

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON THE 1ST DAY OF DECEMBER, 1981, AT 7:30 P.M.

On the 1st day of December, 1981, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1
Don E. Boyd	Commissioner, Ward No. 2
Bob McCurry	Commissioner, Ward No. 3
Pat Foley	Commissioner, Ward No. 4
Richard Thompson	Commissioner, Ward No. 5
E. C. Wareing	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert Flournoy	City Attorney
Ann Griffin	City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Rev. Stephen Bancroft, pastor of St. Cyprian's Episcopal Church, Lufkin.
2. Mayor Garrison welcomed visitors present.
3. Approval of Minutes

Minutes of regular meeting of November 17, 1981, were approved on motion by Commissioner Pat Foley. Motion was seconded by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.

4. OPEN HEARING - West Loop Corridor Study - Policy Approved

Mayor Garrison stated that West Loop Corridor Study had been discussed at last meeting of City Commission, and because of the interest generated by same it was decided to have an Open Hearing today. Mayor Garrison recognized City Planner Ed Richie who presented plan to persons present.

Commissioner Pat Foley stated that the policy recommended new development should not add to existing flooding problems along Crooked Creek, but he was under the impression that rechannelization of Cedar Creek had solved the flooding problem in this area.

Jimmy Griffith, Griffith Associates, stated that rechannelization has been completed in this area, but the area along Loop 287 is small in comparison to the entire drainage basin. Mr. Griffith further stated that localized rains falling in the upper reaches of the basin, i.e. Keltys area and Hwy 69 North could cause problems in the lower reaches.

Commissioner Pat Foley stated that the policy recommends privacy of single family dwellings should be respected. City Planner Ed Richie stated that 10 feet is required between structures by the building code, and this would not be adequate for multi-family dwellings to assure privacy.

Commissioner Pat Foley requested information on statement in Policy that change will not be detrimental to existing uses. City Planner Ed Richie stated that if a zone change is requested which creates no detrimental effect for the neighborhood, there would be no conflict with same, and this would have to be decided on an individual basis.

Commissioner Pat Foley stated that the Policy recommends all land should be zoned for potential development use and asked if same required land be currently zoned for best use. City Planner Richie stated that this statement recommended that if land has potential for development in the area same should not be detrimental to the neighborhood and a change in zone should be made to help in the land development.

Mayor Garrison officially opened hearing on West Loop Corridor Study and requested that persons owning property in the North Section from Pershing to Hwy. 94 speak first. There were no comments from persons present.

Mayor Garrison then asked that persons owning property in the South Section from the entrance to Southridge Subdivision to Pershing present their views.

Larry Byrd stated that he owned 300 feet of Loop frontage and 3½ acres behind same for which he presently had no plans for development. Mr. Byrd stated that originally he considered building apartments on the property, but recently, the area had become saturated with apartments.

Tom Gann stated that he owned property on Allendale Street that is undeveloped, but he is in the process of seeking a zone change to apartment district. Mr. Gann stated that he supports the new policy changes, and he had been anticipating the opening of additional lanes on Loop 287 before seeking a zone change.

Mayor Garrison asked that persons owning property in the Central Section from Southridge entrance to the overpass present their views.

John Smith stated that his home was on Turtle Creek and Loop 287, and his house has been flooded twice. Mr. Smith stated that he felt more culverts were needed under the Loop, and new development in the area would add to the congestion.

Gene Tate stated that he lives five (5) lots away from the Loop and his home has almost been flooded because the Loop is a natural barrier for the water. Mr. Tate further stated that commercial zoning in the area would add to the traffic congestion, and once special use zoning is used it is easier to go to the next step in zoning.

Bayo Hopper stated that he lived near the flooding area, and he felt Cedar Creek in this vicinity should be widened, and straightened. Mayor Garrison stated that the City has done very little in rechannellization of the Creek because most of the work has been done by private developers, and at present, there is no new development planned in this area from Pershing to the Loop. Mr. Hopper stated that if residents were allowed to make the decision of whether developments would be detrimental to the area or whether privacy of existing homes would be damaged, there would be no problems. Mr. Hopper stated that developers should be required to indicate what would remain residential when lots were offered for sale.

Rev. Steve Bancroft stated that St. Cyprian's Church owns 16 acres against the creek and has no flooding problem because the water flows rapidly. Rev. Bancroft further stated that the church was willing to give the City a 30 foot easement to help with the rechannellizing of the Creek. Rev. Bancroft stated that the people in the church fully agree with the policy, and because the church cannot sell their property like an individual, they are very interested in the development of the area. Rev. Bancroft stated that the land is too valuable to lie dormant, and too expensive for residential development, and the policy is invaluable in determining the best development of the area.

Charlie Hamilton stated that his home was on Robinwood and Copeland, and the loop allows water to back up on the East side. Mr. Hamilton stated that new development in the area would add to the flooding problem. Mr. Hamilton stated that the developers had not sold the land fronting on the loop until the price increased to make extra money.

Rufus Duncan, Jr. stated that policy gives goals and objectives that can be used, and he is in agreement with same.

Don Langston stated that he owns property that has been developed with apartments, and is a member of the Home Builder's Association. Mr. Langston stated that he presented a letter in support of the policy to City Commission, and he would like to see the area developed keeping in mind the flooding problem.

Mayor Garrison closed hearing and asked for comments from Commission. Mayor Garrison stated that this Commission is not in a position to make any judgment on zone changes until an application is presented under zoning law, and the policy appeared too general for adoption.

Commissioner E. C. Wareing stated that the Planning & Zoning Commission could use the policy as a guideline and it would be helpful for this Commission to state their findings on the policy.

Commissioner Pat Foley stated that the Planning & Zoning Commission was asking the City Commission to indicate whether the policy should be used as a guideline.

Commissioner E. C. Wareing stated that a comprehensive flood plan is needed in the West Loop area as well as the complete City to allow the floodplain to be considered when construction is contemplated. Commissioner Wareing stated that the preliminary study by Griffith Engineers indicates that the Pershing Street bridge on Cedar Creek is a bottleneck, but if the Creek is widened at this point the runoff behind St. Cyprian's Church could be faster. Commissioner Wareing stated that an overall picture is needed for the next 20 or 30 years regarding drainage.

Commissioner Pat Foley stated that City Planner Richie has done a good job and should continue the study throughout the City.

Commissioner Richard Thompson asked if the waste water system and lift station in the area was adequate. City Manager Westerholm stated that the City was in the process of updating the sewer service in the area, and no immediate problems existed .

Commissioner Pat Foley recommended that the policy be adopted. Prior to second of motion, Mayor Garrison stated that zone change applications have to come to the City Commission, and the policy cannot be specific enough which would create the wrong impression if same were adopted.

Previous motion by Commissioner Foley did not receive a second, and new motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Planning & Zoning Commission be informed that City Commission finds no disagreement with policy statements as presented in the Southwest Loop Development Policy. The following vote was recorded: Aye - Commissioners Simond, Boyd, McCurry, Foley, Thompson & Wareing; Nay - Mayor Garrison. Mayor Garrison declared motion approved by a vote of 6 to 1. Mayor Garrison stated that he voted Nay because he felt the approval of the policy would create the wrong impression because guidelines are not specific enough, and zone changes must be decided after a hearing and notice to property owners.

Commissioner E. C. Wareing stated that zone change applications are being delayed waiting for the policy to be approved. Mayor Garrison stated that if the answer to flooding was found and a specific zone was recommended he would agree with the policy.

Commissioner Pat Foley stated that the policy was general enough to provide guidelines for the area.

5. Zone Change Application - Approved - Phillip M. Medford - First Reading - RS to A

Mayor Garrison stated that zone change application by Phillip M. Medford covering property located on the corner of Addie and Robin Streets from Residential Small to Apartments had been postponed at last regular meeting to allow Commissioners Boyd and McCurry to meet with property owners and developer in an attempt to settle differences. Mayor Garrison recognized Phil Medford, local realtor, who stated that the meeting was held with Rev. Simmons and six property owners, but an agreement was not reached. Mr. Medford stated that the property owners were opposed to any development of the area except single family, one story homes.

Rev. Simmons stated that he received notice of proposed meeting too late to notify the people of his church, but the main opposition to the zone change is that the building will be two (2) stories. Rev. Simmons stated that he had requested another meeting to notify more of his people. Mr. Medford stated that another meeting would not solve anything.

Mr. Medford stated that the exact number of units has not been determined because the building inspection department will dictate the number, but it will be a two (2) story building. Mr. Medford stated that the people of the area indicated they did not want people on the second floor looking into their windows.

Commissioner Bob McCurry stated that he informed the people at the meeting that he would vote for the zone change because the area needed development and the apartments would be an improvement for the area. Commissioner McCurry stated that most of the people at the meeting were elderly and did not want any change. Commissioner McCurry further stated that the opponents had the misconception that the apartments would be government funded, but because they are private enterprise the developer would insist they be maintained.

Commissioner Don Boyd stated that the privacy of property owners should be protected, but the apartments are needed, especially in this area.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Richard Thompson that zone change be approved with the provision that a six (6) foot sight bearing fence be constructed for privacy. A unanimous affirmative vote was recorded.

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

Mayor Garrison stated that zone change application by Thomas R. Renfro d/b/a Casa Tomas, covering property in Lufkin Mall located at 4600 South Medford Drive from Commercial to Commercial, Special Use (Item 16-Private Club) had been approved on first reading at last meeting of the City Commission. There was no opposition present.

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

7. Ordinances Approved - Second Reading - Standard Plumbing Code - Standard Gas Code - Standard Swimming Pool Code

Mayor Garrison stated that the Standard Gas Code, Standard Swimming Pool Code and Standard Plumbing Code was approved on first reading at last meeting of City Commission with some question about the use of PVC pipe for sanitary sewer under concrete slab as provided for in Standard Plumbing Code.

Commissioner E. C. Wareing stated that cast iron pipe should be used under all slabs in residential construction. Commissioner Richard Thompson stated that cast iron pipe should also be used under the slab for commercial construction.

Tom Gann, Local Builder, stated that the Plumbing Code was recommended to the City Commission by the Plumbing Board of the City which approved PVC Pipe under slab, and the Homeowners Association is also in favor of same.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Richard Thompson that the Standard Plumbing Code be adopted with the exception of PVC pipe being allowed under all concrete slab construction for sanitary sewer. The following vote was recorded: Aye - Mayor Garrison, Commissioners Simond, Thompson, and Wareing; Nay - Commissioners Foley, McCurry, and Boyd. Mayor Garrison declared motion approved on second and final reading by majority vote of 4 to 3.

Building Inspector Hubert Stubblefield stated that PVC pipe had been allowed in only one instance, Atkinson Candy Company, because of the problems with disposal of sugar in cast iron pipe. In answer to question by Commissioner E. C. Wareing, Mr. Stubblefield stated that the Standard Plumbing Code makes allowances for special provisions.

Motion was made by Commissioner E. C. Wareing and seconded by Richard Thompson that Standard Gas Code be approved on second and final reading. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that Standard Swimming Pool Code be approved on second and final reading.

8. Service Award Presented - Harvey Rowin - Civil Service Commission; Rod Pittman Appointed - Planning & Zoning Commission; Dr. Ned Barrett Jr., Appointed

Mayor Garrison stated that the City Commission desired to present a service award to Harvey Rowin in recognition of his 15 years of faithful service to the City as a member of the Civil Service Commission.

Mayor Garrison stated that a vacancy was created on the Civil Service Commission by the retirement of Mr. Rowin, and Rod Pittman had been asked to serve. Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that Rod Pittman be appointed to the Civil Service Commission for a three year term. A unanimous affirmative vote was recorded.

Mayor Garrison stated that a vacancy had been created on the Planning & Zoning Commission by the retirement of James Gibbs, and Dr. Ned Barrett, Jr., had been asked to serve. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that Dr. Ned Barrett, Jr., be appointed to the Planning & Zoning Commission for a three year term. A unanimous affirmative vote was recorded.

Mayor Garrison administered the Oath of Office to Mr. Pittman and Dr. Barrett.

9. Purchase of Emergency Medical Services Communications System - Approved Angelina County - City Budget Amended

Mayor Garrison stated that through the assistance of the Deep East Texas Council of Governments, and a grant from the Federal Emergency Medical Services, the City has made application to provide improved medical emergency services for the Lufkin area. Mayor Garrison further stated that the total equipment cost is \$50,100 of which \$10,025 is a local match to be shared equally between the City of Lufkin and Angelina County.

City Manager Westerholm stated that the system would be a radio telephone system for emergency medical help that would connect the medical team directly with the hospital.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that the City join in the program by funding \$5,012.50 and that budget be amended to transfer funds from the contingency fund in this regard. A unanimous affirmative vote was recorded.

10. Transfer of CATV Franchise - Approved - Cablecom to CC of Delaware

Mayor Garrison stated that Cablecom General had been sold to Capital Cities of Delaware, Inc., and under the provisions of Cablecom General's franchise the transfer requires the City Commission's consent. Mayor Garrison further stated that discussion of extending cable service in Southridge Subdivision had been held with Wayne Neal, manager of local Cablecom office. Mayor Garrison stated that it was the obligation of the company to extend trunk lines.

Wayne Neal stated that the developer of Southridge Subdivision indicated that she wanted to spend the least amount of money and no provisions were made for expansion of service to Southridge II. Mr. Neal further stated that he was working with residents of the subdivision, and there might be a possibility of extending the line from Brookhollow. Commissioner Pat Foley stated that the developer should be asked to help with the cost.

Commissioner E. C. Wareing stated that the policy for expansion of Cablecom service is fair and the City was a longtime in determining policy for extending sewer and water to several areas of the City. Commissioner Wareing further stated that the line must be drawn somewhere to keep costs down.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Don Boyd that Resolution be approved for the transfer of CATV franchise from Cablecom to CC of Delaware. The following vote was recorded: Aye - Commissioners Boyd, McCurry, Foley and Wareing; Nay - Mayor Garrison Commissioners Thompson and Simond. Mayor Garrison declared motion approved by a vote of 4 to 3.

Rick Squyres, property owner in Southridge, stated that the residents would be willing to accept the policy of Cablecom in its present form because they only live 300 to 500 feet from nearest service, but Cablecom

wants \$8,000 to extend service. City Manager Westerholm stated that he had talked with Wayne Neal who promised to make every attempt to provide cable to Mr. Squyres and his neighbors. Wayne Neal stated that the matter had been removed from his hands by superiors, but he was reviewing the possibility of extending the cable from another direction.

11. Bids - Approved - Fire Hydrants, Central Utilities - Pipe & Materials, Big State Utilities of Lufkin - Uniforms, J. C. Penney - Fire Department Vehicle, Angelina Chevrolet-Cadillac Co.

Mayor Garrison stated that bids had been received on several items for the City and each department head had made recommendations for approval.

City Manager Westerholm stated that bids had been received for the purchase of Fire Hydrants and Pipe and Materials in the Water and Sewer Department, and the following bids were recommended:

Fire Hydrants - Central Utilities - \$4,350

Pipe & Materials - Big State Utilities - \$15,925.44

City Manager Westerholm stated that a reduced price on the fire hydrants would allow Lufkin to purchase 10 instead of 5 and still remain under the budgeted amount. Mr. Westerholm further stated that the reduced price was possible by joining with Nacogdoches in their fire hydrant order.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that bid from Central Utilities be approved. A unanimous affirmative vote was recorded.

Motion was made by Commissioner Richard Thompson and seconded by Commissioner Pat Foley that bid from Big State Utilities for pipe and materials be approved. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that bids had been received on the purchase of Uniforms for the Public Works Department, and the bid from J. C. Penney in the following amounts was recommended:

Shirts - Long Sleeves	\$10.00
Short Sleeves	9.99
Trousers	13.99
Jackets	16.99

Motion was made by Commissioner Percy Simond and seconded by Commissioner E. C. Wareing that bid from J. C. Penney be approved. A unanimous affirmative vote was recorded.

City Manager Westerholm stated that bids had been received for the purchase of the Fire Chief's car, and the bid from Angelina Chevrolet-Cadillac was recommended in the amount of \$8,892.00.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson that bid from Angelina Chevrolet-Cadillac be approved. A unanimous affirmative vote was recorded.

12. Abandoned Houses - Flood Study - Zone for Liquor Package Stores - Universal Tank & Iron Work Arbitration

Commissioner Percy Simond stated that he had reported two abandoned houses several years ago and no action had been taken. City Manager Westerholm stated that he would check on same and report to Commissioner Simond.

Commissioner E. C. Wareing stated that he had requested information on the cost of a Comprehensive Flood Study of the watershed. Roger G. Johnson, Assistant City Manager stated that Jimmy Griffith of Griffith Engineers indicated that he was presently unable to answer the question of cost. Commissioner Wareing stated that he would like to know if the study was affordable.

Commissioner Pat Foley stated that the City should investigate the re-channellizing of Cedar Creek between Pershing & Loop 287.

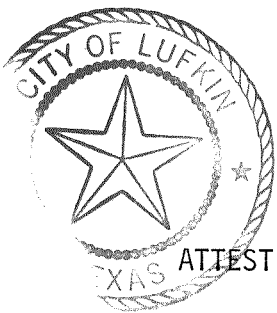
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Commissioner E. C. Wareing stated that expert advice was needed to make sure the rechannellizing would not create a greater problem. Commissioner Richard Thompson stated that the Highway Department should be consulted about the culvert under the Loop.

Commissioner Pat Foley requested information on what zone the liquor package stores would be allowed. City Attorney Bob Flournoy stated that there is no specific zone, and the stores would have to be placed in the nearest allowable zone for this activity. City Attorney Flournoy further stated that if the City Commission wants a specific zone for liquor package stores they would need to approve an ordinance.

City Attorney Flournoy stated that the contract with Universal Tank & Iron Works has an arbitration clause under which they filed a claim that the City can only claim \$3,000 to \$4,000 in liquidated damages rather than \$13,000. City Attorney Flournoy further stated that the company claims that the tank being substantially complete is not involved, and that the City was not able to use the water tank until March. City Attorney Flournoy further stated that the hearing will be held next Tuesday, and the City will have the right to appeal on a legal question.

13. There being no further business for consideration, meeting adjourned at 10:40 p.m.



ATTEST:

Ann Griffin
City Secretary

Pitser H. Garrison
Pitser H. Garrison, Mayor