

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 11TH DAY OF JULY, 1978, AT 7:30 P. M.

On the 11th day of July, 1978, 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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present, and

Richard Thompson	Commissioner at Large, Place B
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. David Snowden, Pastor of Keltys Methodist 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.
3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of June 20, 1978, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Permanent Zoning Approved 1st Reading-Harmony Hill Area

Mayor Garrison stated that a hearing had been held at last regular meeting regarding permanent zoning of the Harmony Hill area. A large group of individuals were present regarding zoning within this area located between U. S. Highway 59 South and FM 58. Mayor Garrison stated that due to the complexity of the zoning in this area, the proponents for various zones be individually recognized.

Mayor Garrison first recognized Mrs. Bruce Perry representing her property in this area on which she desired zoning for Apartment & Special Use to accommodate future townhouses. Mrs. Perry stated that no proposed outlet was planned at the present time because no immediate development plans had been considered. Mrs. Perry also stated that she did not desire to pursue the application if there was considerable opposition from property owners within her area.

Mayor Garrison recognized Mr. Don Duran, attorney appearing in representation of Mr. John Winston's property located adjacent to property owned by Mrs. Perry. Mr. Duran stated that Mr. Winston was in opposition to any apartment complexes being planned within this area due to the traffic and noise that same would create near his residence.

Mayor Garrison then recognized Mr. Eddie McFarland appearing in representation of Mr. James Alexander. Mr. McFarland stated that Mr. Alexander proposed that the area be maintained as primarily residential, which had been the status quo in this area, and Mr. Alexander was in opposition to any apartment construction in this area on the Perry property or any commercial construction.

Mayor Garrison then recognized individuals present concerned with the zoning of property previously described located at the Southwest intersection of FM 58 and Loop 287. Mayor Garrison recognized Mr. Walter Borgfeld representing Mr. Tom Gann. Mr. Borgfeld stated that his client, Mr. Tom Gann, desired that the balance of his property be zoned commercial and any consideration for residential property in this area would be deeming Mr. Gann's property worthless for the use for which same had been purchased at an earlier date.

Mr. Borgfeld also stated that all of this tract, which included the the property being considered for zoning to commercial and the property presently inside the City which was already zoned commercial, was being used for this purpose and Mr. Gann had erected a warehouse at the south portion of his property and proposed to use the balance of same for commercial purposes. Mr. Borgfeld stated that the Winston property provided a 650-foot residential buffer to the nearest constructed residences on Harmony Hill, which seemed to be more than adequate to protect residential properties in the Harmony Hill area.

Mayor Garrison then recognized Mr. Larry Byrd, attorney appearing in representation of Dr. Maurice Matchett. Mr. Byrd stated that his client proposed to use his property for commercial purposes and development plans had been made for same. Mr. Byrd stated that his client would oppose any residential zoning for the balance of his property for the same reason as stated by Mr. Borgfeld.

Mayor Garrison also recognized Mr. Bob Kaszczuk, attorney appearing in representation of the Eaton Corporation. Mr. Kaszczuk explained that the Eaton Corporation had purchased this property for the purpose of extending the balance of same, which was outside the City Limits, for commercial purposes. Mr. Kaszczuk stated that providing the property could not be developed for commercial purposes, it would severely strain the potential growth of Eaton Corporation property and result in a possible future move.

Mayor Garrison then recognized Mr. Don Duran who stated that commercial zoning was not harmonious with the loop development and same would increase noise and additional problems for the residents in the area. Mayor Garrison inquired of Mr. Duran as to whether or not he was of the opinion that the Gann property and the Eaton property were presently being utilized for commercial purposes. Mr. Duran stated that to his knowledge his familiarity was only with the Gann property and he was of the understanding a commercial building had been constructed on the south portion of this property outside the City Limits.

Mayor Garrison then recognized Mr. Mark Miller who was in opposition to commercial zoning of the property previously described and located at Southwest intersection of FM 58 and Loop 287. Mr. Miller stated that as a residential property owner on Harmony Hill, he was very much concerned with any commercial extensions north of his property. Mr. Miller stated that in his opinion, extension of this zoning for commercial purposes was a matter of dollars and cents vs homesteads.

Mayor Garrison recognized Mr. Larry Byrd who expressed his opinion that the use of the property at the Southwest intersection of FM 58 and Loop 287 was primarily for commercial purposes which would benefit the City by additional tax revenues and same was located on a thoroughfare accessible to the public.

Mayor Garrison then recognized Mr. John Henderson appearing in representation of request for zoning of a portion of his property for an office building. Mr. Henderson stated that the zone proposed was for NR & Special Use to provide for a small office building in the future if same was considered for construction containing approximately one acre of property. Mr. Henderson also made reference to the fact that there may be some possibility that this property could be used for a park in the future in memory of Mr. John Redditt who previously had an office on this property. There was no opposition present regarding this request for an office structure by Mr. Henderson.

Comm. Pat Foley inquired of Mrs. Bruce Perry as to whether or not she would desire to withdraw her request based on opposition which had been stated regarding her application. Mrs. Perry stated that she desired members of Commission consider application regardless of opposition at this meeting. Mayor Garrison inquired of Mrs. Perry regarding possible access on her property in the future and whether or not she could benefit the Commission regarding her plans for this area. Mrs. Perry stated that at the present time she could not state whether or not the access would be on Loop 287 or Harmony Hill Drive. Comm. R. A. Brookshire inquired of Mrs. Perry as to whether or not she desired to specifically state whether or not she would develop townhouses as a specific use in this area inasmuch as, in his opinion, townhouses did not seem to depreciate residential property. Mrs. Perry was in agreement that townhouses would fit her future needs in this area and she did not propose to develop any rent property.

Mr. Don Duran stated that his client was more concerned with a development plan of this area and was of the opinion that a plan would be more favorable to determine specific opposition.

Comm. E. C. Wareing stated that, in his opinion, Mrs. Perry should present an application in the future which would propose a development plan, and any fee regarding application should be waived when application was presented. Comm. Wareing stated that under a development proposal, the overall impact could be reviewed.

Mayor Garrison suggested that each of these items in question be considered on a separate vote due to the complexity involved.

Comm. Pat Foley inquired of City Attorney Flournoy as to whether or not sight-bearing fences would be required if commercial zoning was established at the Southwest intersection of FM 58 and Loop 287 as previously stated. City Attorney Flournoy stated a six-foot sight-bearing fence would be required for erection on all properties owned by individuals stated if commercial zoning was finally approved by this Commission.

Comm. W. O. Ricks, Jr., made motion that property previously described located at Southwest intersection of FM 58 and Loop 287 be zoned commercial containing properties owned by Eaton Corporation, James Alexander, Tom Gann, Wendell Matchett and Maurice Matchett. Motion was seconded by Comm. Pat Foley who also requested that the commercial property owners in this area keep in mind the noise factor of their operations in their future developments for protection of residences. A unanimous affirmative vote was recorded in favor of motion.

Comm. E. C. Wareing made motion that property owned by Mrs. Bruce Perry be zoned residential large with the condition that Mrs. Bruce Perry, as a present property owner, be allowed future zoning consideration of her property in this area with all fees waived, without placing liability on the part of future Commissions for allowance of specific zoning requirements. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. Pat Foley made motion that property owned by Mr. John Henderson on Harmony Hill Drive containing approximately one acre near his residence be zoned residential large and neighborhood retail, special use, for office building inasmuch as no opposition was present regarding same. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

City Attorney Flournoy then read caption of ordinance for first reading outlining areas for specific zoning as previously voted, to include all areas as advertised for zoning on which no opposition was received. Comm. Jack McMullen made motion that ordinance be approved on first reading in accordance with decisions of Commission at this meeting and previously advertised zoning areas unopposed at this meeting. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. Cablecom of Lufkin-Rate Increase Request Postponed

Mayor Garrison recognized Mr. Wayne Neal and Mr. Steve Fox appearing in representation of Cablecom of Lufkin's request for rate increase. Mr. Neal invited comments from members of Commission.

Comm. Jack McMullen stated that he had reviewed application and information furnished by Cablecom, to include a report by Mr. Royal Dunlap, regarding proposal. Comm. McMullen stated that he personally desired more time to review the complex reports received and made motion that same be tabled, if possible, until next regular meeting.

Prior to vote on motion, Comm. Pat Foley asked Mr. Dunlap if he was prepared to review report as submitted which contained various projections regarding increase. Mr. Dunlap stated that information which had been presented would involve considerable time for review. Comm. W. O. Ricks, Jr., seconded motion made by Comm. McMullen to table this item until next regular meeting and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing expressed his opinion that members of Commission should attempt to ask any questions necessary prior to next regular meeting in an effort to complete a final conclusion on this proposal by next regular meeting.

6. Zone Change Approved 2nd Reading-Geraldine Bradford from RS to C Dist.

Mayor Garrison stated that zone change application by Geraldine Bradford from RS to C District covering property being Lots 9 & 10, West Eastwood Addition, fronting on East side of Locke Street, West of Timberland Drive, between Andrews & Nesbitt, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change application by Geraldine Bradford from RS 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.

7. Zone Change Approved 2nd Reading-J. C. Atkinson from RL to RM District

Mayor Garrison stated that zone change application by J. C. Atkinson from RL to RM District covering property located South of intersection of Lilac & Whippoorwill had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change application by J. C. Atkinson 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.

8. Street Dedication Approved-John Henderson-Dept. of Public Safety Building-Loop 287-Street Named Christie

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended approval of street dedication by Mr. John Henderson and street naming of Christie Street located near the new DPS building on Loop 287. There was no opposition present regarding proposal. Comm. W. O. Ricks, Jr., made motion that street dedication be accepted in this area as recommended by the City Planning and Zoning Commission, to include new street name proposed for same to be named Christie Street. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

9. Zone Change Approved 1st Reading-Berl Atkins from A to C District

Mayor Garrison stated that zone change application by Berl Atkins from A to C District covering property being Lot 2, Block 46, Denman Addition, located at Southwest corner of intersection of E. Kerr & S. Third, South of E. Denman Avenue, 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. R. A. Brookshire made motion that zone change application by Berl Atkins from A to C District be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

10. Alley Closing Approved-Berl Atkins, Block 46, Denman Addition

Mayor Garrison recognized Mr. Walter Borgfeld appearing in representation of alley closing request by Mrs. Berl Atkins. It was concluded that there were no utilities on this property and the City Planning and Zoning Commission had previously recommended approval of application. It was also explained that property owners involved had agreed to closing of the alley which would extend through the entire Block 46 as proposed. Comm. R. A. Brookshire made motion that Mayor Garrison be authorized to sign necessary deeds and conveyance for fair market value as required by law. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Zone Change Approved 1st Reading-Sabine Investment Company from A & SU to A & SU District (Townhouses)

Mayor Garrison stated that zone change application by Sabine Investment Company from A & SU District to A & SU District (Townhouses), Items 16, 23 & 25c, covering property located in the Crown Colony Subdivision, East of U. S. Highway 59 South, across from Angelina College, 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. Pat Foley made motion that zone change application by Sabine Investment Company from A & SU District to A & SU District (Townhouses), Items 16, 23 & 25c, be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Zone Change Approved 1st Reading-J. A. Conner, Sr., from C to LM Dist.

Mayor Garrison stated that zone change application by J. A. Conner, Sr., from C District to LM District covering property located between Newman Street & Red Town Road, adjacent to both streets, South of Kurth Drive, 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. Pat Foley made motion that zone change application by J. A. Conner, Sr., from C to LM District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading-Helen Whisenant from RM & LB District, Special Use, to LB District

Mayor Garrison stated that zone change application by Helen Whisenant from RM & LB District, Special Use, to LB District covering property fronting on Frank Avenue, being Southwest corner of Frank & Thompson intersection, had been recommended for approval by the City Planning and Zoning Commission.

Mayor Garrison recognized Mrs. Helen Whisenant who was present and inquired as to whether or not she would be desirous of amending her application to provide that it be changed to read LB & Special Use which would provide for a pet grooming shop with no overnight lodging of animals. Mrs. Whisenant was in agreement with this amendment.

There were no persons present appearing in opposition to zone change request. Comm. Pat Foley made motion that zone change application by Helen Whisenant from RM & LB District, Special Use, to LB District be changed to read from RM & LB District, Special Use, to LB District, Special Use, to provide for a pet grooming shop, and same be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

14. Zone Change Approved 1st Reading-Charlie Jumper from RL to D District

Mayor Garrison stated that zone change application by Charlie Jumper from RL to D District covering property located South of & fronting on Rice Drive, West of intersection with Chestnut Street, 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. Pat Foley made motion that zone change application by Charlie Jumper from RL to D District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

15. Civic Center Kitchen Facilities-Improvements Considered

City Manager Westerholm reported that Comm. R. A. Brookshire had requested a report be submitted regarding the needed items at the Civic Center kitchen area and consideration for increasing these facilities. City Manager Westerholm then made reference to the following information:

125 Dozen Desert Bowls-----	\$1,095.00
2 Plate Lowerators-----	1,820.00
2 Lowerators for Cups-----	1,856.40
4 Lowerators for Glasses-----	<u>3,712.80</u>
TOTAL-----	\$8,484.20

City Manager Westerholm stated that these items had been stated as needed items in the Civic Center kitchen area and same should be considered for bids, if members of Commission desired, in the present budget.

Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to advertise for the necessary bids which were required for the purchase of these items and cost of same could be reviewed at a later meeting.

Prior to second of motion, Comm. R. A. Brookshire made reference to the fact that, in his opinion, the Civic Center should be able to serve hot meals, and if this information was a requirement, same should be considered and established as a matter of priority.

Comm. Pat Foley inquired as to whether or not the items as listed above were listed in order of priority and Comm. R. A. Brookshire inquired as to how much money was available for the purchase of same.

Comm. W. O. Ricks, Jr., withdrew his previous motion to advertise for bids and requested that this item be considered at next regular meeting. Members of Commission were in unanimous agreement that this item be placed on the agenda for next regular meeting.

16. Dept. of Highways & Public Transportation-Signalization of Loop 287 & State Highway 103 West Approved

City Manager Westerholm reported that the Dept. of Highways & Public Transportation had requested that members of Commission express their opinion regarding proposed signalization plans for the intersection of Loop 287 and State Highway 103 West inasmuch as the signalization systems costs were borne by the City. City Manager Westerholm stated that if members of Commission desired to approve this signalization, same should be allowed in the budget for next fiscal year and the projected cost of same under their contract price was approximately \$14,000.

Comm. W. O. Ricks, Jr., made motion that the signalization plans be accepted and the City bear the cost as stated and recommended by the highway department. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, Comm. E. C. Wareing asked that the City consider the installation of this signalization system to save costs on proposed contract.

Mayor Garrison stated that the previous motion could be amended to provide the City furnish the signalization either by their contract or by the City's own services. Comm. Brookshire and Comm. Ricks were in agreement with this amendment and a unanimous affirmative vote was recorded to previous motion and second to authorize approval of same.

17. Lufkin Fire Dept.-Chemical Fire Truck-Purchase Authorized-Texas Forest Service

City Manager Westerholm reported that a letter had been forwarded to members of Commission from Fire Chief Billy Stephens indicating an offer by the Texas Forest Service to increase both the City of Lufkin's fire-fighting capacity and the Texas Forest Service responsibility in the area. City Manager Westerholm stated that Chief Stephens' letter indicated that the foam capacity of the truck which could be purchased was superior to any presently obtained by the City and would be an advantage at the offer of \$3,000, which could be financed from the City's contingency fund, if members of Commission desired.

Comm. W. O. Ricks, Jr., made motion that the vehicle be purchased from the Texas Forest Service in the amount of \$3,000 as indicated from the contingency fund. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

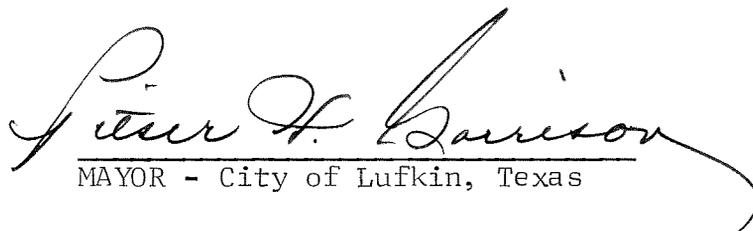
18. City Water Shortage-Disc. of Problems Regarding Water Availability

Comm. E. C. Wareing stated that recent problems had occurred with respect to the City's water shortage and he was of the understanding that the City was providing for the future in this regard. City Manager Westerholm stated that the City had made application for a 50 percent matching fund grant with EDA for an elevated storage tank, and same should be considered in October of this year. City Manager Westerholm also stated that if a new water well and pump were considered, a cost of \$125,000 to \$150,000 would be involved and a ground storage tank would cost approximately \$350,000.

City Manager Westerholm also reported that in recent water well improvements, the lowering of the pumps in the various wells proved to be a wise decision inasmuch as the recent demands on water had developed a severe need for water.

19. Adjournment

There being no further business for consideration, meeting adjourned at 8:45 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:



  
Assistant City Manager