

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF MAY, 1978, AT 7:30 P. M.

On the 2nd day of May, 1978, 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
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
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Asst. City Manager

being present and

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Curtis Keith, Pastor of First Christian 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. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of April 18, 1978, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Zone Change Approved 2nd Reading-Lloyd Parish from RL to RM District, Special Conditions

Mayor Garrison stated that zone change application by Lloyd Parish from RL to RM District, Special Conditions, covering property located immediately East of & fronting on Feagin Drive, South of Scott Street dead-end and Norris Street deadend, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Lloyd Parish from RL to RM District, Special Conditions, be approved on second and final reading. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

5. Animal Control Ordinance Approved 1st Reading - Leash Law

Mayor Garrison stated that Comm. Jack McMullen had suggested members of Commission consider a proposed ordinance regarding the control of dogs within the City of Lufkin during this meeting and same had been placed on the City Commission agenda for consideration.

Mayor Garrison then recognized Comm. Jack McMullen regarding this proposal. Comm. McMullen stated that he had received a number of phone calls in past weeks in support of a leash law. Comm. McMullen then made motion that proposed ordinance as prepared by City Attorney be approved on first reading. Motion was seconded by Comm. W. O. Ricks, Jr.

Prior to vote on motion, Mayor Garrison requested that City Attorney Flournoy read proposed ordinance. Following reading of ordinance, Mayor Garrison stated that this Commission had previously approved an ordinance which had not appeared to be effective inasmuch as it involved the necessity of property owners to file individual complaints.

Discussion developed with regard to consideration of an amendment to proposed ordinance by changing of the word "dog" as referred in the ordinance to "animals" and for same to apply to all animals.

There was no opposition present regarding passage of this animal control ordinance, but Mayor Garrison recognized Mrs. Mike Harber who was present. Mrs. Harber expressed her specific support that the ordinance refer to cats and dogs or all animals inasmuch as cats appeared to be as much a problem in her neighborhood as dogs with respect to scattering of trash and tearing of trash liners. There was no indication by any member of the City Commission regarding opposition to this proposal.

City Manager Westerholm reported that this proposed ordinance was similar to the one recently approved by the City of Nacogdoches and would not be implemented until 90 days after approval on second and final reading. City Manager Westerholm also reported, on inquiry by Comm. Pat Foley, that the cost of this operation, with respect to additional control, would not be a problem, even though a greater work load would be initially imposed upon the Animal Control Officer. City Manager Westerholm stated that the control of animals would become an easier job after the initial phase.

Mayor Garrison stated that he knew of very few cities the size of Lufkin that did not already have a leash law of this type. Mayor Garrison also suggested that two readings of this ordinance be considered inasmuch as no particular emergency seemed to be apparent, and same would also give the public additional opportunity to appear regarding their particular concern for consideration of this type regulation.

Comm. E. C. Wareing suggested that the wording of the proposed ordinance be changed to refer to "animals" instead of the proposed "dogs". All members of Commission were in agreement with this amendment and that ordinance be considered on two separate readings.

A unanimous affirmative vote was then recorded to previous motion and second to approve proposed animal control ordinance on first reading with amendments as stated.

6. Zoning Ordinance-Proposed Amendment to "Family Units" Definition Amendment Postponed

Mayor Garrison stated that Comm. W. O. Ricks, Jr., had suggested City Attorney propose an amendment to the Zoning Ordinance regarding definition for "family units" inasmuch as some confusion had developed in the recent past regarding this matter. Mayor Garrison was of the opinion members of Commission should further review this definition more carefully and suggested the possibility of a chart to describe various relationships that would be specifically accepted under a new definition.

Comm. W. O. Ricks, Jr., stated his opinion that the new definition should be very carefully defined to prevent many families from living in one dwelling.

Members of Commission were in unanimous agreement that further information should be accumulated prior to making final decision regarding this proposed amendment. Comm. Richard Thompson then made motion that proposed amendment to Zoning Ordinance be tabled until next regular meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Lufkin Mall Site Plan-Approval of Final Proposal

Mayor Garrison stated that the Lufkin Mall site plan had been submitted for final approval to the City Planning and Zoning Commission and same had been recommended to this Commission for consideration covering property located between Tulane Drive and U. S. Highway 59 South and North of Loop 287. Mayor Garrison stated that the proposed plan to be considered by this Commission was a revised site plan and recognized Mr. Jack Hicks, attorney for Paul Broadhead & Associates, representing proposal.

Mr. Hicks reviewed, in extensive detail on a comparison basis, the changes from the initial site plan as presented to this Commission. Mr. Hicks compared the old site plan with the new site plan and pointed out the major changes being the abandonment of the back exit ramp near the Card Drive area and the general movement of the entire mall area to the southwest. Mr. Hicks also stated that the buffer zone initially proposed had been enlarged inasmuch as the nearest building corner would be approximately 200 feet from the existing pavement on Tulane Drive. Mr. Hicks stated

that this particular aspect had increased the size of the buffer along Tulane Drive. Mr. Hicks stated that the south exit way had been extended further south on Tulane and was approximately 200 feet from Loop 287. Mr. Hicks stated that this proposed exit and entrance ramp was designed to encourage exit traffic from the mall area to turn south on Tulane Drive.

Mr. Hicks reviewed each change in the proposed site plan and indicated that the overall size of the mall area had increased to 397,000 square feet. Mr. Hicks also stated that the plan presented to members of Commission at this meeting had been represented to him as identifying 98 percent of what the mall area would appear after construction.

Comm. W. O. Ricks, Jr., asked Mr. Hicks if the developer would be willing to widen Tulane Drive for the benefit of its patrons. Mr. Hicks stated that at present Tulane was approximately 20 feet in width and this property had been considered for allowance of ROW for this purpose. Mr. Hicks stated that he was of the opinion the developer would be willing to provide the necessary ROW for this widening.

City Manager Westerholm stated that recent traffic studies in this area indicated that the hill rise at Card & Tulane should be lowered to provide a better forward view of on-coming traffic as an additional precaution when the widening of Tulane was finally considered. Mayor Garrison stated his opinion that the widening of Tulane would also discourage traffic from exiting to the north on Tulane from the south exit way of the mall area.

Mayor Garrison asked Mr. Hicks if the ROW could be made available by the developer. Mr. Hicks stated that the developer would agree to this proposal and furnish the necessary ROW for this purpose. Mr. Al Luedeke, traffic controller for the Texas Department of Highways & Public Transportation, confirmed information obtained regarding the lowering of the hill at Card & Tulane as a recommended consideration in this project.

Mr. Hicks then described in specific detail the proposed buffer being considered in the northeast area of this property, pointing out the fact that the developer proposed to plant lush foliage along the proposed berm area and all trees which were to be removed would be replaced and a perpetual maintenance of this shrubbery would be implemented by the developer. Mr. Hicks stated that in essence, this would provide adjacent property owners a very attractive view and Mr. Spencer Knutson, who owned property across from mall, would essentially be viewing a garden-type area along the berm to be constructed in this area. Mr. Hicks stated that sound test in the area indicated that the mall would make little sound and the proposed construction of parking area 27 feet below the street level at the northeast corner would also prevent sound intrusions.

Discussion developed with respect to exits on Loop 287 and Highway 59 and Mr. Al Luedeke explained to members of Commission that proposed acceleration and deceleration lanes for Loop 287 and Highway 59 would either be designed or engineered by the highway department at the expense of the contractor and would be constructed to best accommodate the anticipated traffic in this area.

Mr. Hicks reported that the underground box culvert proposed to take care of drainage in the mall area would cost the developer approximately \$310,000.

Mayor Garrison then recognized Mr. & Mrs. Guy Carlton, who were present regarding this proposal. Mr. Carlton thanked members of Commission for their concern in this site plan approval for the Lufkin Mall and expressed their appreciation to members of Commission for all the work they had done to protect the residents in this area. Mr. Carlton requested that the proposed entrance and exit in the south area of Tulane near Loop 287 be prohibited until Tulane was widened and the hill area at Card Drive be reduced as discussed. Mayor Garrison stated that the City Manager and his staff would do everything possible to control the traffic in this area. Mrs. Carlton requested as to whether or not members of Commission could place NO THRU TRAFFIC signs on Card Drive. City Manager Westerholm reported that this was normally applied for trucks and a particular ordinance of this type was not enforceable unless vehicles were transporting hazardous materials. Mr. Westerholm stated he was of the opinion a NO THRU TRAFFIC sign would be helpful inasmuch as most of the citizens

of Lufkin obeyed these type signs and same could be considered for this area.

There were no other individuals present appearing in opposition to this site plan consideration.

Comm. W. O. Ricks, Jr., made motion that the proposed site plan for the construction of the Lufkin Mall on properties previously described, be approved with the stipulation that Tulane Drive be widened at least from the south access road to Loop 287. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Following approval of site plan, Mr. Jack Hicks inquired of Mayor Garrison as to whether or not it would be possible to state in the minute record that neither Mr. Spencer Knutson nor his legal counsel were present to hear consideration of this site plan. Mayor Garrison then asked that this statement be written in the minutes for permanent record.

8. Zone Change Approved 1st Reading-Moore Brothers Construction Company from RM to C District

Mayor Garrison stated that zone change application by Moore Brothers Construction Company from RM to C District covering property fronting on Lloyd Street between Cousart and Laurel, had been recommended by the City Planning and Zoning Commission for approval.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by Moore Brothers Construction Company from RM to C District be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

9. Zone Change Approved 1st Reading-CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs)

Mayor Garrison stated that zone change application by CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs), covering property located on South Timberland Drive, across from South First Street intersection, between South Timberland and Tulane Drives, had been recommended by the City Planning and Zoning Commission for approval.

There were no persons present appearing in opposition to application. Comm. W. O. Ricks, Jr., made motion that zone change application by CSC Investments, Inc., from LB to LB & C Districts, Special Use (Erection of On-Premise Signs), be approved on first reading of ordinance. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

10. Tax Equalization Board Appointed

City Manager Westerholm stated that the following named individuals had been suggested to consider serving on the Tax Equalization Board:

Richard Gardemal, Earl Handley, Arthur Bresie, Travis Carrington and Harvey Rowin

City Manager Westerholm stated that the only change from the previous year was the substitution of Harvey Rowin in place of Leeland Petty who had been ill. Members of Commission were in unanimous agreement that the above listed individuals be accepted and Comm. E. C. Wareing made motion that same be appointed to the Tax Equalization Board as recommended by the City staff. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Water Pumps - Question Regarding Setting

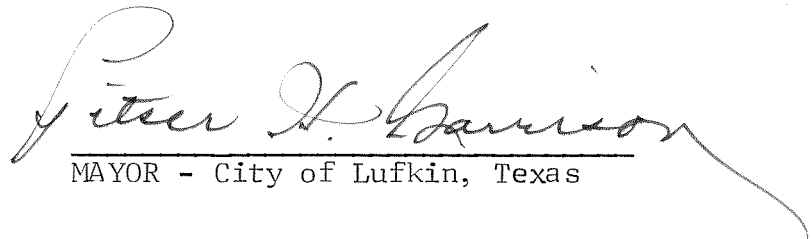
Comm. E. C. Wareing inquired of City Manager Westerholm as to whether or not the water wells #6 and #7 were operational inasmuch as no setting was indicated on report submitted to members of Commission. City Manager Westerholm stated that these particular wells had recently experienced repairs and each had been lowered 50 or 60 feet. Mr. Westerholm stated that new pump levels had not been determined.

12. City Planning & Zoning Commission-Consideration for Appointment of New Member

Comm. Richard Thompson stated that inasmuch as a vacancy had recently occurred on the City Planning and Zoning Commission, if members of Commission desired to consider appointment of a new member. Mayor Garrison stated that members of Commission should give various names for consideration to the City Manager and same could be considered by this Commission in executive session at a later meeting.

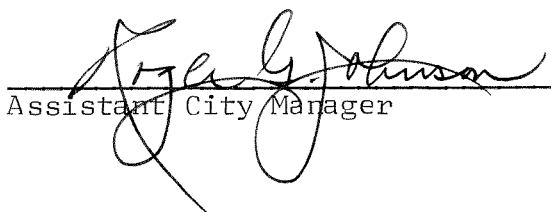
13. Adjournment

There being no further business for consideration, meeting adjourned at 8:35 p.m.

  
MAYOR - City of Lufkin, Texas

ATTEST:



  
Assistant City Manager