

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 1ST DAY OF MAY, 1973, AT 7:30 P. M.

On the 1st day of May, 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:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

W. O. Ricks, Jr.	Commissioner at Large, Place A
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. C. B. Bass, Interim Pastor of Berean Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers and invited all constructive criticism and comments visitors may have in assisting members of the City Commission.

3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of April 17, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Plumbing Appeals & Advisory Board and Examining & Supervising Board of Electricians - Oaths of Office

Mayor Garrison explained that Mr. Charles Morrison and Mr. Robert Beddingfield were present to receive Oaths of Office as members of the Examining & Supervising Board of Electricians. Mayor Garrison then administered the oaths of office to Mr. Morrison and Mr. Beddingfield for two-year terms. Mayor Garrison explained that Mr. Leon Caver, who was unable to appear at this meeting, had also been appointed for a two-year term.

Mayor Garrison stated that Mr. George Ricks was present to receive his oath of office as a member of the Plumbing Appeals & Advisory Board for a four-year term. Mayor Garrison administered the oath of office to Mr. Ricks, and explained that Mr. James F. Lawrence, who could not be present due to circumstances beyond his control, had also been appointed to this same board for a four-year term.

5. Zone Change Application-James M. Risinger from R-3 to C District

Mayor Garrison explained that zone change application by James M. Risinger from R-3 District to C District had been approved on first reading at last regular City Commission meeting. There were no persons present appearing in objection to zone change application and City Attorney Flournoy read caption of ordinance for second and final reading changing zone from R-3 District to C District covering property located East of U. S. Highway 69 and North of Lilac Avenue in Block 41 of the Lufkin Land & Lumber Company's Second Sub-Division and a portion of the J. L. Quinalty

League. Comm. E. C. Wareing then made motion that zone change application of James M. Risinger from R-3 District to C District be approved on second and final reading 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. Zone Change Application - Mr. & Mrs. Charlie G. Berry from R-1 to C District

Mayor Garrison explained that zone change application by Mr. & Mrs. Charlie G. Berry from R-1 District to C District had been approved on first reading at last regular City Commission meeting. There were no persons present appearing in objection to zone change application and City Attorney Flournoy read caption of ordinance for second and final reading changing zone from R-1 District to C District covering property located immediately West of Loop 287 between State Highway 94 and Lotus Lane. Comm. J. T. Hopson made motion that zone change application of Mr. & Mrs. Charlie G. Berry from R-1 District to C District be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Zone Change Application - Philip W. Ford from R-1 to C District

Mayor Garrison reviewed zone change application by Philip W. Ford from R-1 District to C District which had been approved on first reading at last regular City Commission meeting. There were no persons present appearing in objection to zone change application and City Attorney Flournoy read caption of ordinance for second and final reading changing zone from R-1 District to C District covering property located South of Darceille Street between Parker Road and Joyce Lane. Comm. R. A. Brookshire then made motion that zone change application by Philip W. Ford from R-1 District to C District be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Fire Zone - Request for Removal of Property - Glenn Wideman

Mayor Garrison explained that Mr. Glenn Wideman had made a previous request to remove property from the fire zone bounded by North First Street, Groesbeck Street, Bremond Avenue and North Second Street, including property of existing Yellow Cab Company in order to locate a service station within this area. A map indicating area described above was reviewed by members of the City Commission and it was determined that removal of this property from the fire limits would not effect the City's key insurance rates, but would only effect repairs made on buildings since building code is less restrictive on areas outside the fire zone. Mayor Garrison expressed his concern that the fire zone may have over-extended into this area since it appeared to be more residential than the normal wall-to-wall commercial establishments found in most central business areas. There were no persons present appearing in objection to this fire zone change. City Attorney Flournoy read caption of ordinance amending existing fire boundaries ordinance and removing certain areas previously described from the fire zone. Comm. R. A. Brookshire then made motion that ordinance be passed on first reading as read by City Attorney Flournoy amending existing fire zone boundaries and omitting areas as described above in accordance with information furnished members of the City Commission by City Manager Westerholm. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

9. Annexation of Property - Kentwood Sub-Division

Mayor Garrison explained that a public hearing had been called for last regular meeting regarding the annexation of the Kentwood Sub-Division and recommendations had been made accordingly through the City Planning and Zoning Commission. There were no persons present appearing in objection to annexation. City Attorney Flournoy read caption of ordinance annexing property East of U. S. Highway 59, North of White House Road between existing City Limits and Forest Hills Sub-Division. Following a brief discussion, Comm. E. C. Wareing made motion that ordinance be passed on first reading annexing Kentwood Sub-Division area as described by City Attorney Flournoy. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Beautify Lufkin Council - Appointment of Members

Mayor Garrison stated that six members had been appointed to the Beautify Lufkin Council during an executive session. Mayor Garrison further explained that this particular Council had been created to assist the City of Lufkin in area beautification and entry into the Governor's Beautify Texas Awards Program. Mayor Garrison explained that the following individuals had been appointed to serve on the Beautify Lufkin Council:

Walter Atwell
Joe Byrd
Clayton Jircik

Mrs. E. W. Leach
Mrs. Emily Shelton
Will Zbranek

Following a brief discussion, Comm. Joe E. Rich made motion that the above listed individuals be officially appointed to the Beautify Lufkin Council in accordance with previous nominations discussed during an executive meeting. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

11. Alley Closing - Petition Request - Ellis & Kiln Avenues

Mayor Garrison explained that petition request had been presented by Elliott W. Cavanaugh, Edgar Henderson, Pearl Hassell, James Mitchell and Vada Singleton to close alley between Ellis Avenue and Kiln Avenue and had been recommended by the City Planning and Zoning Commission subject to the City receiving necessary easements. Mayor Garrison further explained that this alley served no particular purpose and was located without entrance on either end and property owners desired it be closed and property be deeded owners accordingly. City Manager Westerholm recommended City Commission members observe the recommendation the City Planning and Zoning Commission had made and close this particular alley subject to the City receiving easements across the entire area.

Comm. E. G. Pittman inquired about the discovery of a four-inch gas line by the City Engineering Department within this particular alley. City Manager Westerholm explained that a four-inch gas line did exist within this alley and would therefore recommend that the City reserve a full easement across the alley since no future needs as a street were apparent. At this time, Comm. R. A. Brookshire informed members of the Commission that Mr. Mark Swan, a member of the City Planning and Zoning Commission, was present and Mayor Garrison invited Mr. Swan to sit with members of the Commission. City Planning and Zoning Commission member, Mark Swan, confirmed recommendation made by the City Planning and Zoning Commission to close this alley with easements recommended by the City Engineering Department. City Attorney Flournoy called on Mr. Elliott W. Cavanaugh to explain reasons for requesting the closing of this alley. Mr. Cavanaugh explained that he had no particular plans and only desired it be closed in order that property owners could receive deeds accordingly subject to easements. Mayor Garrison recog-

nized the presence of Mr. Larry Byrd, Attorney for petition applicants. Mr. Byrd inquired if one reading of ordinance would confirm this request to close alley. City Attorney Flournoy explained that even though alleys may have been closed on first reading in the past, consideration for two readings should be made in the future in order to protect all parties concerned. City Attorney Flournoy asked members of the City Commission for their opinions concerning amount of easement to be acquired by the City if alley was closed. It was the general consensus of opinion among members of the City Commission that full easement privileges be obtained. Comm. E. G. Pittman then made motion that petition request as presented by above described property owners to close alley between Ellis Avenue and Kiln Avenue be approved subject to full easement privileges obtained by the City across the entire alley and authorizing the Mayor to issue quit-claim deeds to property owners concerned. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

12. Zone Change Application - James W. Harkness from R-1 to R-1 District & Special Use, Item 26(c), Job Printing

Mayor Garrison reviewed minutes from the City Planning and Zoning Commission meeting and called on Mr. Mark Swan who further clarified recommendation. Mr. Swan stated that Mr. Harkness' original request to C District had been changed to R-1 District & Special Use, Item 26(c), Job Printing, for two major reasons. Mr. Swan explained members were concerned that C District within this area may lend itself to a spot zoning situation and area being considered for zone change was in excess of three acres and undeveloped which appeared to be more qualified for a Special Use situation under Item 26(c) as recommended. There were no persons present appearing in objection to this zone change request. City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing, covering property located North and South of FM 325 and South of Shady Pine and Sandy Lane. Comm. E. G. Pittman then made motion that zone change application by James W. Harkness from R-1 District to R-1 District & Special Use, Item 26(c), Job Printing, be approved on first reading 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.

13. Zone Change Application - B. C. Essman from NR to C District

Mayor Garrison reviewed minutes from City Planning and Zoning Commission meeting that favorably recommended approval of zone change application by B. C. Essman from NR District to C District. There were no persons present appearing in objection to zone change application. Following a brief discussion, City Attorney Flournoy read caption of ordinance for first reading changing zone from NR District to C District covering property located between Ellis Avenue and Frank Avenue intersection across from Westwood Convalescent Center. Comm. E. G. Pittman then made motion that zone change application by B. C. Essman from NR District to C District be approved on first reading 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.

14. Zone Change Application - Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12

Mayor Garrison stated that the City Planning and Zoning Commission had recommended approval of zone change application by Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12, and again called on Mr. Mark Swan to review this application. Mr. Swan stated that attorney for Texas Power & Light Company, Walter Borgfeld, had previously informed members of the City Planning and Zoning Commission that this particular property had been acquired through eminent domain proceedings. Mayor Garrison

then called on Mr. Walter Borgfeld, representing applicant. Mr. Borgfeld requested members of the City Commission declare an emergency regarding this particular application and pass zone change application on first and final reading since construction of this utility sub-station should begin as soon as possible to accomodate peak demands for the on-coming summer months. Members of the City Commission were in unanimous agreement with this request as presented by Mr. Borgfeld. City Attorney Flournoy read caption of ordinance for first and final reading changing zone from R-1 District to R-1 District & Special Use, Item 12, covering property located immediately West of Loop 287 and South of FM 325, near the new Junior High School property. Comm. R. A. Brookshire then made motion that zone change application by Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12, be approved on first and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

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

Mayor Garrison informed members of the City Commission that zone change application by Richard A. Willey and Travis Carrington from A District to NR District covering property located East of Loop 287 between R. H. Duncan Construction Company and Pin Oak Lane had been withdrawn. Mayor Garrison then called on Mr. Walter Borgfeld, Attorney for applicant, who explained that his clients desired more time to reconsider their application. Members of the Commission acknowledged this request by Mr. Borgfeld and it was determined that prior to consideration of this application on first reading of ordinance a new advertisement must be made accordingly.

16. Acquisition of Additional Space for City Hall - Lufkin Federal Savings & Loan Building

City Manager Westerholm stated that the City of Lufkin had been offered the purchase of the old Lufkin Federal Savings & Loan building immediately across from the present City Hall building on Shepherd Avenue for a price of \$75,000. City Manager Westerholm also stated that the present City Hall building was becoming cramped for space primarily due to growth in the Police Department and further explained that the Police Department was more permanently attached to the present City Hall building since jail facilities were already available. City Manager Westerholm explained that if the City Commission approved the purchase of the old Lufkin Federal Savings & Loan building, it would be easy for other departments of the City to move. Mayor Garrison explained that floor plans of the old Lufkin Federal Savings & Loan building had been discussed among members of the City Commission and building appeared to be a sensible purchase for the City. Mayor Garrison continued to explain that the present City Hall building had been built on the basis of money available at the time of its construction, as also confirmed by Comm. E. C. Wareing. Comm. E. C. Wareing explained that original plans for the present City Hall building had actually called for a larger facility, but adequate money was not available to construct this type buildings. Comm. J. T. Hopson asked other members of the City Commission if the City could purchase the old Lufkin Federal Savings & Loan building without any major up-set to the City Budget. City Manager Westerholm explained that current City funds were earning interest and other monies could possibly be expected from Revenue Sharing or the Contingency Fund. Mayor Garrison explained that in order to construct a building the size of the old Lufkin Federal Savings & Loan it would cost the City considerably more than \$75,000 with the current high costs of building materials. Comm. E. G. Pittman expressed his concern that expansion of the present City Hall facility may present a problem since parking space could not be made available. Mayor Garrison suggested that members of

the City Commission consider authorization for the purchase of the old Lufkin Federal Savings & Loan building by resolution. Following considerable discussion, Comm. E. C. Wareing made motion that Resolution be approved authorizing the City's purchase of the old Lufkin Federal Savings & Loan building in the amount of \$75,000 out of Revenue Sharing funds to be received by October 5, 1973. Comm. Joe E. Rich inquired about Revenue Sharing fund restrictions and City Manager Westerholm explained that restrictions would not apply to this type purchase. City Manager Westerholm further explained that the City could expect approximately \$88,000 per each quarter within the up-coming year. Motion made by Comm. E. C. Wareing was then seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Flood Plain Ordinance - Discussion of Status

City Manager Westerholm informed members of the City Commission that the City was continuing to work on an application to be considered by members of the City Commission to secure flood insurance for the City of Lufkin and further informed members that the application may be completed by next regular meeting. City Manager further informed members, having recently discussed this application with the Washington office, that approval for insurance companies to sell flood insurance to residents of a City could be expected within six working days of receipt of application. City Manager Westerholm stated that a resolution would eventually be necessary to be approved by members of the City Commission indicating the flood prone areas of the City. Comm. E. G. Pittman indicated his concern that local insurance companies be made aware of this application. City Manager Westerholm stated that much of the information he had received had been through local insurance agencies within the City.

18. R. H. Duncan - Request for Additional Lift Station - Thousand Oaks Addition

City Manager Westerholm informed members of the Commission that Mr. R. H. Duncan, of R. H. Duncan Construction, Inc., had requested permission to install another lift station for approximately 80 more homes in the Thousand Oaks Addition area that would require the use of both City of Lufkin water and sewer facilities. It was also determined that the City Commission had already furnished this area by means of the same type request for approximately 40 homes charged with outside City water and sewer rates. The City Manager stated that an additional 80 homes must also have approval by members of the City Commission. Comm. R. A. Brookshire suggested that this request by Mr. Duncan be considered at next regular meeting unless Mr. Duncan required any particular emergency decision. Mayor Garrison expressed his concern that more similar requests of this nature would be made in the future and the City Commission should make decision with this consideration. Comm. E. G. Pittman asked City Manager Westerholm if a sketch could be provided prior to next regular meeting that would indicate on a map where the City had already made obligations for requests of this nature. Mayor Garrison expressed his concern that a considerable amount of undeveloped area existed within the corporate limits of the City as discussed in the current Comprehensive Master Plan with Lockwood, Andrews & Newnam. Mayor Garrison also stated that members of the City Commission should consider this information prior to annexing various areas around the City and welcomed advice and constructive criticisms of citizens. Comm. R. A. Brookshire had several questions regarding request made by Mr. Duncan and City Manager Westerholm explained that individuals furnished water and sewer outside the City must pay outside City water and sewer service rates accordingly, but the City must be responsible for the up-keep of these line extensions. Request by Mr. Duncan was deferred to next regular meeting with the unanimous concensus of opinion among members of the City Commission.

19. Jesse M. Starr - Request for Annexation & Permanent Zoning

City Manager Westerholm explained that Mrs. Jesse M. Starr owned a 15.755 acre tract West of the Old Diboll Highway, North of Gobbler Knob Road and South of Loop 287 and had appeared before members of the City Planning and Zoning Commission requesting annexation and permanent zoning of this property. Mayor Garrison called on Mrs. Janie Chappell, Realtor, who appeared in representation of request made by Mrs. Jesse M. Starr. Mrs. Chappell confirmed the location of this property as explained by City Manager Westerholm and further stated that she had also made application for zone change on an adjacent 300 feet within the City Limits immediately South of Loop 287; requesting LB District on the front 200 feet and A District on the remaining 100 feet which would be considered by members of the City Planning and Zoning Commission on May 10, 1973. Mrs. Chappell further clarified her request by informing members that providing annexation and permanent zoning hearing date was set at this meeting, Mrs. Starr desired to locate apartments within the newly annexed 15-acre tract. Mrs. Chappell stated that apartment zoning had been requested for consideration at the same time of annexation upon the recommendation of the City Planning and Zoning Commission. Considerable discussion developed regarding this annexation and permanent zoning and City Attorney Flournoy stated that annexation and permanent zoning was normally done on a separate basis, but expressed his opinion that a public hearing could be set by the City Commission for next regular meeting in accordance with request as members desired. Mayor Garrison expressed his concern that providing Mrs. Starr was considering a zone change application for LB District on the front 200 feet of this area already inside the City Limits, consideration for apartment zoning and annexation immediately South of this property may create residential opposition as previously witnessed in other similar type zone change requests within this immediate area. Mayor Garrison called on Mr. Jerry E. Hill, a member of the City Planning and Zoning Commission, who was present regarding another item on the agenda. Mr. Hill further clarified recent recommendation submitted by the City Planning and Zoning Commission as previously stated. Comm. E. G. Pittman expressed his concern that LB zone, being considered for zone change application, must be reviewed since its consideration would have an effect on other area being considered for annexation. Mayor Garrison explained that an official action could not be made at this meeting since complete information had not been made available for review from the City Planning and Zoning Commission meeting in an attempt to expedite the request by Mrs. Chappell. Comm. E. C. Wareing then made motion that the City Commission be furnished official minutes from the City Planning and Zoning Commission meeting before any further action was considered and Item 6 be tabled accordingly. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

20. Parks & Recreation-Discussion of Application for Matching Fund Grant

City Manager Westerholm informed members of the Commission that Parks & Recreation Director, Max Griffin, had submitted a complete report of Park Development estimates and was present along with Mr. Jerry Hill, architect from Weiner, Hill, Morgan & O'Neal Architect Firm, Lufkin, Texas. Mayor Garrison called on Mr. Griffin to explain details of plans which had been previously authorized by the City Commission. Considerable review was made of plans for park development from a complete list with estimates as listed below:

	<u>Estimated Cost</u>
1. Restrooms	\$ 2,000
2. Maintenance Building	12,000
3. Lakefront Project	15,000
4. Amphitheater	Approx. 9,000
5. Tennis Courts (Repairs Only)	10,000
6. Nature Area	1,000
7. Parking Lots	12,000
8. Pavilions (2)	2,000

Parks & Recreation Director, Max Griffin, explained that above listed improvements were as closely estimated as possible which would total approximately \$62,000 out of which grant would be made for 50% matching funds through the Federal Government which would reduce the City's cost to approximately \$31,000 and would require six months for completion of application. Mr. Griffin also informed members of the Commission that approximately \$40,000 in Park Bond money was still available for use if City Commission members desired. It was the unanimous consensus of opinion among members of the City Commission that above listed improvements to the park program would be an advantage to the City and should be approved. Mayor Garrison also brought attention to the fact that a large number of citizens were making use of City park facilities. A question of noise had been previously discussed regarding the construction of an amphitheater at Civic Club Park and the conflict that may be encountered. Comm. E. C. Wareing suggested that the noise be further investigated and arrangements be made for the use of the Texas Foundry noise detector prior to final decision for construction of an amphitheater at this location. Comm. J. T. Hopson then made motion that City officials be authorized to make appropriate application for matching fund grant through the City as previously discussed upon approval of application. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

21. Lufkin Junior High Band - Commendation for Clean-Up Campaign

Comm. E. G. Pittman brought attention to the fact that the entire Lufkin Junior High Band, including approximately 200 Junior High students, had conducted a clean-up campaign along Loop 287 and many other areas of the City on Saturday, April 28, 1973, collecting approximately 1,500 55-gallon bags of litter from the City streets. Comm. E. G. Pittman further suggested that members of the Lufkin Junior High Band be commended by means of resolution passed by the City Commission. Comm. E. G. Pittman then made motion that the Lufkin Junior High Band be commended for their recent clean-up campaign efforts and a resolution be passed accordingly commending members for their efforts. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

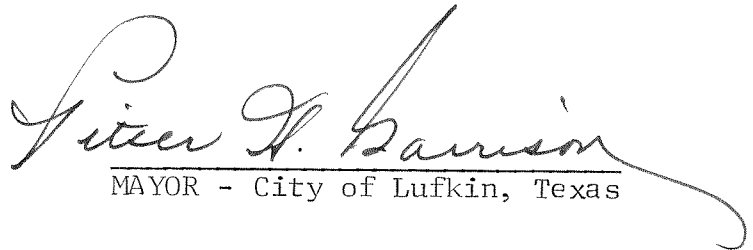
Mayor Garrison further suggested that each individual member of the Lufkin Junior High Band who participated in this campaign be presented a special commendation if possible. Members of the Commission unanimously agreed with suggestion as presented by Mayor Garrison.

22. Old City Hall Building-Approval to Offer Old Building for Bids

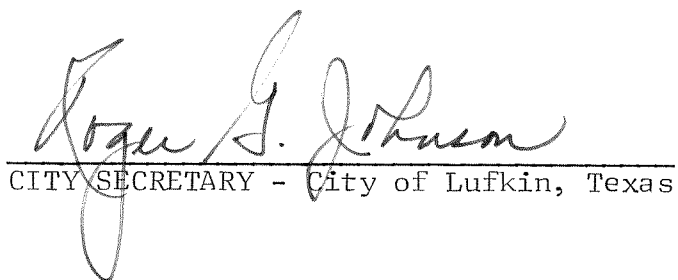
Comm. R. A. Brookshire recommended that the old City Hall building be considered for sale and bids be requested accordingly since the City Commission had authorized approval of purchase of the old Lufkin Federal Savings & Loan building. It was determined that maintenance of the old City Hall building had been charged as a responsibility of the City, but utilities were being furnished by other agencies using facilities. Comm. R. A. Brookshire further stated that providing the City decided to offer the old City Hall building for sale, the right of the City to accept or reject any or all bids should be included in the advertisement. Comm. E. C. Wareing stated that possession of building be made after January 1, 1974, if bid was awarded and additional space not presently being used by the Parks and Recreation Department at the old First Bank & Trust building be considered for rental space to various organizations now utilizing old City Hall facility. Following a brief discussion, Comm. R. A. Brookshire made motion that the old City Hall building be offered for sale and advertisement for bids be made accordingly with possession date to be set after January 1, 1974. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

23. Adjournment

There being no further business for consideration, meeting was adjourned at 9:30 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas