

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF MARCH, 1977, AT 7:30 P. M.

On the 1st day of March, 1977, 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
Jack McMullen	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. Lynn Parker, Pastor of Herty Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers, and introduced Webelo Scout Group #121 and Scoutmaster Gary Kennedy, who were present as observers.

3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of February 15, 1977, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Open Hearing-Annexation & Permanent Zoning Request-Tom Gann

Mayor Garrison recognized Mr. Tom Gann appearing in representation of his request for annexation and permanent zoning which had been previously recommended by the City Planning and Zoning Commission in a previous hearing covering property located between FM 58 & Highway 59 South, near Whitehouse Cemetery. Mr. Gann stated that he did not desire to add any additional information regarding request and explained it was his understanding individuals present appearing in opposition to this proposal were only opposed to proposed Apartment zoning.

Mayor Garrison then recognized Mr. John K. Henry appearing as spokesman for the majority of individuals present appearing in opposition to the proposed Apartment zoning of this property. Mr. Henry presented members of the City Commission petitions containing the names of individuals within the immediate area, primarily Kentwood and Forest Hills Additions, who were in opposition to the Apartment consideration for various reasons as outlined in petitions, copies of which are attached to minutes for permanent record.

Mr. Henry stated that the desire of the property owners in this area was that Mrs. M. L. Gann and Mr. Natt Gann consider single family residential zoning in lieu of apartment consideration for their property to coincide with surrounding property. Mr. Henry reminded members of Commission that he did not represent any individuals who were opposed to annexation as proposed.

Mayor Garrison then recognized Mr. Natt Gann, owner of property being considered for apartment zoning. Mr. Gann stated that he had recently attempted to contact Mr. John Henderson, owner of property in front of two tracts being considered for apartment zoning with regard to access consideration. Mr. Gann stated that if Mr. Henderson did not allow necessary property for access, zoning would not be necessary.

Other individuals recognized by Mayor Garrison appearing in opposition to application were Mr. Joe Vaughn residing on Somerset Street, Dr. Michael Sabo residing at 407 Whitehouse Drive and Mr. Dave Hankins residing on Ricks Road outside City Limits.

Mr. Hankins expressed his opposition to the apartment zoning due to lack of access and Ricks Road would receive additional traffic flow. Mr. Hankins was of the opinion that the consideration of apartments in this area would also create a spot zone.

In addition to comments regarding opposition previously stated, Mr. Joe Vaughn expressed to members of Commission his personal opposition to the annexation if the City did not annex the ROW for maintenance of Whitehouse road in this area.

Mayor Garrison again recognized Mr. Natt Gann who stated that he did not have any particular use for the property at present, but desired it be zoned A District inasmuch as the opportunity may prevail in the future if access was obtained which would allow development of this property for apartment use. Mr. Gann also stated that it would be easier to have an apartment zone for future use when it may be more difficult to zone the area. Mayor Garrison inquired of Mr. Natt Gann as to whether or not he would oppose consideration of an RS zone on his property until he was decided on a purpose for which he planned to use this property. Mr. Gann stated that he had no opposition to residential consideration, but without access to his property, annexation would not make any difference. It was reported by Mr. Dave Hankins, in opposition to application, that Mr. Natt Gann's sister's property had been divided into six lots.

Mayor Garrison stated that from information presented, it appeared that apartments may not be the best choice for zoning in this area, but members of Commission should consider this proposal on first reading at next regular meeting, with regard to annexation and permanent zoning. Mr. Natt Gann requested that his property, to include the M. L. Gann property, be withdrawn from annexation consideration in an attempt to solve the problems proposed at this hearing.

Mayor Garrison officially closed hearing regarding this annexation proposed and reminded individuals present that formal consideration of this annexation and permanent zoning request would be considered for first reading of ordinance at next regular meeting.

5. Open Hearing-Proposed Street Closing-Kiln, Douglas & Bonner Streets-Lufkin Industries

Mayor Garrison recognized Mr. Frank Stevenson appearing as spokesman for proposal by Lufkin Industries to close portions of Kiln, Douglas and Bonner Streets as previously advertised. Mr. Stevenson presented members of Commission individual reports regarding proposal by Lufkin Industries for this consideration by members of Commission. Mr. Stevenson stated briefly that proposal submitted members outlined the basic consideration of Lufkin Industries to make necessary street closings for the expansion of their facility within this area and purchase of property through standard procedure for appraising and purchase as required by the City. Mr. Stevenson stated that it would be necessary to close the streets and the results would involve removal of a bottleneck in a thoroughfare. Mr. Stevenson also stated that the building on Angelina Street proposed for remodeling and expansion would be used for precision gear production.

Mr. Stevenson stated that in addition to this proposal to close streets, Lufkin Industries would construct a mini-park in the downtown area near the Lufkin News. Mr. Stevenson also submitted to members of Commission a copy of letter from the Downtown Merchants Association Chairman U. J. Conner, which indicated their support of this project. A copy of this letter is attached to minutes for permanent record.

Mr. Stevenson stated that further meetings between Lufkin Industries and this Commission may be necessary to work out possible trade agreements, but entire project would take a minimum of three years to develop.

Mayor Garrison recognized Dr. Basil Atkinson who expressed his approval of this consideration which would widen Raguet and assist the City tremendously in the flow of traffic in this area. Mayor Garrison stated that it appeared the widening of Raguet to the railroad tracks at Angelina Street may be a possibility as a result of this proposal.

Mayor Garrison then recognized Mrs. R. B. Honey, Kiln Avenue, who expressed her support of the Raguet Street widening and expressed her opinion that this street construction was quite essential. Mrs. Honey then expressed her opposition to the proposed expansion of the Lufkin Industries

buildings in this area. Mrs. Honey stated that her primary concern for the enlarging of the industrial complex in the area was due to the pollution that would be experienced by property owners in the immediate area.

Mayor Garrison also recognized Mr. Tom Meredith of the Lufkin News. Mr. Meredith expressed the support of the Lufkin News for this project by Lufkin Industries and stated that the proposal would enhance the beauty of the area and compliment the surrounding facilities as a super addition to the downtown area, while also creating more taxes for the City. Mr. Meredith requested that the large magnolia tree on Bonner Street be reserved by this construction, if possible. Mr. Stevenson from Lufkin Industries explained to Mr. Meredith that there were no plans to remove this magnolia tree.

Mayor Garrison presented statistics provided by Lufkin Industries which verified the public service of this industry to the community and the need which it had served throughout the years by furnishing employment to many citizens and taxation support for the City.

Comm. E. C. Wareing then made motion that formal ordinance be considered at next regular meeting for first reading to consider proposal by Lufkin Industries to close streets as indicated, subject to the collection of all information required by this Commission to provide good judgement. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman requested that the record reflect his abstaining from any vote in this consideration due to his employment association with Lufkin Industries.

6. Zone Change Denied 1st Reading-Arlie Luce from RS to NR District, Special Use (Barbecue Facility, No Curb Service)

Mayor Garrison briefly explained previous recommendations of the City Planning and Zoning Commission with regard to zone change application by Arlie Luce from RS to NR District, Special Use (Barbecue Facility, No Curb Service), covering property located West of & fronting on Calvert Street, North of Kerr Avenue intersection, to include previous consideration of this Commission at last regular meeting.

There were no persons present appearing in representation or opposition as recognized. Comm. R. A. Brookshire stated that he had requested at last regular meeting of the City Commission this item be tabled until he could personally review the circumstances of application with regard to its location. Comm. R. A. Brookshire then made motion that zone change application by Arlie Luce from RS to NR District, Special Use (Barbecue Facility, No Curb Service), be denied. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Zeleskey Law Firm from C, RS & RL to HM District

Mayor Garrison stated that zone change application by Zeleskey Law Firm from C, RS & RL District to HM District covering property located North of Kurth Drive & East & West of Sayers Street, South of & parallel to A&NR Railroad Track, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Zeleskey Law Firm from C, RS & RL to HM District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Following vote, Comm. Jack McMullen requested that record reflect his formal abstention from vote due to his job affiliation with A&NR Railroad.

8. Zone Change Approved 2nd Reading-Tom Gann from RL to RM District

Mayor Garrison stated that zone change application by Tom Gann from RL to RM District covering property located South of & fronting on Janeway Avenue, West of Highway 59 South, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Tom Gann from RL to RM District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Zone Change Approved 2nd Reading-Dale Stubblefield from RL to C District

Mayor Garrison stated that zone change application by Dale Stubblefield from RL to C District covering property located East of Loop 287, South of Paul Avenue, being narrow strip behind Southeast corner running from Loop 287 to Paul Avenue, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Dale Stubblefield from RL to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Zone Change Approved 2nd Reading-Buster Cook from RS to LB District, Special Use (Retail Nursery)

Mayor Garrison stated that zone change application by Buster Cook from RS to LB District, Special Use (Retail Nursery), covering property located West of & fronting on Payton Street at intersection with Fred Street, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Buster Cook from RS to LB District, Special Use (Retail Nursery), be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Sub-Division Ordinance #1170-Proposal to Add New Street Definition Postponed

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended the addition of a new street definition to the Sub-Division Ordinance and a copy of this recommendation, to include the materials used for this new street definition, was supplied each members of Commission for review.

Mayor Garrison recognized Mr. Raymond Moore, a representative of the City Planning and Zoning Commission, who was present with regard to recommendation submitted by the City Planning and Zoning Commission. Mr. Moore stated that the recommendation submitted by the City Planning and Zoning Commission was due to information supplied members of the Planning Commission from the City Engineering Department based on recent requests by developers for the possibility of adding this type street definition. Mr. Moore stated that definition proposed would be adequate provided all components of constructions were completed.

Comm. W. O. Ricks, Jr., inquired of Mr. Moore regarding whether or not the soils in this area would adapt to components of this particular street. Mr. Moore stated that the soil conditions in this area were not ideal for the use of this street, but proper construction and sealer coat, which was a part of requirement, should adequately protect the longevity of the street.

Considerable discussion developed with regard to this proposal, and Mr. Moore answered a number of questions from various members of the Commission. Comm. Jack McMullen reported that he had recently used this type street on A&NR Railroad property and he was very pleased with the results.

Comm. E. G. Pittman inquired as to whether or not this Commission should consider acceptance of this street definition on a trial basis, prior to making final judgement.

Comm. W. O. Ricks, Jr., suggested that this particular street be constructed within a particular area by the City on a trial basis prior to reconsideration for amendment to Sub-Division Ordinance.

Comm. R. A. Brookshire then made motion that Sub-Division Ordinance #1170 not be amended until City Manager Westerholm could present results of experimentation by the City in a certain area to test the stability of this type street. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman suggested that the City Planning and Zoning Commission be notified of this decision by the City Commission.

12. Commercial Sewer Bills-Ordinance Proposed for Applying Surcharge Postponed

City Manager Westerholm reported that the Texas Water Quality Board had approved the City's schedule for bringing the Water Pollution Control Plant into compliance by December 17, 1977. City Manager Westerholm further reported that one of the propositions in the City's plan was the application of a surcharge to all commercial customers, based on the EPA's national average for the strength of their effluent. City Manager Westerholm stated that the City was of the opinion that since industries made a surcharge based on the strength of their sewage, other commercial customers should be required to do the same.

Comm. R. A. Brookshire inquired of City Manager Westerholm as to alternatives commercial concerns could adopt to prevent the implementation of this proposed surcharge. City Manager Westerholm stated that 24-hour composite tests could be made or commercial users could cut back on the use of their water.

Comm. R. A. Brookshire desired more information be presented prior to consideration for approving this proposal. City Manager Westerholm stated that he would prepare reports of various users without naming any particular business on a comparison basis to reflect possible increases if members of Commission desired.

Comm. Pat Foley stated his reluctance to vote for this proposal until more information was available which provided a justification for evaluating this new cost.

Comm. E. C. Wareing stated that this proposal had not worked with the industry because it had not presented any incentive to reduce the load at the Water Pollution Control Plant. Comm. Wareing stated that incentives should be sought which would reduce the load at the Water Pollution Control Plant.

City Manager Westerholm reported that he was not aware other Cities had applied this flat rate as recommended. Mayor Garrison stated that information which could be supplied by City Manager at a later meeting may help in creating a possible solution this problem.

Mayor Garrison again recognized Dr. Basil Atkinson who was present with regard to this proposed surcharge. Dr. Atkinson stated, as owner of a local candy company, bakeries and other similar type facilities used a considerable amount of starch which caused considerable pollution at the Water Pollution Control Plant due to employees who washed down floor areas. Dr. Atkinson stated that he had found by reducing the amount of washdowns in floor areas of various commercial concerns, he had reduced his pollution considerably. Dr. Atkinson stated that he felt the City did need the additional revenue to offset any costs. Dr. Atkinson also expressed his opinion that HDR may not have shown a high enough figure on infiltration into the plant at the time study was made because present figures did not agree and should be re-evaluated.

City Manager Westerholm reported that the present Water Pollution Control Plant facility was designed for 300 parts per million and was presently receiving 350 to 500 parts per million.

13. Abandoned Vehicles - Disc. of Proposed Facility

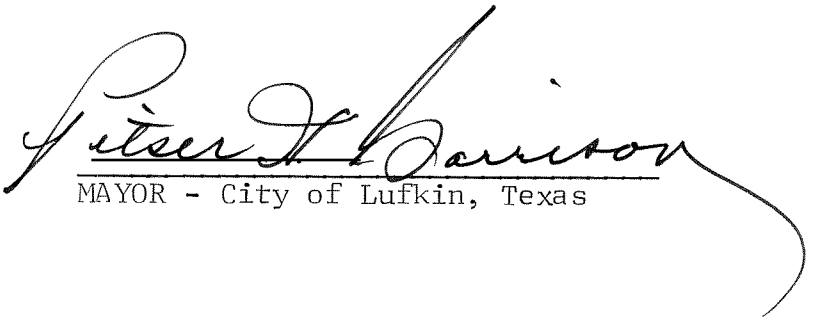
Comm. R. A. Brookshire requested that City Manager consider possibility of the City acquiring a facility for the holding of impounded vehicles due to the fact that he had received recent information that a citizen who had left an abandoned car was instructed by the Lufkin Police Department to reclaim his car at a local wrecker company. Comm. Brookshire stated that it was his personal opinion that citizens should deal with the City if the City was responsible through the Police Department for removing these abandoned vehicles from the streets. Comm. Brookshire further stated, however, he was informed that the City had no location for impounding these vehicles and it was his opinion that a facility should be provided.

City Manager Westerholm stated that this had always been the procedure of the City, but he would make necessary review of facilities and report back at a later meeting.

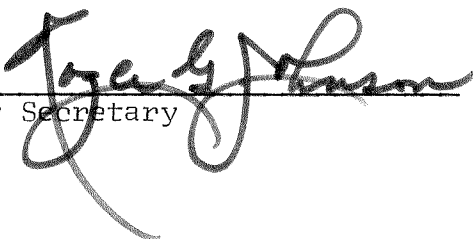
Mayor Garrison requested that City Manager Westerholm, in his report, indicate how often abandoned vehicles were removed from the streets by the Police Department.

14. Adjournment

There being no further business for consideration, meeting adjourned at 9:20 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
City Secretary