

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 15TH DAY OF DECEMBER, 1981, AT 5:00 P.M.

On the 15th day of December, 1981, 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
Percy A. Simond, Jr.
Don E. Boyd
Bob McCurry
Pat Foley
Richard Thompson
E. C. Wareing
Harvey Westerholm
Roger G. Johnson
Robert Flournoy
Ann Griffin

Mayor
Commissioner, Ward No. 1
Commissioner, Ward No. 2
Commissioner, Ward No. 3
Commissioner, Ward No. 4
Commissioner, Ward No. 5
Commissioner, Ward No. 6
City Manager
Assistant City Manager
City Attorney
City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by City Manager Harvey Westerholm.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of December 1, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Percy Simond, and a unanimous affirmative vote was recorded.

4. Zone Change Application - Denied - Mack Coward - RL&A to A,SU(Medical-Dental Clinic)

Mayor Garrison recognized Mack Coward appearing in representation of zone change application covering property located on Loop 287 between Crooked Creek and Reen Street from Apartment and Residential Large to Apartment, Special Use (Dental-Medical Clinic).

Mr. Coward stated that he had owned the property for 14 months, and same had a pipeline crossing it. Mr. Coward further stated that he would be in contact with the Pipeline Company to ask permission to put a parking lot over the pipeline. In answer to question by Mayor Garrison, Mr. Coward stated that he originally purchased 7½ acres, 1½ acres was Cedar Creek right-of-way, ¾ acre is occupied by the pipeline, and 4-¾ acres was developed for Apartments. Mayor Garrison stated that less than an acre remained of the original purchase, and if property was landscaped it would greatly enhance the apartments already built.

The following persons appeared in opposition to zone change:
Gene Tate, David Bowers, Si Stapleton, Gabe Kendrick, Bayo Hopper, Charlie Hamilton, & Jane Richards.

The following points of opposition were voiced:

- a. Increased commercialization.
- b. Inadequate crossover at this point would increase traffic danger.
- c. Increased flooding of the area.
- d. Increased population density.

In response to question by Mayor Garrison, several of the opponents stated that they would rather have the medical-dental clinic than apartments if they could be assured the construction would be high quality and of a long lasting nature.

Commissioner E. C. Wareing stated that the 100 foot setback requirement was placed on the property because at the time it was the minimum depth of a Residential Large lot. Commissioner Wareing stated that it should remain 100 feet to allow for parking. Commissioner E. C. Wareing further stated that he objected to the logic that every square foot of land must be used for construction, and objected to property being purchased with the intention of receiving a zone change to increase profit.

Mayor Garrison stated that he also was impressed with the argument that every square foot of land does not have to be improved. Mayor Garrison further stated that Mr. Coward had an Apartment zone, which every developer in Lufkin seems to want, and he wants to have it changed to another zone. Mayor Garrison stated that he was unable to see any reason the zone should be changed to allow office buildings to be crowded onto the small lot in question since Mr. Coward had used all but 3/4 acre of the 7½ acres purchased.

Mr. Coward stated that he had originally applied for Neighborhood Retail, but because of the neighbor's reactions, he had amended zone change application to doctor's offices.

Motion was made by Don Boyd and seconded by Pat Foley that zone change be approved on first reading. The following vote was recorded: Aye - Commissioners Foley, Boyd and Simond; Nay - Mayor Garrison, Commissioners McCurry, Thompson, and Wareing. Mayor Garrison declared motion denied by a vote of 4 to 3.

Commissioner Pat Foley stated that he had seconded the motion because each zone change is to be considered on an individual basis, and the requested zone is more desirable than the apartment zone already existing. Commissioner Foley further stated that by seconding the motion he was not committing himself to other zone changes in the area.

Commissioner E. C. Wareing stated that if the request was to change only the apartment area of the zone, he would be in favor of same, but would not be in favor of changing apartment and residential large zone.

5. Zone Change Application - Second Reading - Approved - Phillip M. Medford - RS to A

Mayor Garrison recognized Phillip M. Medford appearing in representation of zone change application on property located on the corner of Addie and Robin Street from Residential Small to Apartment.

The following persons appeared in opposition to zone change:
Rev. N. C. Simmons, Chester Mitchell, Rev. Thomas, and Essie Jenkins.

The following points of opposition were voiced:

- a. Two story apartments would destroy privacy of neighborhood.
- b. Elderly people in area need quiet.
- c. Property too small for apartments.
- d. Tenants would be undesirables.
- e. Children in apartments would have no place to play.

Commissioner Bob McCurry stated that the area needed new buildings, and construction of the apartments would be an enhancement to the City to upgrade roads in the area. Rev. Simmons stated that the City had an obligation to repair the roads in the area regardless of whether the apartments were constructed.

Commissioner Richard Thompson stated that Lufkin had many single apartment units around town which blended in nicely with single family homes, and he favored same because of less concentration of people in a small area.

Mayor Garrison stated that the apartments would upgrade the neighborhood and Lufkin needs housing. Mayor Garrison further stated that if the zone change was approved the people would be pleased within two (2) or three (3) years and would realize the apartments were an asset to the neighborhood.

In answer to question by Mrs. Jenkins, Mr. Medford stated that plans which show location of apartments on lot, number of units, and number of parking spaces have to be approved by the Building Inspection Department before permit is issued to begin construction. Commissioner E. C. Wareing stated that the City Commission could not require a blueprint before granting a zone change, and a 2½ story building could be built on any residential

lot. Commissioner Wareing further stated that he voted for the zone change at last meeting because it would be an asset to the neighborhood, but because of opposition in the area, he would reverse his decision. Commissioner Pat Foley stated that he would vote against zone change because the residents should be a factor in the decision.

Mr. Medford stated that a sight-bearing fence would be constructed on the two sides adjoining neighbors property, that owners and developers have stated they would develop property in keeping with neighbors, and they did not plan to create any neighborhood problems by asking a neighbor to move her fence that is encroaching on subject property.

Mayor Garrison stated that the area was small, but he felt it would enhance the neighborhood to construct the apartments. Mayor Garrison further stated that he had reservations about dismissing the objections of the neighbors and was inclined to vote against the zone change.

Commissioner Bob McCurry stated that he had no personal interest in the zone change, but the Commission had discussed the housing situation and the area has many condemned houses. Commissioner McCurry further stated that he felt this zone change could improve the neighborhood, and was in favor of same.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that zone change application be approved on second and final reading as recommended. The following vote was recorded: Aye - Commissioners McCurry, Thompson and Boyd; Nay - Mayor Garrison, Commissioners Wareing and Foley. Commissioner Percy Simond abstained from vote and Mayor Garrison stated that the abstention vote by Commissioner Simond must be counted as an affirmative vote. Mayor Garrison declared motion approved by a vote of 4 to 3.

6. Zone Change Application - Approved - First Reading - J.P. Law, Jr. - RL to LB, SU(Professional Offices)

Mayor Garrison recognized Walter Borgfeld, local attorney, appearing in representation of zone change application by J. P. Law, Jr., covering property located at 1603 South Chestnut between Diana and Medford Drive from Residential Large to Local Business, Special Use(Professional Offices). 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 as recommended. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - First Reading - El Ray Lee - D to RS

Mayor Garrison recognized Geraldine Bradford appearing in representation of zone change application by El Ray Lee covering property located at 219 Booker Street between Kurth Drive and Country Club Drive from Duplex to Residential Small. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that zone change application be approved on first reading as recommended. A unanimous affirmative vote was recorded.

8. Texas Power & Light - Resolution Approved - Fuel Costs Tariff

Mayor Garrison stated that Texas Power & Light had requested that the City approve a Resolution suspending the effective date of revisions of the fuel cost factor tariff schedule for 120 days from January 13, 1982.

James Kerbo of T P & L stated that Judge Herman Jones of Travis County had declared charges to the customers of T P & L have prior approval of the regulatory company which necessitated the Resolution.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that resolution be approved on first and final reading. A unanimous affirmative vote was recorded.

December 15, 1981

9. Bids - Approved - Containers for Sanitation Department, IDS - Economy Pickups for Garage & Water Department, Greater Lufkin Ford

Mayor Garrison stated that bids had been received for the purchase of 4, 6, and 8 cubic yard containers for use in the Sanitation Department, and Industrial Disposal Supply Company was low bidder in the following amounts:

| | |
|-------------------------|-----------|
| 4 cubic yard containers | \$320 ea. |
| 6 cubic yard containers | \$450 ea. |
| 8 cubic yard containers | \$503 ea. |

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

Mayor Garrison stated that bids had been received for the purchase of three (3) economy pickups for use in the Garage and Water Departments, and Greater Lufkin Ford was low bidder in the amount of \$6,399.41 each.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that low bid of Greater Lufkin Ford be approved. A unanimous affirmative vote was recorded.

10. Hearing Date Established - Annexation & Permanent Zoning - City of Lufkin - Kit McConnico Park

Mayor Garrison stated that Annexation & Permanent Zoning of Kit McConnico Park had been recommended to City Commission for establishment of a hearing date.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that public hearing on A&PZ be established for January 5, 1982. A unanimous affirmative vote was recorded.

11. Zoning Ordinance Update - Substandard Housing - Mayor Garrison, Candidate for Mayor


Commissioner E. C. Wareing stated that the Zoning Ordinance Book should be reprinted and updated.

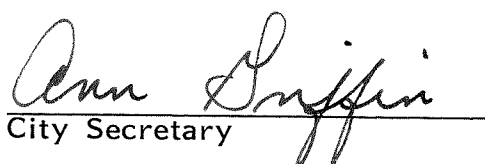
Commissioner Don Boyd requested information on vacant housing. City Manager Westerholm stated that letters had been sent to owners of vacant housing, and a notice published in the newspaper on vacant property where heirs could not be located, that the house would be demolished in 14 days.

Mayor Garrison stated that he had made his decision to again campaign for Mayor after much soul searching and requests from citizens to seek another term. Mayor Garrison further stated that he would like to have the good will of the Commissioners in this regard.

Commissioner E. C. Wareing stated that in Lufkin's Centennial Year the citizens deserved nothing but the best, and Mayor Garrison's re-election will insure same.




Pitser H. Garrison, Mayor


City Secretary