

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF NOVEMBER, 1981, AT 5:00 P.M.

On the 17th day of November, 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	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1
Don E. 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
Robert Flourney	City Attorney
Ann Griffin	City Secretary

being present, and

Roger G. Johnson	Assistant City Manager
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being absent when the following business was transacted.

1. Meeting opened with prayer by Rev. Frank Starr, pastor of First Lutheran Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 3, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

4. Zone Change Application - Approved - Paul E. Barnhart - Second Reading, A,SU to NR

Mayor Garrison stated that zone change application by Paul E. Barnhart covering property located on the southeast corner of Denman and South First from Apartment, Special Use to Neighborhood Retail was approved on first reading at last meeting of City 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 second and final reading as recommended. A unanimous affirmative vote was recorded.

5. West Loop Corridor Study - Report from Planning & Zoning Commission Received

Mayor Garrison stated that the Planning & Zoning Commission had conducted two (2) workshops and held two (2) public hearings on the Loop 287 Corridor Study. Mayor Garrison further stated that a report had been submitted for consideration by the City Commission, but he would prefer to study same before taking any action.

Commissioner Richard Thompson stated that letter from Sam Griffin, Chairman of Planning & Zoning Commission, stated that a complete basin study by a qualified engineering firm was recommended. Commissioner Thompson asked if the City Commission was to engage the firm to conduct the basin study. City Manager Westerholm stated that the Planning & Zoning Commission felt a study was needed to determine what was necessary to control future flooding of the area.

Commissioner Pat Foley stated that most of the flooding problem had been eliminated by rechannelizing of the creek. City Manager Westerholm stated that there was a small area that had not been rechannelled, i.e. Loop 287 to Pershing Street. Commissioner Bob McCurry stated that perhaps the balance of the creek should be rechannelled before hiring engineering firm.

City Manager Westerholm stated that the Planning & Zoning Commission believes any area draining into Cedar Creek should be reviewed before a permit is issued because any construction on Cedar Creek would effect flooding.

Commissioner E. C. Wareing stated that the entire water shed should be studied, and he had been advocating same for years, but money was never available. Mayor Garrison stated that a detailed study was conducted when the flood insurance program was considered, and he suggested that the City Engineering Department assess what information was available from same to determine if there is a need for additional information. Mayor Garrison further stated that the smaller tributaries of Cedar Creek could possibly be deleted from the study, and an appraisalment from an engineering firm would be advisable to provide guidance in determining correct zoning of adjacent property. Mayor Garrison stated that if flooding is critical, available information should be considered to determine if there is a need for additional information.

Commissioner E. C. Wareing stated that a study covering a portion of the City would be ineffective, and he would suggest that a determination be made of available information, how it could be used, and what additional information is required. Commissioner E. C. Wareing requested that the information, a strip map of the area indicating current usage, current zone, and right-of-way for pipelines, etc., be provided Commissioners before next meeting.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that hearing on West Loop Corridor Study be scheduled for next meeting, December 1, 1981, to allow time for discerning what is available, what is needed, and allow receipt of strip map by Commissioners. A unanimous affirmative vote was recorded.

Mayor Garrison stated that the City Commission agrees that a study is needed, but the important factor is money.

6. Zone Change Application - Postponed - Phillip M. Medford - First Reading - RS to A

Mayor Garrison stated that zone change application by Phillip M. Medford covering property located on the corner of Addie and Robin Streets from Residential Small to Apartments, had been recommended to this Commission by Planning & Zoning Commission. Mayor Garrison further stated that there were persons present at Planning & Zoning Commission meeting requesting information, but no objection was voiced. Mayor Garrison stated that a petition against the zone change was later received and has been submitted for consideration by this Commission.

Phil Medford, agent for zone change application, stated that he would like to reiterate the proposal which provided for the owners to construct the maximum amount of rental units allowed by City Building Code which appeared to be six (6). Mr. Medford stated that the developer would manage the apartments and to protect the investment would select tenants capable of maintaining the premises in good condition. Mr. Medford further stated that six (6) units would not create a strain on Warren Street, and apartments are needed in this area of town. Mr. Medford further stated that the owners would be willing to reduce the number of units.

The following persons were present in opposition to zone change application: Rev. N. C. Simmons, Mrs. Virgil Griffin, and two (2) additional persons. The following opposition was voiced:

- A. Noise from tenants
- B. Undesirable tenants
- C. Church does not want apartments nearby

Commissioner Bob McCurry stated that the apartments would benefit the area because present housing is in poor condition. Mayor Garrison stated any new development in the older parts of Lufkin would upgrade the area, and asked Mr. Medford if owners would consider constructing two (2) duplexes. Mr. Medford stated that owners would not be in opposition to two (2) duplexes, but simply wanted the opportunity to construct six (6) apartments if possible.

Commissioner Don Boyd suggested that the property owners in the area meet with Mr. Medford and attempt to reach an agreement to be presented to this Commission at next regular meeting.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Bob McCurry that action be delayed on zone change until next regular meeting, and Commissioner Don Boyd along with Commissioner Bob McCurry be authorized to meet with property owners and Mr. Medford as arbitrators to attempt to resolve the differences. A unanimous affirmative vote was recorded.

7. Zone Change Application - Approved - Thomas R. Renfro - First Reading C to C, SU (Item 16-Private Club)

Mayor Garrison stated that zone change application by Thomas R. Renfro d/b/a Casa Tomas, covering property in Lufkin Mall located at 4600 South Medford Drive from Commercial to Commercial, Special Use (Item 16-Private Club) had been recommended to City Commission by Planning & Zoning Commission. There were no persons appearing in opposition.

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

8. Ordinances Approved - First Reading - Standard Plumbing Code - Standard Gas Code - Standard Swimming Pool Code - Adopted

Mayor Garrison stated that City Commission had received a request from the Plumbing Appeals and Advisory Board to update the City's ordinances that affect plumbing. Mayor Garrison further stated that the Board recommends suspending present plumbing code and adopting three (3) Standard Codes that apply to Plumbers, i.e. Standard Plumbing Code, Standard Gas Code, and Standard Swimming Pool Code.

Mayor Garrison stated that he had some reservations about adopting standard codes sight unseen and would like to know what changes had been effected.

Larry Sumners, member of Plumbing Appeals and Advisory Board, stated that changes were minimal, but the adoption of the standard codes would allow the City to better regulate subject codes, and allow plumbers to take advantage of the latest improvements in materials. Mr. Hubert Stubblefield, Building Inspection Official, stated that the separation of the three (3) codes would allow easier enforcement of regulations.

Commissioner Pat Foley stated that with the recommendations of Plumbing Appeals and Advisory Board, he was willing to approve ordinances. Commissioner Richard Thompson stated that it was a step in the right direction for the City.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that Standard Plumbing Code be adopted on first reading of Ordinance. The following vote was recorded: Aye - Mayor Garrison, Commissioners Simond, Boyd, McCurry, Foley and Thompson; Nay - Commissioner E. C. Wareing. Mayor Garrison declared motion approved by a vote of 6 to 1.

Commissioner E. C. Wareing stated that he agreed with W. O. Ricks, former Commissioner, that cast iron pipe should be required under foundations instead of PVC Pipe, and this was the reason he voted Nay.

Mayor Garrison stated that he would like to have City Manager Westerholm check with other cities to see if cast iron should be used, and if findings so indicate, ordinance could be amended at next reading. Board member, Richard Gardemal, suggested that City Manager check with A&M University and San Antonio University for their recommendations.

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that Standard Gas Code be adopted on first reading of Ordinance. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that Standard Swimming Pool Code be adopted on first reading of ordinance. A unanimous affirmative vote was recorded.

Mayor Garrison expressed the appreciation of this Commission to the Plumbing Appeals and Advisory Board for their work in reviewing the subject codes.

9. Improvements to Pershing Avenue - Approved

Mayor Garrison stated that Lufkin Industries had contributed \$100,000 to the City for street improvement on Pershing or Feagin Streets as a result of the closing of Harrell Street. Mayor Garrison further stated that City Staff recommended the money be used to fund the improvement of Pershing Street from Angelina to Bynum Street.

City Manager Westerholm stated that the City had hoped to receive money from the Texas Highway Department for improvements to Pershing, but money was unavailable at present, and the City Staff feels this is an opportune time to begin work. City Manager Westerholm further stated that the City would be responsible for the contracting, and recommended that Griffith Engineers furnish the technical engineering required on the project.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that City Manager be authorized to proceed with improvements to Pershing Avenue. A unanimous affirmative vote was recorded.

10. Bids - Vehicles for Various City Departments - Economy Pickups - Rejected - Fullsize Pickups - Approved - Greater Lufkin Ford

Mayor Garrison stated that bids had been received on vehicles for various City Departments, but the specifications stated that automatic transmissions were required on the economy pickups. City Manager Westerholm stated that the City could not prove that the automatic transmission was superior to the standard shift transmission, and the City Staff felt that bids on the economy pickups should be rejected with new bids being received.

Commissioner Don Boyd stated that he could recognize the advantages of the automatic transmissions if different people were driving the same pickup because the clutch would need repair more often.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that bids by Greater Lufkin Ford on fullsize pickups be approved as listed below. A unanimous affirmative vote was recorded.

One-half ton Pickups (3)	\$7,661.72
Three-quarter ton Pickups (2)	\$8,568.66

Motion was made by Commissioner Pat Foley and seconded by Commissioner E. C. Wareing that bids on economy pickups be rejected and readvertised deleting specification for automatic transmission. A unanimous affirmative vote was recorded.

11. Representative Appointed - Mayor Pitser H. Garrison - Central Appraisal District

Mayor Garrison stated that the law requires the Central Tax Appraisal Agency must have a representative appointed by each taxing entity.

Commissioner Percy Simond made motion that Mayor Garrison be appointed as representative of the City of Lufkin because the Central Appraisal District is such a controversial agency. Motion was seconded by Commissioner E. C. Wareing because of Mayor Garrison's previous experience with the Agency. A unanimous affirmative vote was recorded.

12. Executive Session - Appointments to Various City Boards - Discussed

Mayor Garrison stated that it was necessary for the City Commission to adjourn into Executive Session to discuss vacancies on various City Boards. Mayor Garrison then recessed formal open meeting of the City Commission at 6:40 p.m. At 6:50 p.m., Mayor Garrison reconvened regular meeting of the City Commission and made announcement to individuals present regarding results of Executive Session.

Mayor Garrison announced that members of Commission had discussed appointments to the various City Boards, and stated that the City Manager would contact the individuals this week and announce appointments if individuals accept. Mayor Garrison further stated that official confirmation of appointments would be made at next regular meeting of City Commission.

13. Housing Situation - Package Stores - Portable Signs

In response to question by Commissioner Don Boyd, City Manager Westerholm stated that only owners of vacant houses had received notices requiring demolition or remodeling to safe standards.

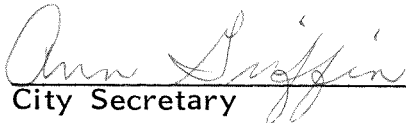
Commissioner Pat Foley requested information on whether package stores for the sale of alcoholic beverages were allowed under zoning ordinance if wet/dry election was successful. City Attorney Flournoy stated that no specific reference is made to same, but they would have to be placed in nearest allowable zone.

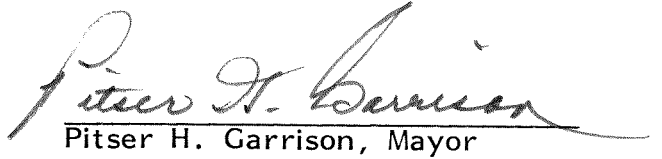
Commissioner Bob McCurry stated that a portable sign located on the corner of Paul and Timberland Street is a traffic hazard. Mayor Garrison stated that City employees should keep the City informed of violations by portable signs and intersection hazards.

14. There being no further business for consideration, meeting adjourned at 7:00 p.m.



ATTEST:


City Secretary


Pitser H. Garrison, Mayor