

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF JUNE, 1982, AT 7:30 P.M.

On the 1st day of June, 1982, 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
Percy A. Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Commissioner E. C. Wareing in the absence of the pastor.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of May 18, 1982, were approved on motion by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Public Hearing - Annexation & Permanent Zoning - Duncan Construction-Approved for First Reading - Highway 94

Mayor Garrison recognized R. H. Duncan representative of application for Annexation & Permanent Zoning request covering property fronting on Highway 94 west of Loop 287 to be zoned Commercial and Apartment. Mayor Garrison opened public hearing.

Mr. Duncan stated that he planned to construct a 160 unit apartment building on ten (10) acres of the approximately 21½ acre tract, but had no plans, at the present time, for any construction on the balance of subject property

Mr. Oscar Milligan stated that he represented three-fourths (3/4) of the property owners in the area, and they do not want the housing development to be constructed. Mr. Milligan also stated that most of the property owners do not want to be annexed into the City of Lufkin. Mr. Milligan stated his two main concerns were people trespassing on his property after Mr. Duncan constructs a fence on Berry Road, and the water runoff caused by removal of trees from subject property. Mr. Duncan stated that he would fence the apartment complex for security with access from Hwy. 94 only, and a drainage pipe had been installed by the State during the widening of Hwy. 94 which would be partially utilized by his property.

Bill Roach representative of the Berry Estate stated that Berry Road should be included in the annexation. Mr. Roach stated that Berry Road is not a dedicated street but a strip of land belonging to the Berry Estate that serves as access to town for 20 to 25 families.

Commissioner E. C. Wareing stated that he would be reluctant to annex property served by Cripple Creek St. because the access to same would be through Hudson.

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Mayor Garrison stated that Mr. Duncan had originally requested annexation of his property only, but to provide for a more orderly annexation, the Planning & Zoning Commission had enlarged the area for consideration.

Ms. Della Russell, property owner, stated that the area is presently without any conveniences, and she would like to see improvements in the area. Ms. Russell stated that she preferred to be in the Lufkin City Limits rather than the Hudson City Limits.

Commissioner E. C. Wareing stated that an agreement should be considered with the City of Hudson concerning property with access from Hudson City Limits, and property that would extend into both City Limits.

Commissioner Bob McCurry stated that the apartment complex would provide homes for 160 families which are greatly needed in the area. Commissioner Percy Simond stated that he was in favor of the apartment complex and Mr. Duncan's willingness to invest money in the construction.

Commissioner Pat Foley stated that he would like to have a better map indicating property proposed for annexation and whether owners are opposed to same.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that Annexation & Permanent Zoning Ordinances be set for first reading on July 6, 1982 meeting of City Commission as presented. A unanimous affirmative vote was recorded.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that City Manager Westerholm contact the City of Hudson to ascertain if they would exchange lots served by Cripple Creek Street for other property to be annexed by the City of Lufkin. A unanimous affirmative vote was recorded.

Mayor Garrison stated that due to confusion about date that ordinance could be heard on first reading because of recent legislation dealing with annexation procedures he would welcome a definite motion regarding first reading. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Annexation & Permanent Zoning Ordinances be set for first reading at July 6th meeting of City Commission as presented. A unanimous affirmative vote was recorded.

5. Annexation & Permanent Zoning - Approved - First Reading Omer E. Scrogin - Herty Area

Mayor Garrison stated that because of the cost involved in the proposed annexation of the Herty Area, covering property bounded by the existing City Limits and east side of McKinney Street on the west, a line approximately 165 feet south of Freeman Street on the south, a line approximately 280 feet west of Kent Street on the east, and a line approximately 210 feet north of McHale Street on the north, some problems had been experienced. Mayor Garrison recognized City Planner Ed Richie who gave the following report: 71% of required right-of-way has been obtained but commitment to participate in cost of sewer is impossible to obtain without the exact amount of cost to each individual. City Planner Richie stated that 100% of right-of-way had not been given on any street and three (3) property owners refused to dedicate right-of-way involving 400 to 500 feet.

Commissioner E. C. Wareing stated that he would like to propose that \$3 per front foot be charged for sewer and if 75% agreement is received on the right-of-way acquisition, the Commission should move forward with the Annexation & Permanent Zoning. Commissioner Wareing further stated that the \$3 would cover 3/4 of the sewer installation cost and be fair to persons in Herty as well as present Lufkin citizens.

Commissioner Wareing stated that the cost of sewer could be handled in much the same way as curb & gutter assessments. A lien against the property would insure payment when the property is sold, if payment had not previously been made. In response to suggestion by Commissioner Pat Foley, Commissioner Wareing stated that the annexation should move forward with 71% of the right-of-way being dedicated due to several property owners being out of town.

In response to question from property owner, Mayor Garrison stated that the City would work with individuals to develop a plan for payment of sewer costs that would not be a burden.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that Annexation Ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded.

Commissioner E. C. Wareing stated that he would suggest the City Attorney draft an instrument to be signed by property owners granting right-of-way and that same be signed by 71% before approval of ordinance on second reading.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Permanent Zoning Ordinance be approved changing zone to residential small subject to approval of annexation. A unanimous affirmative vote was recorded.

James Templeton, City-County Health Unit, stated that his department would be willing to work with property owners with problems until the sewer is established.

6. Church Street Closing - Approved - Second Reading

Mayor Garrison stated that request to close Church Street had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that ordinance closing Church Street be approved on second and final reading. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Second Reading - Elmo Ray Scott - RM to NR, SU (Beauty Shop)

Mayor Garrison stated that zone change application by Elmo Ray Scott covering property located at 1712 Sayers Street from Residential Medium to Neighborhood Retail, Special Use (Beauty Shop) had been approved on first reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that zone change application be approved on second and final reading. A unanimous affirmative vote was recorded.

8. TP&L Rate Increase - Ordinance Approved - Second Reading

Mayor Garrison stated that the ordinance approving rate schedules of TP&L had been approved on first reading at last meeting of this commission.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Don Boyd that ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

9. Amendment - Approved - First Reading - Standard Building Code - Flood Plain

Mayor Garrison stated that the necessity to add a definition of the term "Flood Plain" to the Building Code requires an amendment to same.

City Attorney Flournoy stated that the Flood Plain Ordinance suggests that a definition should be added to the building code giving the City the right to approve any work done on property that affects the lay of the land as well as structural work.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner E. C. Wareing that ordinance be approved on first reading as presented. A unanimous affirmative vote was recorded with Commissioner Pat Foley declaring a reluctant "aye" due to questions regarding ability of City to refuse permits for construction.

10. Annexation & Permanent Zoning - Hearing Date Established - Angelina & Neches River Railroad

Mayor Garrison stated that a request for Annexation & Permanent Zoning by Angelina & Neches River Railroad covering property located north of Loop 287 and east of Davisville Road containing approximately 16 acres to be zoned light manufacturing had been recommended to City Commission by Planning & Zoning Commission for establishment of a hearing date.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that hearing be set for meeting of June 15, 1982. A unanimous affirmative vote was recorded.

11. Annexation & Permanent Zoning - Hearing Date Established - R. H. Duncan Construction

Mayor Garrison stated that a request for Annexation & Permanent Zoning by R. H. Duncan Construction, Inc., covering two (2) lots at west end of Copeland Street in Brook Hollow Addition No. 5, to be zoned Residential Large had been recommended to City Commission by Planning & Zoning Commission for establishment of a hearing date.

Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that hearing be set for June 15, 1982, meeting of City Commission. A unanimous affirmative vote was recorded.

12. Zone Change Application - Approved - First Reading - Robert Ray - RL to RS

Mayor Garrison stated that zone change application by Robert Ray covering property fronting on Wood Street between Holland & Hodge Streets from Residential Large to Residential Small had been recommended to City Commission by Planning & Zoning Commission. There was no opposition present.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

13. Timberland Drive & Shopping Mall Traffic - Discussed

Commissioner E. C. Wareing stated that in the absence of City Manager Westerholm and Mayor Garrison, he had, with the help of Assistant City Manager Roger Johnson, investigated inquiries regarding excessive amounts of traffic at Angelina Mall and an isolated fight on Timberland Drive. Commissioner Wareing stated that he had elected to include this item on the agenda in order to consider possible alternatives to the situation. Commissioner Wareing further stated that he felt three (3) items needed to be dealt with, 1) public roads, 2) private property available to public for access to business establishments, 3) altercation or "gang fight" as reported in Lufkin Daily News. Commissioner Wareing further stated that the City's jurisdiction is limited on action that can be taken on private property that is open to the public.

Commissioner Percy Simond stated that his concern was with the fight which could become a dangerous situation if not properly handled. Commissioner Don Boyd stated that if opportunities were provided for recreation most of the traffic on Timberland would rectify itself. Commissioner Bob McCurry stated that he believed installation of new recreation facilities would not help because the majority of the youth are not from Lufkin. Mayor Garrison stated that the solution would require the total community's cooperation, and an alertness to the problem to make sure it does not get out of hand. Mayor Garrison further stated that he had understood the youth were congregating outside stores and disrupting business, but no complaints have been received.

Police Chief Latham stated that most complaints deal with trash being thrown on the parking lot of Woolco and difficulty of Woolco customers in crossing the line of moving cars to return to their parked vehicles. Mayor Garrison stated that an anti-litter campaign could be a city wide project.

Commissioner Pat Foley stated that the Police Department is working with shopping centers to help solve the problem, and the fighting incident was blown out of proportion. Commissioner Percy Simond stated that the Police Department should have more officers that work exclusively with groups which tend to form gangs. Police Chief Latham stated that most problems occur after a dance given by the Mexican-American people where alcohol is served. Mayor Garrison stated that Lt. Amos Lewis could work with clubs and return a report in 30 days regarding his progress.

Mary Etta Moreau, Manager of Angelina Mall, stated that the City Commission cannot do anything to help solve the problem because of the shopping center being private property. Mrs. Moreau stated the following problems being experienced by Angelina Mall: throwing trash on the roof, driving across the porch, spinning tires, use of abusive language, and litter being thrown from cars. Mrs. Moreau stated that if the majority of the traffic would come after 9:30 p.m. it would be easier to handle because most of the businesses would be closed. Mrs. Moreau stated that the mall was considering one way drives and barricades to be erected in the parking lot.

City Attorney Bob Flournoy stated that a trespassing ordinance would have to be passed instead of loitering ordinance which requires a complaint filed by the

property owner and signs being posted that advise subjects not to come on the property. Mayor Garrison stated that he was not in favor of increasing the police force to take care of private obligations. Police Chief Latham stated that he could see a need for five (5) additional officers next fiscal year and plans to request approval from the City Commission in next year's budget.

Mayor Garrison stated that the City Staff and Police Department should be aware of the problem and make suggestions for solutions. Commissioner Percy Simond stated that more police officers should be hired, and people with the ability to relate to gangs should be recruited. Mayor Garrison stated that hiring should not begin before authorized quota is reached by the police department.

14a. Bid-Approved -Replacement Carpet-Civic Center

Mayor Garrison stated that bids had been received for replacement carpet for the Civic Center and Taylor Brothers of Lufkin was low bidder in the amount of \$32,800.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that the low bid of Taylor Brothers be approved as presented. A unanimous affirmative vote was recorded.

14b. Bid-Approved-Sewer Pipe & Tapping Materials

Mayor Garrison stated that bids had been received for the purchase of sewer pipe and tapping materials with Dickey Clay Pipe Company of Texarkana being the low bidder in the amount of \$18,850.32.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that the low bid of Dickey Clay Pipe Company be approved as presented. A unanimous affirmative vote was recorded.

15. Board Appointments - Standard Building Code Board of Adjustment & Appeals - Approved

Mayor Garrison stated that two members of the Standard Building Code Board of Adjustment & Appeals have terms that expire on June 10, 1982, Ray Scott & Jerry Hill.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that members be reappointed for another term subject to their acceptance. A unanimous affirmative vote was recorded.

16. Assistant City Manager - Resigns - Roger G. Johnson

Assistant City Manager Roger G. Johnson stated that he had tendered his resignation to the City Manager effective June 18, 1982, to accept employment with American National Insurance Company of Lufkin. Mr. Johnson stated that he appreciated the help given him by the City Manager and City Commission during his eleven (11) years of association with the City of Lufkin. Mayor Garrison stated that he appreciated the service Mr. Johnson has given to the City and wished him well in his new endeavor.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that the City Attorney draft a resolution honoring Roger G. Johnson for his service to the City. A unanimous affirmative vote was recorded.

- 17. There being no further business for consideration, meeting adjourned at 10:15 p.m.



Pitser H. Garrison
Pitser H. Garrison, Mayor

Ann Griffin
Ann Griffin, City Secretary