

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6th DAY OF JULY, 1982, AT 7:30 P.M.

On the 6th day of July, 1982, 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 Simond	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
Harvey Westerholm	City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary
Libby Sims	Assistant City Secretary

being present, and

E.C. Wareing	Commissioner, Ward No. 6
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being absent, when the following business was transacted.

1. Meeting opened with prayer by Rev. Charles Roberts, Pastor of Denman Avenue Baptist Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of June 15, 1982, were approved on motion by Commissioner Percy Simond and seconded by Commissioner Pat Foley. A unanimous affirmative vote was recorded.

4. Public Hearing - Revenue Sharing Funds - Discussed

Mayor Garrison stated that it is necessary to conduct a Public Hearing to consider the use of Revenue Sharing Funds that are granted to the City of Lufkin by the Federal Government. Mayor Garrison further stated that last year the City of Lufkin received \$500,000.00 of Revenue Sharing Funds and anticipate a like amount for the year 1983. Mayor Garrison opened public hearing, and there was no one to speak in representation of the use of Revenue Sharing Funds. Mayor Garrison closed the public hearing.

5. Annexation & Permanent Zoning - First Reading - Approved - Duncan Construction - Hwy. 94

Mayor Garrison stated that annexation & permanent zoning request by Duncan Construction covering property fronting on Hwy. 94 west of Loop 287 to be zoned Commercial and Apartment was approved for first reading at public hearing conducted at last meeting of City Commission. Mayor Garrison stated that the public hearing involved discussion regarding the inclusion of Berry Road in the area to be annexed. Mayor Garrison stated that City Manager Harvey Westerholm had met with representatives of the City of Hudson and asked for a report and recommendation.

City Manager Harvey Westerholm stated that after meeting with representatives from Hudson, a new map indicating areas for suggested jurisdiction by the City of Hudson had been prepared. City Manager Westerholm stated that he recommended the subdivision served by Cripple Creek be included in the City of Hudson and that portion of

Berry Road serving houses that will be in Lufkin City limits should be included in the annexation. City Manager Westerholm stated that he would prefer that large tracts not be divided between cities, but remain in either one or the other City in their entirety. In answer to question by Mayor Garrison, City Manager Westerholm stated the City of Lufkin had the right to annex to the city limits of Hudson. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that annexation include area as indicated on map and fieldnotes attached to minutes as permanent record. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that annexed property be permanently zoned Apartment and Commercial as requested by R. H. Duncan, that the Dubose property be zoned Commercial, and the balance be zoned R. A unanimous affirmative vote was recorded.

6. Annexation & Permanent Zoning - First Reading - Approved - Angelina & Neches River Railroad - LM

Mayor Garrison stated that annexation & permanent zoning request by Angelina & Neches River Railroad covering property located north of Loop 287 and east of Davisville Road containing approximately 16 acres to be zoned Light Manufacturing had been approved for first reading at public hearing. There was no one present in opposition.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that property be approved for annexation. An unanimous affirmative vote was recorded.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that property be approved for permanent zoning to Light Manufacturing. A unanimous affirmative vote was recorded.

7. Annexation & Permanent Zoning - Approved - First Reading - R. H. Duncan Construction Inc. - Brook Hollow Addition - RL

Mayor Garrison stated that annexation & permanent zoning request by R.H. Duncan Construction, Inc. covering two (2) lots at west end of Copeland Street in Brook Hollow Addition No. 5, to be zoned Residential Large had been approved for first reading at public hearing. There was no one present in opposition.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Pat Foley that property be approved for annexation. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that property be approved for Permanent Zoning to Residential Large. A unanimous affirmative vote was recorded.

8. Annexation & Permanent Zoning - Second Reading - Tabled - Omer E. Scogin - Herty Area

Mayor Garrison stated that annexation & permanent zoning request by Omer E. Scogin representing property owners in Herty Area Bounded by Freeman, McHale, Kent, and McKinney Streets was to be considered on Second Reading at this meeting of City Commission, but additional time is needed to obtain signatures dedicating right-of-way to the City of Lufkin.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that annexation & permanent zoning request be tabled until further action is requested by applicants. A unanimous affirmative vote was recorded.

Rick Hendry, property owner in Herty Area, requested information on whether he would be charged again for sewer service which he enjoys as a property owner on McKinney Street.

Mayor Garrison suggested City Manager Harvey Westerholm compile an up-to-date report regarding the status of Mr. Hendry's property to ascertain if additional charges would have to be made regarding sewer service.

9. Zone Chage Application - Approved - Second Reading - Charles R. Stewart - RL to RS

Mayor Garrison stated that zone change application by Charles R. Stewart covering property located on Loop Lane between Loop 287 and North Raguet Street from Residential Large to Residential Small had been approved on first reading at last meeting of City Commission. There was no one present in opposition to zone change application.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that zone change application be approved on second and final reading as presented. A unanimous affirmative vote was recorded.

10. Zone Change Application - Approved - First Reading - Lehman's Pipe & Steel, Inc. - RL to LM

Mayor Garrison stated that zone change application by Lehman's Pipe & Steel, Inc., covering property located between Davisville Road and Highway 59 North, south of Loop 287 from Residential Large to Light Manufacturing District had been recommended to City Commission for approval by Planning & Zoning Commission. There was no one present in opposition.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Bob McCurry that zone change application be approved on first reading as presented. A unanimous affirmative vote was recorded.

11. Zone Change Application - Approved - First Reading - Angelina & Neches River Railroad - RL to LM

Mayor Garrison stated that zone change application by Angelina & Neches River Railroad covering property located between Loop 287 and Kit McConnico Park containing approximately 5.6 acres from Residential Large to Light Manufacturing District had been recommended for approval by Planning & Zoning Commission. There was no one present in opposition.

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

12. Resolution - Approved - Duncan Construction, Inc. - Public Hearing Set - Industrial Development Bond Financing

Mayor Garrison stated that request had been received from Rufus Duncan that property being considered for construction of the new Federal Building be allowed to participate in the Lufkin Industrial Development Authority Fund Financing.

City Attorney Bob Flournoy stated that a hearing date should be established with 15 day notification of public

hearing at which time the City Commission would have to determine if area should be designated as eligible for Industrial Development Bond Financing of Commercial projects. City Attorney Flournoy further stated that after the public hearing the Industrial Development Authority would have to take action to approve issuing of bonds for construction of Federal Building.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that public hearing be set for July 27, 1982, at 12:00 P.M. for action by City Commission and the Industrial Development Authority of the City of Lufkin.

John Fleming, a local attorney representing Mr. Duncan, stated that the area to be considered at the public hearing should be established.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that resolution authorizing public hearing be approved with area to be considered being indicated as Block 101 of Original Townsite of the City of Lufkin and adjacent areas served by First, Angelina, Rhodes, and Polk Streets. A unanimous affirmative vote was recorded.

13. Bid - Approved - Parks Department - Cutler Electric

Mayor Garrison stated that bids had been received for installation of lights at tennis court in Chambers Park, and Cutler Electric was low bidder in the amount of \$3,304.00.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that low bid be approved. A unanimous affirmative vote was recorded.

14. Appointment - Approved - DETCOG Board of Directors

Mayor Garrison stated that DETCOG had requested that the City of Lufkin appoint four (4) members to serve on the Board of Directors. Mayor Garrison further stated it had been the policy of the City to appoint the four (4) senior members of the City Commission to serve on the DETCOG Board of Directors and would invite comments regarding same.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Bob McCurry that Pitser H. Garrison, E. C. Wareing, Pat Foley, and Richard Thompson be reappointed to serve as members of the DETCOG Board of Directors. A unanimous affirmative vote was recorded.

15. Community Development Block Grant - DETCOG - Approved - Application Preparation

Mayor Garrison stated that a proposal had been received from DETCOG to prepare the City of Lufkin Community Development Block Grant Application for a fee of \$225.00.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that DETCOG proposal be accepted as presented. A unanimous affirmative vote was recorded.

16. Traffic Interchange - Discussed - Loop 287 - Highway 59 South - Texas Department of Highways and Public Transportation

Mayor Garrison stated that several Commissioners had requested that representatives from the State Highway Department present plans for proposed interchange at Loop 287 and Highway 59 South to the City Commission

indicating an estimate of what the City's obligation would be in this regard. Mayor Garrison recognized J. L. Beaird, Engineer with the Texas Highway Department.

Mr. Beaird stated that he appreciated the opportunity to inform the City of its obligation in regard to the proposed project. Mr. Beaird further stated that the Highway Department had been asked in 1974 to evaluate the interchange at Loop 287 and Highway 59 South. Mr. Beaird stated that the proposed solution was such that the Highway Department felt it would fit the needs of the city for the next 20 years. Mr. Beaird indicated the changes would begin at Farm Road 58 with a three (3) level interchange to include frontage roads on each side of the Loop. Mr. Beaird stated that additional right-of-way would be required in the area of the Lufkin Mall and Angelina College, and the total cost of the entire project was estimated at 12 million dollars. Mr. Beaird further stated that the cost for the City would be approximately \$110,000.00 exclusive of the right-of-way which would cost an additional \$600,000.00 with 90% being paid by the Highway Department leaving the City with a cost of \$60,000.00, for a total approximate cost to the City of Lufkin \$200,000.00 Mr. Beaird stated that initial purchases of right-of-way would be made by the City of Lufkin with reimbursement from the Highway Department at a ratio of 90% to 10%. Mr. Beaird stated at the present time the Highway Department is only authorized to go through the right-of-way purchase stage which indicated the earliest the project could go to contract would be approximately two (2) years away with construction following a 2½ year time frame to completion.

Mayor Garrison expressed his appreciation to Mr. Beaird for his presentation of the plans for the proposed interchange stating the City Commission had desired an overview of the project before the public hearing was held in August or September.

Mr. Pat Foley stated that many businessmen in the area had been concerned about the project and its effect upon their business, but the fact that construction would not begin for several years would be beneficial to them during this time of depressed economy.

17. Flood Prevention Ordinance - Discussed

Mayor Garrison stated that Commissioner Pat Foley had requested that recently adopted Flood Prevention Ordinance be included on the agenda for discussion in regard to questions that had been raised regarding same.

Commissioner Pat Foley stated that he had reservations about recently adopted ordinance and was concerned because the City was confiscating property along the creeks designated as being a part of the floodway. Commissioner Foley further stated that maps and studies seemed too restrictive, and some areas could not be developed because of inclusion in the floodway. Commissioner Foley stated that from his study of the ordinance he understood that channelization of creeks could not be undertaken and that the ordinance is not practical at present. Commissioner Foley stated that he had been made aware that the floodway extends beyond the banks of the creek and structures cannot be constructed on same.

City Manager Harvey Westerholm stated that the floodway designates the area in which construction or filling with dirt is prohibited because same would change the

floodway further along the creek.

City Attorney Bob Flournoy stated that an area is designated as a floodway if filling of the area would raise the water in the channel by as much as one (1) foot, but he felt the channel could be dredged out and the area surrounding it raised by adding fill dirt. City Attorney Flournoy further stated that he felt the problem might exist in preparation of the maps and the ordinance. City Attorney Flournoy stated the approval of the Flood Plan Ordinance is a condition of the Flood Insurance Program.

Kenneth Vann, City Engineering Department, stated the ordinance that was adopted by the City Commission was taken from a sample provided by FEMA, which is a requirement to enter the flood insurance program. Mr. Vann further stated that the sample ordinance could be amended but the City does not have the authority to change the area that concerns Commissioner Pat Foley. Mr. Vann further stated that since adoption of the ordinance the city has no authority to change or alter any creek unless it can prove by detailed explanation it will not increase the flood level more than (1) foot in a particular area.

Mayor Garrison stated that he felt a person should be allowed to use their property in anyway they saw fit.

Commissioner Pat Foley stated he was concerned about the flood boundary lines that are established and that creeks should be channelized without red tape. It was a consensus of opinion by the City Commission that the flood plain ordinance be considered at a later date after City Attorney and City Manager have had an opportunity to study same.

18. Appointment to Planning & Zoning Commission - Approved - Sam Griffin

Mayor Garrison stated that the term of Sam Griffin, Chairman of the Planning & Zoning Commission, expired as of June 30, 1982, and the Commission should consider reappointment.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Percy Simond that Sam Griffin be reappointed as Chairman of the City Planning & Zoning Commission. A unanimous affirmative vote was recorded.

19. Resolution - Approved

Mayor Garrison stated he would like to express his appreciation to the firemen at Fire Station #3 on Atkinson Drive for the re-roofing of the Fire Station.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that a resolution be approved commending the firemen for their action beyond the call of duty in the re-roofing of their firehouse. A unanimous affirmative vote was recorded.

20. There being no further business for consideration, meeting adjourned at 9:35 p.m.



ATTEST:

Ann Griffin
Ann Griffin, City Secretary

Pitser H. Garrison
Pitser H. Garrison, Mayor

AREA NOT PROPOSED FOR ANNEXATION

BERRY RD.

LUFKIN CITY LIMITS

AREA PROPOSED FOR ANNEXATION AND PERMANENT ZONING BY THE CITY OF LUFKIN (ZONE C) (ZONE A)

HWY. NO. 94

CITY OF LUFKIN



AREA PROPOSED FOR ANNEXATION BY THE CITY OF HUDSON

JURISDICTION BOUNDARY LINE

HUDSON CITY LIMITS
CITY OF LUFKIN EXTRATERRITORIAL

LUFKIN CITY LIMITS

CRIPPLE CREEK DR.

T. S. E.

R. R.

FIELDNOTES FOR HIGHWAY 94 AND BERRY ROAD AREA ANNEXATION

BEGINNING at an ell corner in the existing City limits line as established by Ordinance No. 1518 on the North boundary line of the Westwood Subdivision, a revised subdivision of record in Volume 5, page 35 of the Map and Plat Records of Angelina County, Texas, said ell corner being the Southwest corner of an 11 acre tract of land owned by Woody's Toys, Inc. of record in Volume 314 on page 26 of the Deed Record of Angelina County, Texas, a point for corner;

THENCE in a Westerly direction following the North boundary line of the said revised Westwood Subdivision to the Southwest corner of a 5 acre tract of land described in a deed from W.A. Dubose, et ux to Warren A. Dubose, et ux, dated December 1, 1962 and recorded in Volume 273 on page 412 of the Deed Records of Angelina County, Texas, a point for corner;

THENCE in a Northerly direction following the West boundary line of the said Warren A. Dubose, et ux, 5 acre tract of land to the Northwest corner of same in the South right-of-way line of State Highway No. 94, a point for corner;

THENCE in a Northwesterly direction, crossing State Highway No. 94 to the Southwest corner of a 21.556 acre tract of land described in a deed from W.A. Dubose and Son Co., Inc. to R.H. Duncan dated April 29, 1982 and recorded in Volume 530 on page 672 of the Deed Records of Angelina County, Texas, a ½" iron pipe for corner in the North right-of-way line of State Highway No. 94;

THENCE N. 10°26'27" W. following the West boundary line of the said 21.556 acre tract of land, at 766.66 feet the Northwest corner of same, a ½" iron pipe for corner in the South right-of-way line of Berry Road;

THENCE N. 69°38'56"E. following the North boundary line of the said 21.556 acre tract of land and the South right-of-way line of Berry Road, at 1,091.06 feet the Northeast corner of same, a 1" iron pipe for corner in the South right-of-way line of Berry Road;

THENCE in a Northwesterly direction crossing Berry Road, at right angle to its centerline, to the North right-of-way line of same, a point for corner;

THENCE in a Northeasterly direction following the North right-of-way line of Berry Road to the existing City limits line as established by Ordinance No. 1123, a point for corner being 300 feet West of and at right angle to the West right-of-way line of State Highway Loop No. 287;

THENCE in a Southeasterly direction following the existing City limits line as established by Ordinance No. 1123, being 300 feet West of and parallel to the West right-of-way line of State Highway Loop No. 287, to an ell corner in the existing City limits line as established by Ordinance No. 1518, a point for corner on the South right-of-way line of State Highway No. 94;

THENCE is a Westerly direction following the existing City limits line as established by Ordinance No. 1518, same being the South right-of-way line of State Highway No. 94 to the Northwest corner of the aforesaid Woody's Toys, Inc., 11 acre tract of land, also being an ell corner in the existing City limits line, a point for corner;

THENCE in a Southerly direction following the West boundary line of the said Woody's Toys, Inc., 11 acre tract of land, same being the existing City limits line as established by Ordinance No. 1518 to the point and place of beginning.