

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF APRIL, 1976, AT 7:30 P. M.

On the 6th day of April, 1976, 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
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

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

1. Meeting opened with prayer by Rev. Lynn Parker, Pastor of Herty Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Canvass of Election Returns-Regular City Election-April 3, 1976

Mayor Garrison explained that the City's regular election was held April 3, 1976, and made announcement that election judges had forwarded all materials for review by members of Commission for official canvass. The following information revealing results of the City Election was reviewed for election of Mayor, City Commissioner Ward I and City Commissioner Ward III from a total of 881 votes cast:

<u>Mayor</u>	<u>Votes:</u>
Pitser H. Garrison	857
R. S. Bradshaw (Write In)	1
Dayle V. Smith (Write In)	1
Joe Geraci (Write In)	1
Lynn Durham (Write In)	1
Bob Flournoy (Write In)	1
George Chandler (Write In)	1
John H. Tatum (Write In)	1
Inez Tims (Write In)	1
Gus Boesch (Write In)	1
Charles P. Gault (Write In)	1
L. D. Bell (Write In)	1
<u>Commissioner, Ward No. 1</u>	<u>Votes:</u>
R. A. Brookshire	851
Peter Paul Cooney (Write In)	1
Inez Tims (Write In)	2
B. E. Atkinson, M.D. (Write In)	1
Claude Cook (Write In)	1
Charles P. Gault (Write In)	1
<u>Commissioner, Ward No. 3</u>	<u>Votes:</u>
Jack McMullen	844
Ronnie Husband (Write In)	1
George Wallace (Write In)	1
Charles P. Gault (Write In)	1
L. D. Bell (Write In)	1

Mayor Garrison stated that the above election results had been reviewed and tabulated and one amendment had been made on Box 2 returns which reflected 133 votes and same had been changed to indicate 132 votes to agree with poll list.

Comm. E. C. Wareing made motion that the above election results be made official and Pitser H. Garrison be declared winner for the position of Mayor, R. A. Brookshire winner for the position of Commissioner Ward No. 1, and Jack McMullen winner for the position of Commissioner Ward No. 3, each for three-year periods ending April 3, 1979. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison asked Mayor Pro Tem Wareing to administer oaths of office to the above three newly elected members of Commission.

Mayor Pro Tem Wareing then administered official oaths of office to above elected members of Lufkin City Commission.

4. Open Hearing-Annexation & Permanent Zoning Request-Mrs. George Powell

Mayor Garrison officially opened hearing to consider annexation and permanent zoning request by Mrs. George Powell on property located South of Loop 287, between Mott Drive and Old Diboll Highway. There were no persons present appearing in opposition to annexation and permanent zoning request and Mrs. George Powell and Mr. Jack Powell, who were present, had no additional information to add to request.

Mayor Garrison declared hearing officially closed. Comm. Pat Foley made motion that first readings of ordinances be considered at next regular meeting for annexation and permanent zoning of this property as described. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

5. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of March 16, 1976, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Mattie Perry from R-1 to CB Dist.

Mayor Garrison stated that zone change application by Mattie Perry from R-1 to CB District covering property fronting on West side of Loop 287, South of FM 1194 and Lotus Lane intersection, had been approved by this Commission at last regular meeting on first reading of ordinance.

There were no persons present appearing in opposition to application. Comm. R. A. Brookshire made motion that zone change application by Mattie Perry from R-1 to CB District be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Lufkin Intermediate Softball Association - Request Approved

Mayor Garrison stated that members of the Lufkin Intermediate Softball Association had appeared before this Commission at last regular meeting to consider an agreement with the City to sell advertising for fence area, and approval for concession stand, press box and electric scoreboard installation.

Mayor Garrison recognized Mr. Cooper Castleberry appearing in representation of application. Mr. Castleberry stated that a conflict had been presented at last regular meeting between the ladies' leagues and the Lufkin Intermediate League which had been resolved by compromise and letter from Mr. Max Griffin, Recreation & Parks Director, explained that the women's league would play at Winston Park on Thursday nights, which represents approximately 50 percent of their weekly playing time and remaining games would be played at Kit McConnico Park. The Lufkin Intermediate Softball Association would use Winston Park on Monday, Tuesday and Wednesday nights, which would represent 43 percent of the weekly playing time. Mr. Castleberry stated that the Association only needed an agreement from the City Commission to allow the sale of advertising for the fence area, and installation approval for concession stand, press box and electric scoreboard. Mr. Castleberry stated that considerable expense had already been made by the Association and the sale of these signs was important to the success of same.

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Comm. Pat Foley commended the two associations for resolving their problems and made motion that proposed program be approved for a one-year period on a trial basis as previously discussed. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Lufkin Plumbing Board Recommendation Denied - No-Hub Sewer Pipe for Underslab Residential Use

Mayor Garrison stated that the consideration for the use of no-hub sewer pipe for underslab residential use had been deferred from an earlier meeting due to the absence of certain members of this Commission and same had been placed on the agenda for reconsideration as recommended by the Lufkin Plumbing Board.

Comm. Foley stated he was of the opinion that the no-hub pipe would be adequate for underslab residential use after having discussed same with factory representative. Comm. W. O. Ricks, Jr., expressed his opinion that the savings for use of this no-hub pipe under the slab in residential areas would be negligible if leaks occurred and repairs were made by property owners, which would cost a considerable amount more.

Mayor Garrison recognized Mr. Tim Hill, a local plumber who was present appearing in favor of the adaptation of the no-hub sewer pipe for underslab residential use. Mr. Hill stated that the implementation of this sewer pipe for all areas above and below the slab would represent approximately 15 percent savings on materials and labor. Comm. E. C. Wareing asked Mr. Hill as to what amount of savings would be involved for underneath the slab exclusively. Mr. Hill stated that he did not have this information. Mayor Garrison expressed his opinion that the no-hub pipe seemed to involve too much room for personal error in installation.

Comm. R. A. Brookshire stated from the previous discussion, it was his opinion that the margin for error in the installation of this pipe was the only problem in the overall implementation of it's use.

Comm. Pat Foley made motion that the no-hub type sewer pipe be allowed in residential areas for underslab use. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

Voting Aye: Comms. R. A. Brookshire and Pat Foley

Voting Nay: Mayor Garrison, Comms. Jack McMullen, E. C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Mayor Garrison declared motion was denied by mamority vote of 5 to 2, and explained that the no-hub type sewer pipe would presently continue only to be used above the surface in residential areas, but allowed in commercial areas for above and underneath slab uses.

9. Lufkin Home Builders Association-Recommendations from City Planning & Zoning Commission-Approved 1st Reading of Ordinance

Mayor Garrison stated that the City Commission and the City Planning and Zoning Commission had spent a considerable amount of time in the past months toward completion of specific recommendations to encourage the development of housing within the corporate limits. Mayor Garrison stated that the City Planning and Zoning Commission had made recommendations to the City Commission for certain changes in existing regulations to be presently considered by this Commission. Mayor Garrison explained that Comm. E. C. Wareing had devoted a special effort to specific comments on recommendations by the City Planning and Zoning Commission as a past member of this Board.

Members of Commission were distributed copies of Comm. Wareing's recommendations which generally agreed with recommendations submitted by the City Planning and Zoning Commission. The following information was presented and reviewed which had been recommended by the City Planning and Zoning Commission:

<u>Item Considered</u>	<u>Existing</u>	<u>Proposed by P&Z</u>	<u>Vote</u>				
Front Yard Req.	30' Set Back	20' Set Back	5-0				
Side Yard Req.	Min.5'+ Min.11'(16')	5' Each	5-0				
Lot Width	80' for R-1 60' for R-2, R-3	60' all R zones	3-2				
Lot Depth	110' for R-1 100' for R-2, R-3	No Minimum No Minimum	5-0				
Lot Size	10,000 sq.ft. R-1 7,000 sq.ft. R-2,R-3	7,200 sq.ft.R-1 6,000 sq.ft.R-2,R-3	3-2				
Street Width & ROW	<u>Maj.</u> 37' 80'	<u>Sec.</u> 37' 60'	<u>Minor</u> 30'*, 33'* 50'	<u>Maj.</u> 37' 60'	<u>Sec.</u> 30' 50'	<u>Minor</u> 27' 50'	5-0
Strip Paving	Curb & Gutter	Disallow in all zones.	5-0				
Rebate Program	None Available	Discuss in Future	5-0				
PUDs	Not in effect	Establish PUD	5-0				
Driveway Ent.Req.	Concrete Apron	All materials same	5-0				
"R" zones	R-1,R-2 & R-3	Future annexas "R"	5-0				

Members of Commission then reviewed the following information prepared by Comm. E. C. Wareing in response to the above recommendations by the City Planning and Zoning Commission:

<u>Item Considered</u>	<u>Existing</u>	<u>Proposed</u>					
-----	R-1,R-2 & R-3 zones	Change R-1 to RL (Large) Change R-2 to RM (Medium) Change R-3 to RS (Small)					
Front Yard Requirement	30' Set Back	20' Set Back					
Side Yard Requirement	Min.5'+ Min.11'(16'T.)	5' each					
Lot Width	80' for R-1 60' For R-2, R-3	80' For R-1 60' for R-2 50' for R-3					
Lot Depth	110' for R-1 100' for R-2, R-3	100' for R-1 No Minimum					
Lot Size	10,000 sq.ft.R-1 7,000 sq.ft.R-2,R-3	10,000 sq.ft. R-1 6,000 sq.ft. R-2 5,000 sq.ft. R-3					
Street Width & ROW	<u>Maj.</u> 37' 80'	<u>Sec.</u> 37' 60'	<u>Minor</u> 30'*, 33'* 50'	<u>Maj.</u> 62' 80'	<u>Pri.</u> 37' 60'	<u>Sec.</u> 30' 50'	<u>Minor</u> 27' 50'
Driveway Entrance Requirement	Concrete apron with minimum of 5' radius	Materials for entrances same as those for driveway & retain 5' radius					

Comm. Wareing stated that he had proposed RL, RM and RS zones in lieu of the existing R-1, R-2 and R-3, and he had also recommended consideration of the "R" zone as earlier discussed for newly annexed areas. Comm. Wareing stated that he was in agreement with the proposed side yard, but stated that proposed lot widths should remain 80' for R-1, 60' for R-2 and 50' for R-3, and lot depth should be retained as 100' or 110' for R-1 zones with no minimum on R-2 and R-3 lot sizes. Comm. Wareing recommended the addition of one item under street width and right-of-way indicating that 37' streets should be provided 60' of ROW and 80' of ROW should be provided for 62' streets for curb to curb. Comm. Wareing also agreed that 5' radius be retained for approaches to driveway entrances which should

be made from same construction materials as driveway. Comm. Wareing stated he was of the opinion that the large lots should basically be left undisturbed inasmuch as primary interests were toward improving development of R-2 and R-3 lots.

Mayor Garrison recognized Mr. Raymond Moore, who was present regarding recommendations from the City Planning and Zoning Commission. Mr. Moore stated that members of the City Planning and Zoning Commission had recommended 60' lots for R-1 zones primarily with the idea of developing same in new sub-divisions only inasmuch as no R-2 or R-3 sub-divisions had ever been developed to their knowledge. Comm. Wareing stated it was his personal opinion that individuals owning present R-1 lots should be protected, and present proposal did not indicate specific protections for these individuals.

Comm. R. A. Brookshire expressed his personal opinion that the dropping of 20 feet from an R-1 lot would save a developer a considerable amount of money which could be proposed primarily for new sub-divisions and not necessarily for existing sub-divisions. Comm. Wareing re-emphasized his personal opinion that the initial request by the Lufkin Home Builders Association was to encourage and develop the low-income areas which did not necessarily involve R-1 lots.

Mayor Garrison recognized Mr. Tom Gann, President of Lufkin Home Builders Association, who stated that in regard to Mr. Wareing's comments, there was a definite need for a reduction in the R-1 lot to 60 feet, if possible, inasmuch as large homes were presently being built on 60-foot lots in some of the larger metropolitan areas. Mr. Gann then requested members of the Lufkin Home Builders Association be furnished copies of Mr. Wareing's comments as previously discussed.

Comm. Wareing stated that large lots should not presently be considered inasmuch as planned uniform developments were more adaptable to these particular needs as discussed by Mr. Gann. Comm. Wareing recommended that the City Planning and Zoning Commission further research the planned uniform development for future recommendations to this Commission.

Comm. R. A. Brookshire asked City Attorney Flournoy if requirements could be proposed in amendments to regulation that would restrict this amendment to new sub-division development only. City Attorney Flournoy stated that ordinance could reflect this requirement.

Mayor Garrison recognized Mr. Ray Faircloth who requested members of Commission consider only one reading of ordinance in lieu of the existing two as required and consider re-zoning all undeveloped areas "R" zone.

Comm. R. A. Brookshire inquired if another work session was in order based on this new information. Mayor Garrison welcomed comments from members of the Home Builders Association based on Mr. Wareing's recommendations which could be considered at next regular meeting.

Mayor Garrison recognized Mr. Taft Barringer, a local builder who was present. Mr. Barringer stated that he generally agreed with Mr. Wareing's comments.

Comm. Wareing recommended that, inasmuch as there was no real disagreement between the suggested use of the RL, RM and RS zones substitution for the existing R-1, R-2 and R-3, same should presently be considered for adoption by this Commission.

Mayor Garrison reviewed comments of all concerned and stated that most of the items were generally agreed upon by all involved parties with the exception of consideration for lot width, depth and size. Comm. E. C. Wareing made motion that amendments to zoning and sub-division ordinances be approved on first reading of ordinance which would provide for the following changes:

1. Change existing R-1, R-2 and R-3 zones to reflect RL, RM and RS residential for large, medium and small lots.
2. Front yard requirement for R-1 lot 25'; R-2 and R-3 lots 20'
3. Street Width & ROW; Maj-62', Pri-37', Sec-30', Minor-27'
Row -- 80' 60' 50' 50'
4. Materials for entrances to be same as those for driveway and retain 5' radius
5. Side yard requirements to be in accordance with recommendations by City Planning & Zoning Commission for 5' on both sides of lot with exceptions as outlined in recommendation.
6. All annexations to be initially zoned "R" District for temporary holding classification.

Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison stated that additional items which were not decided at this meeting would be later discussed at next regular meeting to include lot width, depths and set backs. Comm. E. C. Wareing asked that members of the City Planning and Zoning Commission also review the possibility of the planned uniform development as a future item to be considered by this Commission.

10. Westbury Addition - Ed Bollier - Purchase of City Property

Mayor Garrison stated that the City had received only one bid for the purchase of approximately 11 acres in the Westbury Addition and property had been appraised by City Tax Office in the amount of \$17,385. Mayor Garrison stated that the only bid received was from Mr. Ed Bollier in the amount of \$11,600. Comm. W. O. Ricks, Jr., made motion that bids be re-advertised and rejected due to the difference from the appraised value. Comm. E. G. Pittman stated that he would second this motion if Mr. Ricks would drop the re-advertisement from same. Comm. Ricks was in agreement with the suggestion and motion was seconded by Comm. E. G. Pittman to reject bid submitted by Mr. Bollier.

Prior to vote on motion, Comm. Pat Foley expressed his personal concern that the City should sell this property at the present time and Comm. Brookshire was in agreement with Mr. Foley's opinion.

City Manager Westerholm stated that approximately \$1,500 in taxes were against this property, which were dropped as a condition of the gift made by Mr. R. B. Thompson to the City of Lufkin.

City Attorney Flournoy stated that the new laws reflected that City property could not be sold for less than market value.

Previous motion by Comm. W. O. Ricks, Jr., to reject bid by Mr. Bollier received the following vote:

Voting Aye: Comms. W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen and E. C. Wareing

Mayor Garrison declared motion denied by majority vote of five to two. Mayor Garrison stated that Mr. Bollier's bid in the amount of \$11,600 would be accepted for the purchase of this property.

11. Jim Waters-Request to Construct Residence on Portion of City Drainage Easement Approved

City Manager Westerholm stated that Mr. Jim Waters had made request to construct a residence on Wildbriar Drive across a storm drainage easement owned by the City of Lufkin. Mr. Westerholm stated that the City staff had no objections, provided Mr. Waters signed agreement stating that he would be responsible for any damages and relocation costs necessitated by his building over a portion of the easement.

A brief discussion ensued and it was determined that individuals had made requests in the past of this nature and same had been approved under the conditions explained by City Manager Westerholm. Comm. E. C. Wareing made motion that request by Mr. Waters be approved under conditions as stated. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. HDR-Retainage Reduced for Carrothers Construction Company-Water Pollution Control Plant

City Manager Westerholm stated that he had received a letter from HDR recommending that the retainage of \$25,000 held by the City since February, 1975, be lowered to \$7,000 to cover items listed in letter furnished members of Commission for review. Mr. Westerholm stated he had met with representatives of Carrothers Construction Company and Mr. Bobby Mott regarding same and he would personally recommend this action.

Comm. W. O. Ricks, Jr., made motion that retainage held by the City of Lufkin on Carrothers Construction Company in the amount of \$25,000 be reduced to \$7,000 to cover items listed in letter. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. Zone Change Approved 1st Reading-Mrs. George Powell-R-1 to C Dist.

Mayor Garrison stated that Mrs. George Powell had made application for zone change on property located North & South of Loop 287 between the Old Diboll Highway and Mott Drive from R-1 District to C District. Mayor Garrison stated that the City Planning and Zoning Commission had unanimously recommended approval of this ordinance.

There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change request by Mrs. George Powell from R-1 District to C District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. Zone Change Approved 1st Reading-City of Lufkin from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building)

Mayor Garrison stated that the City of Lufkin had made application for zone change from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building), covering property located between Rhodes Street and Paul Avenue, and First & Second Streets of Blocks 36, 37 and 43, and same had been unanimously recommended for approval by the City Planning and Zoning Commission.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change request by City of Lufkin from LB, R-3 & D District to D District & Special Use, Item 1 (Public Building) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Bremond Street Railroad Crossing-Approval for Signalization Grant

City Manager Westerholm stated that the State Department of Highways & Public Transportation had advised the City that the 1975 Federal Section 230 Funding Program allowed for signalization of street railroad crossings and they desired to know whether the City would be interested in signalizing the Bremond Street railroad crossing. City Manager Westerholm explained that 90 percent of the costs were to be funded under the program with 5 percent being supplied by the railroad and 5 percent by the City, and the total project on Bremond Street would be estimated at \$65,200 with the City's share being \$3,260 for the total project. City Manager Westerholm reminded members of Commission that there had been five car-train accidents at this location since January, 1970.

City Manager Westerholm stated that he would recommend consideration of this construction. Comm. R. A. Brookshire made motion that City Manager Westerholm be authorized to submit application for grant under this program in accordance with guidelines as stated not to exceed total commitment by the City in the amount of \$3,260 for 5 percent portion of same. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

16. Resolutions Approved Commending Joe E. Rich, Former Commissioner & Margaret Toal, Lufkin News Reporter

Comm. E. C. Wareing stated it had been brought to his attention that Margaret Toal, news reporter with the Lufkin News, would soon be leaving the Lufkin News to accept employment in another city and recommended that members of Commission consider an official resolution of commendation for the fine work she had completed in accurate representation of news from this Commission. City Attorney Flournoy then read resolution of commendation. Comm. E. C. Wareing made motion that resolution commending Lufkin News Reported Margaret Toal be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing made motion that Comm. Joe E. Rich be commended for his services as City Commissioner Ward No. 3 from October 7, 1971, to April 3, 1976. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

17. J&S Development Company-Disc. of Proposed Annexation

Comm. R. A. Brookshire inquired as to the status of J&S Development application for annexation. City Attorney Flournoy stated that he had recently talked with Mr. Bill Fenley, attorney for the applicant, who stated that he had not indicated when J&S Development would again appear before City Council. Comm. Brookshire inquired as to whether or not J&S Development should reappear before the City Planning and Zoning Commission in regard to a back entrance to sub-division.

Comm. W. O. Ricks, Jr., expressed his opinion that adequate entrances were available as existed without addition of new outlet. Comm. Brookshire stated that property owners in his area were concerned that development of this area at the present time would be subsidizing a new developer at their individual convenience unless additional outlet was constructed. Comm. Ricks stated that other sub-divisions had been added without addition of new exits and entrances and he personally agreed that this sub-division should be no exception.

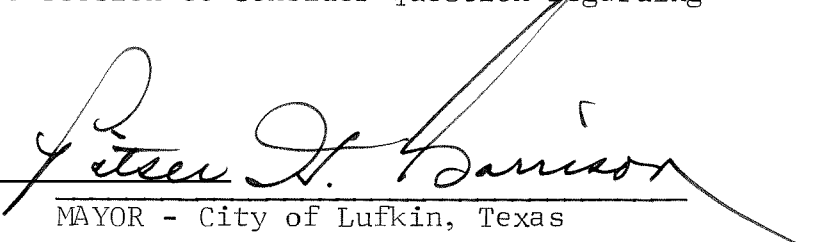
Comm. Brookshire expressed his concern that the request for an additional outlet be resolved before this Commission considered same for first reading of ordinance.

18. Annual City Audit - Disc.

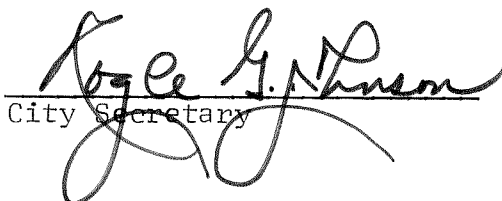
Comm. Pat Foley stated that he had recently discussed the annual audit with a local audit firm who had requested early consideration for determination as to who would audit the City records for the forthcoming year. Comm. Foley requested that the annual City audit consideration be placed on the agenda for next regular meeting.

19. Adjournment

There being no further business for consideration, meeting adjourned at 10:05 p.m. to an executive session to consider question regarding personnel.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary