.H. to 40 M.P.H. Mayor Pro Tem Wareing stated that the method used to determine speed limit is by observing a number of motorists and taking an average of the speeds driven by the 85% of low speeds.

City Manager Westerholm stated that State Department of Highways and Public Transportation realize that people adjust to conditions on highways and set their own speed limits. City Manager Westerholm further stated that the top 15% of speeds recorded is dismissed as imprudent and an average of the remaining 85% is taken to arrive at recommended speed limit.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that amendment be approved on first reading. A unanimous affirmative vote was recorded.

9. Liquefied Petroleum Gas Service Station - Approved

Mayor Pro Tem Wareing stated that the City Commission had received a letter from Fire Marshall, Roscoe Gibson and Building Inspection Official, Hubert Stubblefield, that liquefied petroleum gas service station operated by Universal Gas for the purpose of filling propane bottles for Lufkin Industries fork lifts at their new location at 203 South John Redditt Drive be approved.

City Manager Westerholm stated that city approval was necessary before application could be made to Railroad Commission.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that approval be given to Universal Gas for operation of liquefied petroleum gas service station. A unanimous affirmative vote was recorded.

10. Short-Term Loan - Approved - Highway Department

Mayor Pro Tem Wareing stated that consideration of short-term loan pending receipt of revenue sharing had inadvertently been placed on amendment to agenda for consideration in Executive Session, but same should be considered in open session.

City Manager Westerholm stated that the contract for work by Highway Department on Ellis to Loop 287 had been let and the City must deliver \$121,900 of Revenue Sharing money to the Highway Department, Wednesday Morning, October 8, 1980. City Manager Westerholm further stated that the approval for the short term loan was needed in the event the revenue sharing money did not arrive at City Hall by Wednesday morning, and the City Depository bank had been notified.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that short-term loan be approved. A unanimous affirmative vote was recorded.

11. Executive Session - Appointments to Plumbing Appeals & Advisory Board, Examining & Supervising Board of Electricians, Taxi Cab Committee - John Winston - Unauthorized Water Usage

Mayor Pro Tem Wareing stated that the City Commission had several items to be discussed in Executive Session to include appointments to boards and discussion of possible legal action in unauthorized water usage. Mayor Pro Tem Wareing then recessed formal open meeting of the City Commission at 8:30 p.m. At 9:40 p.m. Mayor Pro Tem Wareing reconvened regular meeting of City Commission and made announcements to individuals present regarding results of Executive Session.

Mayor Pro Tem Wareing announced that members of Commission had discussed appointments to various City Boards and with the exception of the Taxi Cab

Committee decided to obtain additional information for consideration at next regular meeting.

Mayor Pro Tem Wareing then invited motion from members of Commission regarding appointment to Taxi Cab Committee. Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that the following be appointed to serve three (3) year terms as follows:

L.V. Charles
Bill Philmon
Max Powers

A unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing also reported that members of Commission had discussed possible legal action regarding unauthorized use of water by Mr. John Winston. Mayor Pro Tem Wareing asked City Attorney Flournoy to comment regarding same. City Attorney Flournoy reported that members of Commission would be acquiring additional investigative information on unauthorized water usage at the Winston Ranch, and he would personally continue to assist in obtaining this information. City Attorney Flournoy stated that members of Commission were awaiting official response on statement forwarded for payment of water usage by the 10th of this month.

Mayor Pro Tem Wareing stated that under these circumstances no conclusions would be drawn by members of Commission until this information was available.

12. Animal Control Ordinance - Discussion of Possible Amendment

Commissioner Doy Boyd reported that he was of the opinion the Animal Control Ordinance should be amended in several areas, and he would meet with City Attorney Flournoy prior to next regular meeting to determine specific areas of concern and possible consideration at next regular meeting.

13. Status of Single Purpose Grant Application - Glenn & O'Quinn Street Area Status of Junk Cars

Commissioner Percy Simond requested information on status of the Single Purpose Grant Application and Junk Car Ordinance developments. City Manager Westerholm and Assistant City Manager Roger G. Johnson reported that it appeared specifications would be ready by Tuesday of next week for members of Commission to consider authorization of bids in a special meeting on this date. It was also reported that if this special meeting occurred, a Citizen's Participation Committee meeting would be held at Brandon Center on October 28 to provide an update and awareness of consideration for bids to minority groups. Members of Commission were in agreement that providing specifications were available, to call a special meeting for Tuesday, October 14, at 5:00 p.m. for the purpose of considering authorization of bids for construction work on Single Purpose Grant Application.

It was also reported that progress was being made with respect to removal of junk cars in various parts of City and report would be provided for members of Commission before next regular meeting.

14. There being no further business for consideration, meeting adjourned at 9:50 p.m.



Edgar C. Wareing
Mayor Pro Tem, City of Lufkin, Texas

Anne Lippin
Assistant City Secretary