

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 5TH DAY OF AUGUST, 1975, AT 7:30 P.M.

On the 5th day of August, 1975, 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
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. 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	City Secretary

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

1. Meeting opened with prayer by Rev. Don Meador, Pastor of St. Paul's United Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of July 15, 1975, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading- L & A Enterprises from R-3 District to LB District

Mayor Garrison stated that zone change application by L & A Enterprises from R-3 District to LB District covering property located South on FM 58 between FM 58 and Ray Street, had been approved on first reading at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. Pat Foley made motion that zone change application by L & A Enterprises from R-3 District to LB District be approved on second and final reading. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Annexation Hearing Date Established-Request by Property Owners North of U. S. Highway 69 South on Either Side of Leslie Lane

Mayor Garrison reviewed recommendation of the City Planning and Zoning Commission and explained that annexation request by property owners North of U. S. Highway 69 South and either side of Leslie Lane had been approved for consideration of hearing date by the City Commission.

There were no persons present appearing in opposition to establishment of hearing date and Comm. R. A. Brookshire made motion that August 19, 1975, City Commission meeting at 5:00 P.M., be set as the official hearing date for annexation of this property in accordance with recommendation by the City Planning and Zoning Commission. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Zone Change Approved 1st Reading-John L. McCollough & JTT Distributors from R-2 District to LB District

Mayor Garrison stated that the City Planning and Zoning Commission had recommended approval of zone change application by John L. McCollough & JTT Distributors from R-2 District to LB District covering property located between N. Timberland Drive and Judson Drive fronting on N. Timberland Drive being Lots 6, 7, 8 and 9, Block 1

of the Forest Park Second Addition by majority vote of three to one. Mayor Garrison further explained that there were individuals present at the City Planning and Zoning Commission meeting appearing in opposition to this application.

Mayor Garrison recognized Mr. Vernon Berry, attorney appearing in representation of zone change application by applicant. Mr. Berry reviewed a brief history of this application to include the fact that an earlier attempt had been made by his client to zone this area to a Commercial District. Mr. Berry stated that initial attempt to zone same to C District was denied by this Commission and a recommendation was made by the City Commission at this time to reconsider zoning of this area to a less severe business district. Mr. Berry explained that the intended use of Lots 8 and 9, owned by Mr. & Mrs. McCollough, was for sale for use as a Custom Drapery Shop. Mr. Berry further explained that Lots 6 and 7 were currently owned by JTT Distributors who had joined in application to prevent spot zoning at an earlier recommendation of the City Planning and Zoning Commission. Mr. Berry further stated that he was of the opinion proposed use of this property would not be detrimental to the adjoining property owners inasmuch as a number of Commercial establishments already existed in this area.

Mayor Garrison recognized Mr. William D. Perkins, attorney appearing in representation of opposition. Mr. Perkins stated that he was representing Mr. & Mrs. C. W. Finch who lived within 200 feet of proposed change and were present to oppose application. Mr. Perkins stated that providing this application was approved, his clients would be affected inasmuch as application was incompatible with residential area. Mr. Perkins stated that the point in question in regard to this proposed application, was whether or not there existed a public need for the zone change. Mr. Perkins stated that this area had sufficient business activity without any business additions at the present time. Mr. Perkins further stated that the City must be cautious not to damage this residential area and previous Comprehensive Plan studies conducted by the City determined this particular residential area should not be zoned Commercial.

Mr. Berry stated that the original development plan for this area indicated Commercial development of this particular block and he was of the opinion a Commercial zone was the best use for same.

Comm. Pat Foley stated that he had observed since JTT trailer plant had been in operation in this location, a new residence had been constructed in this area and a custom drapery shop did not seem to devalue or deter construction on this property. Comm. Pat Foley further stated that he was of the opinion the proposed zoning of this property to LB District was the best use of the property.

Comm. E. G. Pittman inquired as to the present status of lots owned by JTT Distributors. City Manager Westerholm stated that these lots were purchased by JTT Distributors from Mr. John Winston in their present condition.

Comm. Pat Foley made motion that zone change application by John L. McCollough and JTT Distributors from R-2 District to to LB District be approved on first reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman stated that approval of this application would provide a zone change in this area less severe than Commercial and would provide a tapering effect more adaptable to residential conditions.

Mrs. Finch stated that her primary concern was not with the proposed zone change application for the location of a curtain shop, but for the future use of Lots 6 and 7 owned by JTT Distributors.

7. Zone Change Tabled-W. L. Mewborn from R-1 District to A Dist.

Mayor Garrison stated that zone change application by W. L. Mewborn from R-1 District to A District covering property located at 904 Camp Street near intersection of Camp and Schuller Streets had been unanimously recommended for approval by the City Planning and Zoning Commission.

Mayor Garrison recognized Mr. W. L. Mewborn who explained that he desired to change the zone of this property to A District inasmuch as surrounding property was zoned A District for the location of an additional building to be used for apartment purposes. Mr. Mewborn explained that he had discussed this construction and proposed application with both the City Building Inspector and City Attorney. Mr. Mewborn explained that the City Attorney had recommended he consider his zone change application under the proposed plan which involved the movement of a residential building for relocation on this property.

Mayor Garrison recognized Mr. Jimmy Griffith who owned property in this area beyond 200 feet appearing in opposition to zone change application. Mr. Griffith stated that he had not appeared at the City Planning and Zoning Commission and was not aware of proposed application at the recommending level. Mr. Griffith explained that property owners within 200 feet of proposed application had not appeared at the City Planning and Zoning Commission meeting due to the fact that they did not understand application as proposed. Mr. Griffith further explained that he could provide members of City Commission a list of property owners in this area who would object to proposed application by next regular meeting. Mr. Griffith further stated that Mr. John A. Thomas, who lived at 911 Camp Street and owned property within 200 feet of proposed location, did object to application. Mr. Griffith stated that he was opposed to the type of building that would be located on this property for use as an apartment. Mr. Griffith stated that he was of the opinion that a house should not be moved into an apartment zone for use as an apartment complex without being under one roof as stated in definition for apartments. Mr. Griffith further stated that this type building would have a detrimental affect on the neighborhood and did not blend with existing apartment structures within the area.

Considerable discussion developed regarding this application as to whether or not a residential house could be moved onto a lot zoned for apartments and be separately used as an apartment complex. Mayor Garrison explained that he was of the opinion the proposed zone change for A District in this area was a reasonable request, but members of City Commission must decide as to whether or not the proposed building structure for location in this area would be adequate in an apartment zone under the existing zoning regulation. Mayor Garrison stated that he was of the opinion a legal analysis should be obtained by Mr. Mewborn and Mr. Griffith prior to next regular meeting regarding support of their particular opinions.

Comm. E. C. Wareing recommended that the City Commission obtain a brief reference to each item in the Zoning Regulation regarding construction of buildings under this circumstances prior to making a decision regarding same.

Comm. R. A. Brookshire made motion that zone change application by W. L. Mewborn from R-1 District to A District be tabled until next regular meeting to provide information as requested by Mayor Garrison, to include an impartial opinion by City Attorney. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Zone Change Approved 1st Reading-Bertha Miranda from R-3 District to D District

Mayor Garrison stated that zone change application by Bertha Miranda from R-3 District to D District covering property located at 209 Texas Boulevard, South of Shotwell Street at the corner of Shotwell

Street and Texas Boulevard 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. W. O. Ricks, Jr., made motion that zone change request by Bertha Miranda from R-3 District to D District be approved on first reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Approval of Drainage Easement-Russell Street-Doyle Oliver

Mayor Garrison stated that Mr. & Mrs. Doyle Oliver desired to purchase a lot on Russell Street which was deficient by 127 square feet for qualification as an R-1 lot. Mayor Garrison further stated that the Olivers had requested the City deed off 1.52 feet from its drainage easement on the rear of the lot to provide a total square footage in excess of 12,000 square feet to meet this requirement. Mayor Garrison stated that the City had appraised this easement and same was estimated to be \$20 in value.

Mayor Garrison stated that the City would reserve the easement and it would be necessary that members of Commission authorize him to execute a deed in this regard.

Comm. E. C. Wareing made motion that Mayor Garrison be authorized to execute a deed reserving easement to the City and provide the necessary footage from the City's drainage easement to satisfy request by Mr. & Mrs. Oliver. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Kurth Memorial Library - Designation as Community Library

Mayor Garrison stated that the Kurth Memorial Library had made application and received approval for membership in the State Library System and a resolution accepting this designation by the City of Lufkin would be necessary to formalize this membership. Mayor Garrison further stated that the Board of Directors of the Kurth Memorial Library requested members of the City Commission consider approval of a proposed resolution in this regard.

Comm. E. C. Wareing stated that he assumed the City's commitment to the library would remain the same as a result of this declaration and made motion that resolution be approved accepting the designation of the Kurth Memorial Library as a Community Library under the Library Systems Acts of 1969. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Civic Center Construction - Time Extension Approved

City Manager Westerholm stated that he had received a letter from Mr. Jerry Hill requesting an extension of time in compliance with the Herman Bennett contract on the Civic Center construction. Mr. Westerholm stated that Mr. Hill had recommended an 11-day extension due to inclement weather which would bring the total in this regard to 85 days on the contract and the estimated completion date was December of 1975. Mayor Garrison requested that future requests for extensions show the exact completion date with the addition of time extensions previously approved by this Commission.

Comm. Joe E. Rich made motion that request for extension of time for a total of 11 days be approved in accordance with request by contractor. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Community Development Discretionary Block Grant Accepted

City Manager Westerholm stated that the City had received approval on the \$300,000 Community Development Discretionary Block Grant for improvements to Keltys Street, sanitary sewer collec-

tion system in Keltys and minor improvements to Brandon Park. City Manager Westerholm further stated that authorization would be necessary from the City Commission for the Mayor to formally accept this grant for the City of Lufkin.

Comm. E. C. Wareing made motion that Mayor Garrison be authorized to formally accept this grant on behalf of the City of Lufkin and complete the necessary steps involved in execution of proper documents. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. 1975-76 City Budget Discussed

Mayor Garrison stated that the 1975-76 City Budget had been presented to members of Commission and also a sewer study for review as previously requested. Comm. W. O. Ricks, Jr., made motion that members of Commission be provided additional time to review the Budget, having only received the sewer study requested this date, which would effect the budget as presented, and further discussion be tabled until next regular meeting. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Stephens Construction Co. - Payment of Estimate

City Manager Westerholm stated that the City had received Estimate #18 from HDR regarding sanitary sewer improvements by Stephens Construction Company which indicated an amount payable to contractor in the amount of \$133,409.94. Mr. Westerholm stated that this amount reflected a retainage in the amount of \$3,000, which was recommended by HDR.

Considerable discussion developed regarding whether or not \$3,000 retainage would be adequate in view of the fact that the City had received letter from Mr. Tommy Steele and a check in the amount of \$1,800 to settle a disagreement with a property owner involving repairs to his property as a result of construction.

City Attorney Flournoy stated that the City Inspector J. B. Grider had estimated repairs to this property would be \$1,800 and Mr. Steele was desirous of refunding the City this amount to satisfy property owner. Mayor Garrison inquired of City Attorney Flournoy if the City had any obligation toward satisfying this situation as an outside party. City Attorney Flournoy stated that the City was under no obligation in this regard and the Commission may desire to write Mr. Steele a letter outlining the exact procedure for which responsibility would be obtained by both parties to prevent the City from receiving undue liabilities.

Comm. R. A. Brookshire made motion that Estimate #18 presented by HDR in the amount of \$133,409.94 be paid to Stephens Construction Company in accordance with amount as indicated, with a \$10,000 retainage. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Morris Frank - Disc. of Future Memorial

Comm. Joe E. Rich stated that this community had recently been saddened by the death of Mr. Morris Frank, a native Lufkinite and well-known news columnist and sports commentator. Comm. Joe E. Rich further stated that Mr. Frank had always been mindful of his home town and had a sincere respect for same and the activities of this community. Comm. Rich suggested that this Commission give serious future thought to memorializing Mr. Frank by naming a building or street in his honor.

Members of Commission were in complete agreement with suggestion by Comm. Rich to memorialize Mr. Frank in this regard on future occasion.

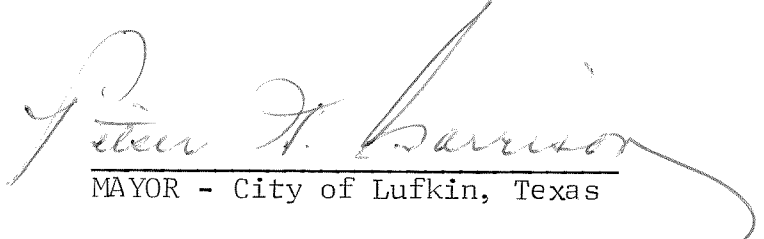
16. Transportation of Hazardous Materials-Disc. of Proposed Ordinance

Comm. Pat Foley stated that he had previously requested the City staff conduct a study of transportation of hazardous materials

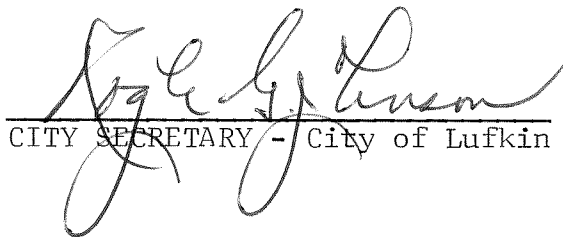
through the City for report to this Commission. Comm. Pat Foley further stated that he had received a letter from Mr. Westerholm regarding the transportation of these materials and recommended a proposed ordinance be reviewed by members of this Commission as soon as possible. Mayor Garrison asked City Manager Westerholm to place this item on the agenda for next regular meeting for consideration as requested by Comm. Pat Foley.

17. Adjournment

There being no further business for consideration, meeting adjourned at 9:03 P. M. into an executive session to consider pending litigation regarding operation of dancehall by Mr. Fancher.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin