

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF JULY, 1980 AT 5:00 P.M.

On the 15th day of July, 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:

Pitser Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
Don Boyd	Commissioner, Ward No. 2(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

Bob McCurry	Commissioner, Ward No. 3(new plan)
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Joseph B. Bisby, Associate Minister of First United Methodist Church, Lufkin, Texas.
2. Welcome of Visitors by Mayor.
3. Minutes of regular meeting of July 1, 1980, were approved on motion by Commissioner Percy Simond with second by Commissioner Don Boyd, and a unanimous affirmative vote was recorded.

4. Ordinance Approved - Second Reading - Zone Change Application - R. H. Duncan Construction, Inc. - D to A

Mayor Garrison stated that ordinance on zone change application by R. H. Duncan from Duplex to Apartment District on property covering 2.841 acres located between Woodland Drive and Loop 287 had been approved by City Commission at last regular meeting. There was no opposition present. Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that zone change be approved on second and final reading. A unanimous affirmative vote was recorded.

5. Ordinance Approved - Second Reading - Zone Change Application - Mrs. Jack Kennedy - RL to RS

Mayor Garrison stated that ordinance on zone change application by Mrs. Jack Kennedy from Residential Large to Residential Small District on property fronting on Old Homer-Alto Road, west of Loop 287 had been approved at City Commission at last regular meeting. There was no opposition present. Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that zone change be approved on second and final reading. A unanimous affirmative vote was recorded.

6. Amendment to Pool Hall Ordinance - Wilson McVicker - Withdrawn

Mayor Garrison stated that the City Commission had again received a request by Wilson McVicker on behalf of Walter Albro to consider an amendment to the Pool Hall Ordinance, but Mr. McVicker had to leave town unexpectedly and asked that this item be withdrawn.

7. City Planner - Authorization to Hire & Amend Budget

Mayor Garrison stated that the Commission had asked that this item be placed on agenda for formal approval at this meeting. City Manager Westerholm stated that after interviewing several applicants for the position of City Planner, he felt the best qualified was an applicant that had been with the City of Lubbock Planning Department for 5 years.

City Manager further stated that he was asking the Commission for authorization to hire this individual at a salary of \$20,000 per year.

City Manager also stated that it would be necessary for the City Planner's salary to come from the General Government account until the Department was established. It was also stated that the City usually gave a moving allowance of approximately \$500, and it was felt the Planner could be at work within two weeks to a month depending on the sale of his home. Commissioner Percy Simond stated that he could appreciate the necessity of a City Planner, but he would like to inspect the applicant's resume in order to know something about the applicant personally.

Commissioner E. C. Wareing stated that the Commissioners were instructed by City Charter to depend on the City Manager for the hiring of personnel except in the case of City Judge or City Attorney.

Mayor Garrison stated that the City Commission was simply creating a position, not approving the individual.

Commissioner Pat Foley stated that the City Commission had been talking about hiring of a City Planner for approximately a year, and he would like to proceed by authorizing the position and Commissioner Percy Simond could review the resume at a later date.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that City Manager Westerholm be authorized to create position and employ City Planner at a salary of \$20,000 a year. A unanimous affirmative vote was recorded.

Commissioner Richard Thompson inquired about a job description, office space and secretarial help. City Manager Westerholm stated that a job description had been prepared, an office was available, and for the present time, the City Planner would receive secretarial help from the Building Inspection Department.

8. Establishment of Hearing Date - Annexation & Permanent Zoning Request R. H. Duncan - RL

Mayor Garrison stated that the annexation and permanent zoning request by R. H. Duncan Construction Company to Residential Large on property located south of Little Hollow Drive between Little Hollow Plaza and Live Oak Lane in Brookhollow Addition No. 9-A had been recommended to the City Commission by Planning and Zoning Commission for establishment of a hearing date. There was no opposition present. Motion was made by Commissioner Percy Simond and seconded by Don Boyd that hearing date be set for next regular meeting, August 5, 1980. A unanimous affirmative vote was recorded.

9. Establishment of Hearing Date - Annexation & Permanent Zoning Request Residents of Joe C. Lane - RL

Mayor Garrison stated that the annexation and permanent zoning request by residents of Joe C. Lane to Residential Large on Joe C. Lane as it extends north of U.S. Highway 69 South had been recommended to City Commission by Planning & Zoning Commission for establishment of a hearing date. There was no opposition present. Motion was made by Commissioner Percy Simond and seconded by Don Boyd that hearing date be set for next regular meeting, August 5, 1980. A unanimous affirmative vote was recorded.

10. Ordinance Approved - First Reading - Zone Change Application - Pineywood Printing(Tract 1) RL, SU to LB & C, SU(erection of on-premise sign in excess of 72 sq. ft.) - Pineywood Mobile Homes(Tract 2) RL to C

Mayor Garrison stated that zone change application by Pineywood Printing (Tract 1) from Residential Large, Special Use to Local Business and Commercial, Special Use(erection of on-premise sign in excess of 72 sq. ft.) on property located north and south of FM 325 between Shady Pine and Loop 287 and by Pineywood Mobile Homes(Tract 2) from Residential Large to Commercial had been recommended to City Commission by Planning & Zoning Commission. Mayor Garrison stated that there was some opposition at the Planning & Zoning Commission meeting, but objections

were withdrawn when applicant, Pineywood Printing, changed to special use designation. After the amendment the zone change was passed by the Planning & Zoning Commission unanimously. There was no opposition present.

Commissioner E. C. Wareing asked why the previous zoning for Pineywood Printing had been RL & SU. It was stated that the special use was for a job printing shop and the special use was also a compromise with adjacent property owners. Jim Harkness, owner of Pineywood Printing, stated that at the time of last zone change the shop was in his home, but had since been moved across the street and the Special Use designation on his home property could now return to Residential Large.

Motion was made by Commissioner Don Boyd and seconded by Pat Foley that zone change be approved on first reading. A unanimous affirmative vote was recorded.

11. Amendment to Junk Car Ordinance - Discussed

Mayor Garrison stated that the City's present junk car ordinance is patterned after the old state law and the new state law has streamlined the enforcement of the junk car removal which allows the removal of junk cars prior to going through the ten day notice procedure followed by appeal rights.

City Attorney Flournoy stated that time is the factor in handling junk car complaints and the City Ordinance results in the procedure being more involved. City Attorney Flournoy further stated that he would like to prepare an amendment to the ordinance for next meeting, which would remove all junk car references but leave the procedure for sale and removal of personal property as stated in the ordinance.

Commissioner Pat Foley stated that he was not in favor of removing any property from a person's home without prior notice.

Commissioner E. C. Wareing stated that he too felt some minimal notice was needed and would like to read proposed ordinance.

In answer to question by Commissioner Percy Simond, City Attorney Flournoy stated that criteria for a junk vehicle involved the time in present location, whether the car was in workable condition and whether there was a current registration on the car. City Attorney Flournoy further stated that the Police Department and City Judge were requesting the new state law be used as a basis for the amendment.

It was decided that the Amendment to the Junk Car Ordinance would be prepared for next meeting, at which time it would be considered.

12. Real Estate Purchase for Street Extension - Approved

Mayor Garrison stated that a contract of sale for the purchase of the Simon Purvis property had been secured and that the Commission needed to take official action to purchase the property at a cost of \$15,000 for the extension of Hill Street.

Commissioner E. C. Wareing stated that this would bring Hill Street to Hwy. 94 and that the City Commission had verbal commitment granting the last two tracts for right-of-way free of charge. Commissioner Wareing further stated that this was an 80 foot right-of-way.

In answer to question by Pat Foley, it was stated that estimated time of beginning work on street was 6 months and the right-of-way had been surveyed.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the City proceed in purchase of Simon Purvis Property. A unanimous affirmative vote was recorded.

13. Hill Street Completion

Commissioner E. C. Wareing stated that he was pleased with Hill Street negotiations being completed and by the fact that most of the right-of-way had been given to the City. Commissioner Richard Thompson asked if agreement had been reached with railroad to cross tracks for Hill Street. It was stated that this would be discussed with railroad.

14. HUD Grant - Report

Commissioner Percy Simond inquired as to status of HUD Grant. It was stated that the City hoped to hear something from HUD by August 8, 1980.

15. Taxicab Service - Bob Tucker

Commissioner Don Boyd requested report on Bob Tucker's Taxicab Franchise. It was stated that an estimated investment of \$60,000 to \$70,000 would be necessary to operate taxicab service in Lufkin under the new ordinance, and at present time meters would have to be calibrated in Houston, until someone in Lufkin could be approved to calibrate the meters.

16. Fuller Springs Lawsuit - Report

City Attorney Flournoy stated that he would file answer tomorrow to lawsuit by Fuller Springs. City Attorney Flournoy further stated that he was satisfied that Lufkin had annexed up to the limit of its extraterritorial jurisdiction but had not encroached on the City of Fuller Springs.

City Attorney Flournoy also stated that there was a provision in the law for allocating extraterritorial jurisdiction between cities by population and Lufkin had one mile of extraterritorial jurisdiction when the City of Fuller Springs incorporated.

Mayor Garrison stated that he felt a motion of Summary Judgment might be in order.

City Attorney Flournoy stated that in discussion with representatives of Fuller Springs, he advised that Lufkin would like to be good neighbors, but would not give up any of its Extraterritorial Jurisdiction.

17. There being no further business for consideration, meeting adjourned at 5:50 P.M.



Percy H. Garrison

Mayor, City of Lufkin, Texas

Ann Griffin

Assistant City Secretary