MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF OCTOBER, 1973, AT 5:00 PM

On the 16th day of October, 1973, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

R. A. Brookshire

J. T. Hopson

E. C. Wareing

W. O. Ricks, Jr. E. G. Pittman

Harvey Westerholm Robert L. Flournoy

Roger G. Johnson

being present, and

Pitser H. Garrison Joe E. Rich

Mayor

City Manager

City Attorney

City Secretary

Commissioner, Ward No. 3

Commissioner, Ward No. 1 Commissioner, Ward No. 2

Commissioner, Ward No. 4

Commissioner at Large, Place A Commissioner at Large, Place B

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

- Meeting opened with prayer by Rev. Charles McIlveene, Pastor of First Baptist Church, Lufkin, Texas.
- Mayor Pro Tem Wareing welcomed a large group of visitors who were present in connection with items on the agenda or as visitors.

#### Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of October 2, 1973, be approved. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

## Proposed Annexation & Permanent Zoning - R. L. Cunningham

Mayor Pro Tem Wareing informed members of the City Commission and individuals present that open hearing had been held at last regular City Commission meeting for proposed annexation and permanent zoning of property located between existing City Limits and Tulane Drive and North of Kentwood Street as requested by R. L. Cunningham. There were no persons presents appearing in objection to proposed annexation and permanent zoning and City Attorney Flournoy read caption of individual ordinances for first reading annexing and permanently zoning property as previously described. Comm. W. O. Ricks, Jr., made motion that request for annexation by R. L. Cunningham's on property as previously described be approved on first reading of ordinance as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire made motion that ordinance covering areas as previously described in permanent zoning request by R. L. Cunningham be approved on first reading of ordinance and zoned C and R-1 Districts as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

# Zone Change Application-Doyle E. Bruce from R-1 to C District

Mayor Pro Tem Wareing explained that zone change application by Doyle E. Bruce from R-1 District to C District covering property located South of Slack Street extending parallel to and immediately South of Loop 287 and East of FM 58 had been approved on first reading of ordinance at last regular City Commission meeting. There were no persons present appearing

in objection to zone change application. City Attorney Flournoy Read caption of ordinance changing zone from R-1 District to C District in accordance with application. Comm. J. T. Hopson made motion that zone change application by Doyle E. Bruce from R-1 District to C District covering property as previously described be approved on second and final reading of ordinance as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Recreation & Parks Department - Awarding of Bids - Lighting & Fencing Equipment

City Manager Westerholm reviewed minutes of last regular City Commission meeting concerning lighting and fencing bids for the Recreation & Parks Department. In regard to these lighting bids, City Manager Westerholm explained that Marlin Associates, low bidder on this item, had been checked as requested from last regular meeting in regard to specifications and installation City Manager Westerholm stated that quoted price FOB, Lufkin. price from Marlin Associates at \$27.00 per each fixture included complete installation FOB, Lufkin. Considerable discussion developed and Comm. W. O. Ricks, Jr., inquired as to the amount of cost difference between Marlin Associates and the lowest local bidder. City Manager Westerholm stated that approximately \$150 difference in cost would be involved between bids by Marlin Associates of Houston and Watson Electric Company of Lufkin, lowest local bidder. Comm. W. O. Ricks, Jr., then made motion that Watson Electric Company of Lufkin, Texas, with a bid of \$28.21 per each fixture be awarded bid in order to support local business. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Regarding bids on fencing equipment tabled from last regular meeting, City Manager Westerholm stated that the Recreation & Parks Department would install fencing with posts being set in concrete and only galvanized fencing would be used. Pro Tem Wareing then called on Max Griffin, Recreation & Parks Director, who answered several questions regarding fencing bids. Considerable discussion developed regarding the possibility of re-advertising fencing equipment bids since motion had been presented regarding specifications which may not have indicated bid be placed for material only excluding installation estimates. Mr. Griffin stated that at least one local company had bid including cost of installation which should not have been a part of the bid. Comm. R. A. Brookshire made motion that bids on fencing equipment for the Recreation & Parks Department be readvertised due to circumstances as discussed and lack of clarity regarding same. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

In regard to future specifications on equipment and materials to be used by the City, Comm. R. A. Brookshire suggested that members of the City Commission be furnished copies of specifications along with advertisements for personal review prior to bid consideration. Other members of the City Commission were in unanimous agreement with this suggestion as presented by Comm. R. A. Brookshire and City Manager Westerholm stated that he would supply this information to Commissioners in the future.

7. Angelina County-City Health Unit - Approval of Ordinance - Control of Fruit Stands and Similar Food Establishments

City Attorney Flournoy explained that he had been requested to furnish members of the City Commission a proposed ordinance regarding the control of health standards in fruit stands and other similar food establishments during last regular City Commission meeting. City Attorney Flournoy then read caption of proposed ordinance as reviewed by members of the City Commission amending Section 12 of the Lufkin Code defining food establishments and food processing establishments within the City of Lufkin. There were no persons present voicing objection to this proposed

ordinance. Comm. E. G. Pittman inquired as to whether or not approval of this type ordinance would impose a hardship upon useful service group functions throughout the City as these groups attempted to sell food for their individual club projects. City Attorney Flournoy stated that it was not the intention of this ordinance to impose a hardship upon service clubs, and major intent of ordinance was for the basic sanitation control of fruit stands and food establishments giving the City authority, if occasion presented itself, to enforce these provisions when determined to be contrary to ordinance as would be indicated by a designated health official.

Further discussion followed regarding this proposed ordinance and it was determined that this amendment would provide that all persons handling food for sale would be required to have a Food Handlers Permit secured from the Angelina County-City Health Unit following medical examinations. It was also concluded that establishments would be required to have restrooms and proper facilities for sanitation under this ordinance. Comm. J. T. Hopson made motion that ordinance be passed on first reading amending Section 12 of the Lufkin Code in accordance with information as previously discussed defining food establishments and food processing establishments within the City of Lufkin. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

City Attorney Flournoy stated that he had accumulated necessary information as requested by City Commission members in regard to consideration of a proposed resolution giving authority to the Angelina County-City Health Unit to monitor various streams throughout the City and County for the control of polluted water and administration of the Water Pollution Abatement Program. City Attorney Flournoy explained that the Angelina County-City Health Unit would have certain authority under resolution approved by the City Commission to administer this program and locate polluters of streams in the City and County in an attempt to bring attention to violators who do not comply with State Laws regulating discharges.

It was further determined that violations would be reported to the City for corrective action and the Health Unit would not be involved in the filing of complaints or enforcement except to the extent of notifying polluters of violations.

City Manager Westerholm reported that local industries had been good to comply with requests by the City when pollution violations were reported. Comm. W. O. Ricks, Jr., made motion that resolution be approved granting the Angelina County-City Health Unit authority to administer the water Pollution Abatement Program as previously explained. Motion was seconded by Comma E. G. Pittman and a unanimous affirmative vote was recorded.

Prior to vote on motion as presented by Comm. W. O. Ricks, Jr., Comm. E. G. Pittman asked City Attorney Flournoy if the State would become involved as long as the City conducted this program. City Attorney Flournoy informed Comm. E. G. Pittman that as long as the City controlled this problem, State interference would not be necessary.

A unanimous affirmative vote was then recorded on motion as previously presented by Comm. W. O. Ricks, Jr.

9/ Gulf Oil Pineline Property - Neighborhood Park Development

City Manager Westerholm reported that a neighborhood park development proposal had been prepared and presented to members of the City Commission by Recreation & Parks Director, Max Griffin, as requested from last regular meeting. Comm. E. G. Pittman

asked Recreation & Parks Director, Max Griffin, who was present, if bike and hike trails could be confined to use of non-motorized vehicles. Mayor Pro Tem Wareing asked Recreation & Parks Director if motorcycle trails were being considered for other locations. In response to both questions presented, Max Griffin stated that the Neighborhood Park was not intended for motorbike use and old landfill site on North Lake Street was being considered as a future development for motorbike trail use. City Attorney Flournoy was considering an ordinance regulating the use of motorbikes within certain areas.

In further review of proposal as presented by Recreation & Parks Director, Comm. J. T. Hopson inquired about proposed lighting system to be used throughout park which would include approximately one mile. It was determined that low vandal-proof lights would be used primarily along the trails since parts of this area were already lighted by Texas Power & Light Company.

The subject of fencing was discussed within this proposed neighborhood park area and Recreation & Parks Director indicated that fencing would be required in some areas. Considerable discussion developed regarding lighting, fencing and other development proposals, and Comm. R. A. Brookshire expressed his concern that more information be furnished members of the City Commission regarding extent of area to be developed, cost of utilities, cost of fencing, lighting fixtures and other essential information prior to making final decision regarding approval of development proposal. Members of the City Commission unanimously agreed to suggestion as presented by Comm. R. A. Brookshire and Mayor Pro Tem Wareing requested that this item be placed on the agenda under old business for consideration at next regular meeting.

## 10. Mrs. Barbara Tucker - Petition to Condemn Jordan Apartments

Mayor Pro Tem Wareing called on Mrs. Barbara Tucker who was present to appear in representation of petition by property owners within the Jordan Apartment area located on Thompson Street requesting the City Commission to condemn the Jordan Apartments. Mrs. Tucker explained the concern of property owners within this area that the City Commission attempt to condemn these apartments or assist property owners toward improvement, reconstruction, or control of the poor condition of these apartments. Mrs. Tucker further stated that these apartments were poorly maintained and property owners supporting petition agreed that individual properties were being devalued as a result of prevailing conditions at the Jordan Apartments.

Comm. R. A. Brookshire asked other members of the City Commission if the City Commission had authority to condemn these apartments. Mayor Pro Tem Wareing stated that the City may be limited in its control of these apartments without a Housing CoteoriCity Manager Westerholm reported that property owners in this area had previously petitioned members of the City Commission for the same request in January, 1973, and the City Building Inspector and City Fire Marshal had inspected these premises and nothing could be done under the existing ordinances. City Manager Westerholm further reported that a Housing Code would provide enforceable maintenance standards if ordinance was approved establishing same.

Mayor Pro Tem Wareing suggested that the City Attorney and City Manager conduct a complete review of this situation and provide members of the City Commission a thorough written report, including various legal aspects, of conditions in this area by next regular meeting.

Considerable discussion developed in regard to this request by property owners concerning specific problems. It was determined that trash had accumulated around these buildings, and buildings appeared to be unsafe and poorly constructed. City Attorney Flournoy stated that the City was limited by ordinance and could only enforce problems with unsafe buildings and unsanitary conditions if verified by property authorities. Mayor Pro Tem Wareing also called on Mr. George Ricks who was present in representation of petition as presented by Mrs. Tucker and considerable review was made of existing conditions within this area. Various other details were discussed and members of the City Commission requested additional items to be added to proposed report as suggested by Mayor Pro Tem Wareing.

In support of request as presented by Mayor Pro Tem Wareing that City Attorney Elournoy and City Manager provide a written report on conditions in this area, suggestion was made by Comm. R. A. Brookshire that all departments be included in this report and Mrs. Tucker be provided a copy of same. Comm. E. G. Pittman made motion that City Attorney Flournoy and City Manager Westerholm be authorized to make report on this area in accordance with suggestion as presented by Mayor Pro Tem Wareing. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

11. Zone Change Application - Richard A. Willey & Travis Carrington from A District to NR District

Mayor Pro Tem Wareing stated that Mr. Gilbert Spring, Attorney, was present to represent zone change application by Richard A. Willey and Travis Carrington from A District to NR District covering property located immediately East of Loop 287 between R. H. Duncan Construction Company and Pin Oak Lane. Mayor Pro Tem Wareing further stated that a history of previous applications for zone change on this property had been provided members of the City Commission for review. Mayor Pro Tem Wareing asked Samuel Griffin, Chairman of the City Planning and Zoning Commission, to comment on this history dating back to November 11, 1971.

Following review of previous applications as discussed by Mr. Griffin, it was determined that zone change application by Richard A. Willey and Travis Carrington, had received a tie vote and unfavorable recommendation by the City Planning and Zoning Commission during previous meeting of April 12, 1973.

Mayor Pro Tem Wareing then called on Gilbert Spring who referred to previous complaints by property owners regarding proposed zone change by his client to NR District indicating that property would be devalued as a result of this change. Mr. Spring explained his belief that this area could best be used for Commercial use since it was on the Loop, similar to other property located on the Loop already zoned Commercial, and was adjacent to Commercial property. Mr. Spring further stated that he was not of the opinion that this zone change application would lower any property values and would best serve the City as an NR or similar type zone.

There were several persons present appearing in objection to zone change application as presented by Richard A. Willey and Travis Carrington and Mayor Pro Tem Wareing called on Mr. B. I. Deaton, 1902 Pin Oak Lane, to speak in behalf of petition from property owners within 200 feet of this property who were against application due to detrimental effect it would cause to the neighborhood. Mayor Pro Tem Wareing also called on Mr. Donald Kuehl, 1905 Pin Oak Lane, who expressed his concern that a stopping point should be made to prevent further encroachment of Commercial activity within this area.

Comm. E. G. Pittman expressed two points of concern in regard to application as presented. Comm. E. G. Pittman desire  $oldsymbol{d}$  to know the dimension of this lot and if property owners would settle for a Special Use consideration providing for a specific use of this property. Lot dimensions were determined and Comm. E. G. Pittman was informed that property owners did not desire any type Commercial use on this property under any circumstances.

Mayor Pro Tem Wareing called on Mr. Travis Carrington who explained that he would place deed restrictions for service station use on this property if property owners desired.. Comm. E. G. Pittman pointed out the fact that other property within this area being considered for Commercial use had been set back 110 feet from the property line to Loop for residential zoning to provide future parking under R-1 District & Special Use. Comm. E. G. Pittman stated that enough room would not be available within this lot if this area was zoned R-1 and the use of property would be destroyed. Mr. Carrington explained his previous concern that this lot was too small for the placement of apartments as currently zoned A District.

Following complete review of application, Comm. R. A. Brookshire made motion that zone change application by Richard A. Willey and Travis Carrington from A District to NR District be denied. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Pro Tem Wareing, Comms. R. A. Brookshire, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. J. T. Hopson

Mayor Pro Tem Wareing declared motion approved by majority vote of four to one.

Zone Change Application - Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c)

Mayor Pro Tem Wareing called on Mr. Maymard C. Campbell, Jr., appearing in representation of his zone change application from R-1 District to LB District & Special Use, Section 26(c), covering property located between Pin Oak Lane and Red Bud Lane and immediately North of Red Bud Lane extending parallel to and immediately East of Loop 287. Mr. Campbell explained that he had previously been issued building permit for the placement of a small building at this location for storage purposes and upon notice from the Building Inspector was made aware of the fact that a proposed radio repair service located within this building could not be allowed in the existing zone. Mr. Campbell then explained that he desired to operate a radio repair and installation service from this small building and would live within this same lot in a private home. Campbell stated that he did not receive opposition to this zone change request at the City Planning and Zoning Commission and was not aware of objecting property owners present at this meeting until being confronted with individuals this date. Campbell asked individuals present appearing in objection to his zone change request their reasons for objection.

Mayor Pro Tem Wareing called on Mr. Robert Hall who was present in objection to zone change application as presented by Mr. Campbell. Mr. Hall presented members of the City Commission a petition signed by property owners within this area who objected to zone change application as presented. Mr. Hall stated that this list contained the signatures of five individuals who did not desire business of any kind located within this area. Mayor Pro Tem Wareing also called on Mr. Donald Kuchl who had signed this petition and explained his objections against a business being located within this area since this Commercial activity may open the door to other future businesses.

Mayor Pro Tem Wareing explained new Special Use provisions under recent amendment to the Zoning Ordinance which would allow the property zoned to revert back to its original zone if use of property was discontinued. Mr. Hall and Mr. Kuehl agreed that they understood this Special Use provision but did not desire to favor application for reasons as previously discussed.

Comm. W. O. Ricks, Jr., asked if Mr. Campbell could present names of individuals supporting his application at next regular meeting. Mr. Campbell stated that he would have this information available at next regular meeting if members of the City Commission desired.

Comm. W. O. Ricks, Jr., then made motion that decision regarding approval of this application on first reading be withheld until next regular meeting in order to allow Mr. Campbell an opportunity to present names of individuals in support of his application who live within this area and other areas of the City. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Zone Change Application - Glenn E. Herron and Larry Strand from R-1 District to C District

Mayor Pro Tem Wareing called on Mr. Herman E. Bate, attorney appearing in representation of zone change application by Glenn E. Herron and Larry Strand from R-1 District to C District covering property located North of Teer Street and West of and extending parallel to Loop 287. Mr. Bate briefly reviewed the location of this property and amendment as recommended by the City Planning and Zoning Commission to zone property to C District. There were no persons present appearing in objection to zone change application as presented. Considerable discussion developed, however, in regard to proposal that a 110-foot strip of property be set back from the property line as R-1 District & Special Use for parking. Mayor Pro Tem Wareing explained the purpose for reserving a 110-foot strip for parking purposes as previously recommended for other zone change applications of this type fronting on Loop 287.

City Attorney Flournoy explained that the original intent of of application to zone one tract to LM District & Special Use under Section 26(c) of the new zoning amendment had not been recommended by the City Planning and Zoning Commission since he had been unable to attend meeting. Mayor Pro Tem Wareing further stated that since applicants for zone change must now seek a second zone change application, he would recommend that fees be waived when applicant submits second application from C District to LM District & Special Use, Section 26(c), for Petroleum Storage. Other members of the City Commission unanimously agreed withinecommendation as suggested by Mayor Pro Tem Wareing.

Comm. R. A. Brookshire then made motion that zone change application as presented by Glenn E. Herron and Larry Strand from R-1 District to C District be sent back to the City Planning and Zoning Commission for further review. Motion was seconded by Comm. J. T. Hopson. Prior to vote on motion, considerable discussion developed and City Attorney Flournoy explained the importance of prompt consideration by the City Commission on this application. Comm. R. A. Brookshire then withdrew previous motion and made further motion that zone change application be re-considered during first meeting of City Commission in November. Motion was seconded by Comm. J. T. Hopson.

Prior to vote on motion, considerable discussion developed regarding ll0-foot set-back to remain R-l District & Special Use for parking purposes. Following considerable discussion, it was agreed among all parties involved that a figure of 70.10 feet would be set back from the existing property lines at various points for R-l District & Special Use parking purposes

that would be satisfactory for parking. Comm. R. A. Brookshire again withdrew his previous motion and Comm. E. G. Pittman made motion that zone change application by Glenn E. Herron and Larry Strand from R-1 District to C District be approved on first reading of ordinance with 70.10 feet being zoned R-1 District & Special Use for parking purposes as described by various locations on plat presented by applicant. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

## Zone Change Application-William W. Dawson from R-1

Mayor Pro Tem Wareing explained that zone change application by William W. Dawson from R-1 District to C District covering property located immediately South of and extending parallel to Loop 287 between FM 58 and U. S. Highway 69 had been recommended for approval by the City Planning and Zoning Commission. There were no persons present appearing in representation of zone change application or against same. Comm. W. O. Ricks, Jr., made motion that zone change application by William W. Dawson from R-1 District to C District be approved on first reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

#### 15. Demolition of Buildings - Awarding of Bids

Mayor Pro Tem Wareing called on City Manager Westerholm who stated that he had furnished each member of the City Commission a copy of bid tabulation concerning the demolition of various buildings owned by the City. City Manager Westerholm stated that bids and tabulation were made October 11, 1973, for Central School building, Burke Apartments, J. D. Muller building, Johnny York building, and Episcopal Church Apartment building. City Manager Westerholm also stated that bids received for the demolition of the Burke Apartments and Central School building were considerably high and recommended that City forces be allowed to demolish these buildings with budgeted labor in order not to expend monies from City Budget. Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to permit City forces to complete demolition work on the Burke Apartments and Central School building due to high cost involved. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

In regard to bids received on Episcopal Church apartment building, Johnny York building and J. D. Muller building, City Manager Westerholm recommended that best bid as indicated in tabulation be awarded to bidder and further recommended that the City forces demolish the Johnny Work building since this bid had been withdrawn on October 12, 1973. The following bid tabulation was presented for consideration by the City Commission:

	•	J. D. Muller Building
		(215 South Second St.)
	Central School Building	Johnny York Building
	(502 North First St.)	(311 Charlton Street)
	<b>B</b> urke Apartments	Episcopal Church Apt.
Name of Biddery	(618 North First St.)	(219 South Third St.)

Olshan Demolishing Co. Houston, Texas

\$14,850

\$2,900

John D. Sims Gen. Cont. Lufkin, Texas

\$14,440 

\$10,300

Episcopal Church Johnny York Bldg. J.D.Muller Bldg. (219§S. Third St.) (311 Charlton St.)
Will Demolish at Name of Bidder

Gilmore C. Cox Bufking Texasa

No Charge

A. A. Wilkerson Lufkin, Texas Will Pay \$100 Will Demolish at

No Charge\*

Will Pay \$100

Herman E. Bate

Lufkin, Texas Will Pay \$103

\*Bid Withdrawn October 12, 1973.

Comm. W. O. Ricks, Jr., made motion that Herman E. Bate be awarded bid for Episcopal Church demolition, 219 South Third Street, in the amount of \$103. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire made motion that A. A. Wilkerson be awarded bid for the demolition of J. D. Muller building, 215 South Third Street, in the amount of \$100. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

In regard to recommendation by City Manager Westerholm that City forces demolish Johnny York building at 311 Charlton Street, City Commission unanimously agreed with recommendation by City Manager Westerholm and City Manager was granted authority to use City forces accordingly.

## 16. Street Improvement Projects-Curb & Gutter Paving Petitions

City Manager Westerholm informed members of the City Commission that estimates had been made regarding completion costs for various street improvement projects totaling \$190,175.08. City Manager Westerholm further stated that he desired authority from members of the City Commission to advertise for bids on these curb and gutter paving projects which had been placed in priority sequence for completion by date received and approved by the City Commission. City Manager Westerholm stated that providing this authority was granted, he desired these bids be considered by the City Commission on the second meeting of the City Commission in November, 1973.

Following a brief review of cost estimates, Comm. W. O. Ricks, Jr., made motion that various street improvement projects as listed by approval date order of curb and gutter paving petitions be advertised for bids in accordance with recommendation as presented by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

#### 17. Adjournment

There being no further business for consideration, meeting was adjourned at 7:15 P. M.

MAYOR PRO TEM - City of Lujkin, Texas

ATTEST:

CRETARY

ity of Lufkin, Texas