

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN,  
TEXAS, HOLD ON THE 15TH DAY OF NOVEMBER, 1983, AT 5:00 P.M.

On the 15th day of November, 1983, 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 Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E.C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary
Ron Wesch	Public Works Director

being present, and

Gil Fears	Commissioner, Ward No. 3
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being absent when the following business was transacted.

1. Meeting opened with prayer by James Anderton, Pastor of First Congregational Methodist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 1, 1983, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

4. Public Hearing - Annexation & Permanent Zoning - Sabine Investments - Crown Colony, Section VI-B - RL and A, SU (Townhouses)

Mayor Garrison stated that a request for annexation and permanent zoning had been received from Sabine Investments covering property located in Crown Colony, Section VI-B to be zoned Residential Large and also Apartment, Special Use (Townhouses). Mayor Garrison officially opened public hearing and recognized Bill Moreau, Engineer for Sabine Investments.

Mr. Moreau stated this is an extension of the special use townhouse zone presently being developed by Ralph Neely. Mr. Moreau further stated that the residential large section of the annexation is going to be a very special area with each lot being considerably larger than lots presently in the Crown Colony area. Mr. Moreau stated that some lots will be approximately one-half acre. There was no opposition present and due to lack of discussion, Mayor Garrison declared public hearing closed.

Motion was made by Commissioner E.C. Wareing and seconded by Commissioner Richard Thompson that annexation and permanent zoning be considered on first reading at next meeting of City Commission. A unanimous affirmative vote was recorded.

5. Ordinance - Approved - First Reading - Zone Change - Oscar Hightower and Charles Alexander - RM to C

Mayor Garrison stated that zone change request by Oscar Hightower and Charles Alexander covering property located on Maxwell Street between Highway 103 East and South Medford Drive from Residential Medium to Commercial had been recommended to City Commission by Planning and Zoning Commission without opposition. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that zone change application be approved on first reading with the following restrictions: a 50' setback and access limited to one (1) forty foot wide entrance as approved by the Texas Department of Highways and Public Transportation. A unanimous affirmative

vote was recorded.

6. Ordinance - Approved - First Reading - Joe Treadwell - RL to C

Mayor Garrison stated that zone change application by Joe Treadwell covering property located on S. John Redditt Drive between Lane Drive and Sandy Lane from Residential Large to Commercial had been tabled at last meeting of City Commission to allow Mr. Treadwell to meet with City Planner Ed Richie and redesign his building to conform to a 30 foot setback with parking behind the building line.

Mr. Treadwell stated that he had prepared the site plan indicating the 30 foot setback. In answer to question by Commissioner Pat Foley, Mr. Treadwell stated that there is a deeded 30 foot right-of-way easement on his property for Lane Drive development. Mr. Treadwell stated that he requested Commercial Zoning to conform to the surrounding area which is zoned Commercial. Mr. Treadwell stated that he had contacted the Texas Department of Highways which suggested an entrance on Lane Drive and an entrance onto the Loop at the east end of the property.

City Planner Ed Richie stated that according to the site plan, parking would be behind the 30 foot setback line, and the layout of the site plan conforms to the Thoroughfare Development Policy. 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 subject to the Thoroughfare Development Policy. A unanimous affirmative vote was recorded.

7. Zone Change - Approved - Second Reading - Jerry Hathorn - RL to LB, SU (Professional Offices - Thoroughfare Development Policy)

Mayor Garrison stated that zone change request by Jerry Hathorn covering property located at 607 S. John Redditt Drive between Red Bud and Pin Oak Lanes from Residential Large to Local Business, Special Use ( Professional Offices) 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 with implementation of the Thoroughfare Development Policy. A unanimous affirmative vote was recorded.

8. Zone Change - Approved - Second Reading - Buren E. Chandler - RL to NR, SU (Thoroughfare Development Policy)

Mayor Garrison stated that zone change request by Buren E. Chandler covering property located at 703 S. John Redditt Drive between Red Bud Lane and Pershing Avenue from Residential Large to Neighborhood Retail, Special Use (Thoroughfare Development Policy) 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 be approved on second and final reading with the stipulation that the 50 foot setback requirement of the Thoroughfare Development Policy be observed if any additional space is added to the existing building. A unanimous affirmative vote was recorded.

9. Zone Change - Approved - Second Reading - Lufkin Alcoholics Anonymous - RL to RL, SU (Alcoholics Anonymous Meetings)

Mayor Garrison stated that zone change request by Lufkin Alcoholics Anonymous covering property located at 1508 Diana between Highway 58 and Denman Avenue from Residential Large to Residential Large, Special Use (Alcoholics Anonymous Meetings) 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 be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. Zone Change - Approved - Second Reading - Leland Gay - LB to C, SU (Thoroughfare Development Policy)

Mayor Garrison stated that zone change application by Leland Gay covering property located on Lufkin Avenue between Ridge and Wood Streets from Local Business to Commercial 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 be approved on second and final reading with the stipulation of a 30 feet setback in observance of the Thoroughfare Development Policy. A unanimous affirmative vote was recorded.

11. Amendment - Approved - Second Reading - Private Club Ordinance

Mayor Garrison stated that amendment to the Private Club Ordinance 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 amendment to Private Club Ordinance be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

12. Amendment - Approved - Second Reading - Texas Municipal Retirement System Ordinance - Updated Service Credit - Increase in Retirement Annuities

Mayor Garrison stated that amendment to the TMRS Ordinance authorizing members who have served in other cities covered by Texas Municipal Retirement System to be eligible to receive updated service credit and an increase in retirement annuities had been approved on first reading at last meeting of this Commission.

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

13. Ordinance - Approved - First Reading - Zone Change - Lufkin Telephone Exchange, Inc. - RM to RM, SU (Item #11-Tower)

Mayor Garrison stated that zone change request by Lufkin Telephone Exchange, Inc. covering property located on Standley Drive between York and Virgil Avenue from Residential Medium to Residential Medium, Special Use (Item #11-Tower) had been recommended to City Commission by the Planning and Zoning Commission. Mayor Garrison stated that Lufkin Telephone Exchange wishes to build a new tower at this location which would require a special use zoning. There was no opposition present.

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

14. Appointment of Medical Director - Paramedic Program - City Manager Authorized to Negotiate

Mayor Garrison stated that the City of Lufkin had been attempting for the past eight (8) months to secure a Medical Director to supervise the paramedic program as required by the State Department of Health. Mayor Garrison stated that the City had been experiencing difficulty obtaining a medical director for the paramedics and asked that City Manager Harvey Westerholm explain the situation.

City Manager Westerholm stated that a physician who would be willing to negotiate a contract with the City to accept the responsibilities of medical director for the paramedics had been located. City Manager Westerholm further stated that Dr. Jim Culp who operates the Emergency Room at Woodland Heights General Hospital with the consent of Robert Benson, General Manager of Woodland Heights General Hospital had tentatively agreed to accept the responsibilities as Medical Director, but a salary had not been mutually agreed upon. City Manager Westerholm stated that the first year of the program would involve a great deal of time to establish the supervision procedure, train the paramedics, and instruct them in protocol, but the operation of the

Program would become much smoother each year of operation.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the City of Lufkin had contacted the County Medical Society first which referred the City Staff to several doctors that might be interested. City Manager Westerholm stated that Dr. Culp was the only physician that was interested in performing the service.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that City Manager Westerholm be authorized to negotiate an agreement with Dr. Culp to be submitted for consideration of the City Commission. A unanimous affirmative vote was recorded.

15. Repairs - Authorized - Folding Doors - Civic Center

Mayor Garrison stated that in the past several months the City of Lufkin had experienced numerous problems with the dividing partition doors at the Lufkin Civic Center. Mayor Garrison requested that City Manager Harvey Westerholm report to the City Commission on the problem.

City Manager Westerholm stated that it had been determined that the City crews could no longer make the necessary repairs and the manufacturer of the doors made an inspection and advised the City of the necessary repairs. City Manager Westerholm stated that the original manufacturer had ceased operation and the company had been bought by Panel-Fold, Inc. in Florida. City Manager Westerholm stated that the maintenance company for the Florida based company is in Maryland and a representative was sent to inspect the doors. City Manager Westerholm stated that the maintenance representative had advised that five (5) of the six (6) partitions should not be moved until all repairs are completed. City Manager Westerholm stated that all existing parts except the motor must be replaced in five (5) of the six (6) doors which include bearings, sprockets, channels, and drive mechanisms. City Manager Westerholm stated that information on the cost of the parts had been received indicating a total cost of \$11,410.00. City Manager Westerholm stated that only one company can make the equipment, but the labor would be performed by the Maryland company. City Manager Westerholm stated that City laborers would participate in the work and the labor charge would be \$17,688.00 for a total expense of \$29,098.00 which is not budgeted.

In answer to question by Commissioner Percy Simond, City Manager Westerholm stated that the seriousness of the problem with the doors was not known before budget preparation and that there are only two (2) or three (3) firms that would consider repairing doors as large as those at the Civic Center. City Manager Westerholm stated that the doors would have to be lowered to the floor for installation of the rollers, and some of the parts would have to be special made for the Civic Center doors which could delay completion of the project.

Mayor Garrison stated that he was concerned that the doors were properly installed when the Civic Center was built. City Manager Westerholm stated that the tracks were too light for the heavy doors, and the new tracks to be installed would be heavy duty. Mayor Garrison stated that the City had no choice but to repair a problem of this kind.

City Manager Westerholm stated that the \$83,000.00 receipts of sales tax could be budgeted for payment of the repairs.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E.C. Wareing that City Manager Westerholm be authorized to proceed with repairs to the Civic Center doors and that the budget be revised accordingly with money being transferred from the General Fund Contingency. A unanimous affirmative vote was recorded.

16. Resolution - Approved - Establishment of Hearing Date - Industrial Bond Financing - David Curry

Mayor Garrison stated that a request had been received from Bob Cain to approve a resolution establishing a hearing date to consider the establishment of certain areas as eligible for Industrial Development Bond Financing as requested by David Curry in regard to seven (7) acres near the intersection of Loop 287 and Highway 94 West. Mayor Garrison stated that the resolution submitted by Mr. Cain did not include the name of the applicant nor the Exhibit A that would give the location of the proposed property.

Commissioner E.C. Wareing made a motion that the item be postponed for consideration to allow time for the City Commissioners to review the area that is being considered.

Mayor Garrison stated that Mr. Cain was only asking for the establishment of a public hearing date, and he would be willing to set the date but information should not be brought to the City Commission meeting after distribution has been given to the City Commissioners.

Commissioner E.C. Wareing stated that in view of Mayor Garrison's remark, he would withdraw his motion to postpone consideration of the resolution.

Motion was made by Commissioner Percy Simond and seconded by Commissioner E.C. Wareing that resolution be approved and public hearing be established for December 6, 1983, meeting of the City Commission. A unanimous affirmative vote was recorded.

Commissioner Pat Foley stated that Mr. Cain had stated in his letter that the City Commission might want to declare the entire town as "blighted". Mayor Garrison stated that if the City Commission would like to consider this at the next meeting it could be made a part of the public hearing. Commissioner Pat Foley stated that he might need additional information but would like to consider including the entire town. Mayor Garrison stated that he would consider the entire town if the stipulation would be that Lufkin qualified for tax abatement because of high unemployment.

Bob Cain stated that the "blighted" designation could be given entirely on unemployment which is included in the present regulations.

City Attorney Bob Flournoy stated that the fact that the City of Lufkin has high unemployment would be an economic benefit to the City if it was declared "blighted" because with future legislation, it would be difficult to have any area qualify as "blighted".

Mayor Garrison stated that he did not understand how the section requested by Mr. Curry could be considered "blighted" because there are no delapidated structures on this piece of property. Bob Cain stated that if the entire City were considered, high unemployment would qualify the City of Lufkin for Industrial Bond Financing, but small sections could not qualify under unemployment figures.

Mayor Garrison stated that he was not willing to declare the City of Lufkin "blighted".

Commissioner Pat Foley stated that the Industrial Development Bond Financing was designed for industrial type operations but other sections of the state are offering the tax free bonds for development of whole cities and that the City of Lufkin would be at a disadvantage if the City Commission does not encourage the tax free bonds.

Bob Cain stated that as an alternative, the City Commission might want to consider the entire City as "blighted", but at the present time it is not necessary under this application.

City Attorney Bob Flournoy stated that by declaring the entire City as "blighted" we are not saying that all of the City of Lufkin is substandard but that a percentage or a small area is "blighted". City Attorney Flournoy further stated that the City as a whole has some areas that are substandard. Commissioner Pat Foley stated that the problem is that the legislation is not worded in a manner that would be pleasing to the Commissioners. Mayor Garrison stated tht he did not feel it would be fair to the City of Lufkin, the applicant, or to the City Commission to declare the entire City "blighted".

Commissioner E.C. Wareing stated that since the Lufkin Industrial Development Authority was developed there has been more and more tax free bonds sold and eventually a saturation point would be reached, and the City would have problems selling their own bonds because the market would be full. Commissioner Wareing further stated that the long range should be considered and at some point in time, there will be more tax free bonds for sale than there are buyers. Commissioner Wareing stated tht he would rather be able to sell City bonds than Industrial Development Authority Bonds.

Commissioner Pat Foley stated that the Federal Government was planning

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to slow down the development of commercial type revenue bonds. Commissioner Foley stated that he would like to see the City increase fees for administering the tax free revenue bond programs. Mayor Garrison stated that he did not object to an increase in fees for the processing of applications, and he would like to see information regarding the increase.

17. There being no further business for consideration, meeting adjourned at 5:55 p.m.



*Pitser H. Garrison*  
Pitser H. Garrison, Mayor

*Ann Griffin*  
Ann Griffin, City Secretary