

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 10TH DAY OF JUNE, 1980, AT 7:30 P.M.

On the 10th day of June, 1980, 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 Garrison	Mayor
Percy A. Simond, Jr.	Commissioner, Ward No. 1(new plan)
Don E. Boyd	Commissioner, Ward No. 2(new plan)
Bob McCurry	Commissioner, Ward No. 3(new plan)
Pat Foley	Commissioner, Ward No. 4(new plan)
E. C. Wareing	Commissioner, Ward No. 4(old plan)
Richard Thompson	Commissioner at Large, Place B(old plan)
Harvey Westerholm	City Manager
Roger G. Johnson	Assistant City Manager
Robert L. Flournoy	City Attorney
Ann Griffin	Assistant City Secretary

being present when the following business was transacted.

1. Meeting opened with prayer by Commissioner Richard Thompson in the absence of regularly scheduled Chaplain.
2. Mayor Garrison welcomed visitors.
3. Minutes of meeting of May 20, 1980, and minutes of special meeting of same date were approved on motion by Commissioner Pat Foley with second by Commissioner Richard Thompson, and a unanimous affirmative vote was recorded.
4. OPEN HEARING BY MAYOR - Construction of tennis courts in Floodplain Area - Kiwanis Park - Approved

Mayor Garrison stated that a public hearing was a requirement for grant application to Texas Parks & Wildlife Department for additional tennis courts. Mayor Garrison stated that the tennis courts are proposed to be constructed in the 100 year floodplain area and the public is to be given opportunity to comment on the impact of construction in the area. Mayor Garrison stated that the public had been informed and the City Commission felt the tennis courts would not adversely affect the area when constructed. Mayor Garrison closed open hearing in absence of persons present in favor of or against proposal and additional comments by City Commission.

5. Official Canvass of May 24, 1980 Special Election Returns - Sale of Portion of Chambers Park - Plans for Park Relocation - Approved

Mayor Garrison stated that the City Commission was required by Charter to conduct official canvass of Special Election of May 24, 1980, to determine results. Mayor Garrison also announced that election judges had forwarded all materials for review by members of Commission for official canvass.

The following returns indicating results of the Special City Election were reviewed for Sale of Portion of Chambers Park:

	<u>FOR</u>	<u>AGAINST</u>
Ward #1	45	78
Ward #2	92	80
Ward #3	65	83
Ward #4	268	206
Ward #5	497	404
Ward #6	<u>145</u>	<u>155</u>
TOTAL	1,112	1,006

Mayor Garrison stated that the above election results had been reviewed and tabulated which indicated a majority of 106 votes for sale of a portion of Chambers Park and declared the returns of election to be official. Motion to declare results of returns official was made by Commissioner Pat Foley and seconded by Commissioner Richard Thompson. A unanimous affirmative vote was recorded.

Motion to authorize the City of Lufkin to proceed with the sale of park and submit letter to School Board stating the City's position was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond. A unanimous affirmative vote was recorded.

6. Ordinances Approved - Second Reading - Annexation & Permanent Zoning Request-Etex Flange & Mfg. Co., Inc. - Light Manufacturing District

Mayor Garrison stated that first reading of annexation and permanent zoning request by Etex Flange & Manufacturing Co., Inc. to Light Manufacturing District covering property located at 2802 Spence Street, immediately north of and adjacent to Chromium Corporation had been approved at last regular meeting. There was no opposition present.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Don Boyd that ordinance for annexation be approved on second and final reading. A unanimous affirmative vote was recorded. Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd to approve zoning of the property on second and final reading to Light Manufacturing District as advertised. A unanimous affirmative vote was recorded.

7. Ratification of Members - Standard Building Code Board of Adjustment and Appeals

Mayor Garrison stated that the Standard Building Code is the code by which most structures are built in Lufkin but there has never been a board of adjustment and appeals. Mayor Garrison further stated that there was presently a service the Board of Adjustment and Appeals could give to property owners and five members were considered in Executive Session at last regular meeting. Mayor Garrison stated that the following five persons have agreed to serve on this Board.

- Terry Dwire
- Lynn Pavlic
- Jerry Hill
- Ray Scott
- Don Langston

Motion was made by Commissioner Don Boyd and seconded by Commissioner Pat Foley that the five members listed above be appointed to serve various terms as prescribed in building code. A unanimous affirmative vote was recorded.

8. Community Development Block Grant - HUD - Accepted

Mayor Garrison stated that the City had previously made application for Community Development Block Grant and same had been granted to the City of Lufkin, but the City Commission must accept this grant and state that the City of Lufkin will follow all HUD guidelines. Mayor Garrison further stated that City Commission should name bank depository and two persons to sign letter of credit.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that City of Lufkin accept Community Development Block Grant, and Lufkin National Bank be named depository for funds, and Roger G. Johnson and Linda Lively be authorized to withdraw funds on letter of credit. A unanimous affirmative vote was recorded.

9. Community Development Block Grant - Authority to Negotiate for Engineering Services - City Commission Meeting Set - June 17, 1980

Mayor Garrison stated that to implement the Community Development Block Grant authorization is needed to negotiate an engineering contract with an

engineering consulting firm. City Manager Westerholm stated that the City would like to work with Griffith & Associates engineering firm and have the work done on a per diem basis instead of a straight fee.

Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that City Manager Westerholm negotiate with Griffith & Associates and report back to City Commission.

Commissioner Percy Simond stated that the grant was for use in a problem area which had water eight to ten inches deep in houses during last rains and he favored expediting the matter. Mayor Garrison stated that the City Commission would meet next week, June 17, 1980, and hear report at that time from City Manager Westerholm.

Commissioner Don Boyd stated that he felt every effort should be made to speed up the process. It was further discussed that until the City of Lufkin received notification of clearance from HUD on environmental review, the funds could not be committed.

Previous motion and second to authorize the City Manager to negotiate and report back at next meeting on June 17, 1980, was unanimously approved.

10. Ordinance Approved - First Reading - Zone Change - Gary D. Boyd
RS to RS, LB (Item 25 c) for Purpose of Dog Grooming

Mayor Garrison stated that ordinance on zone change application by Gary D. Boyd from Residential Small District to Residential Small, Local Business District (Item 25 c) for the purpose of Dog Grooming, on property located at 2416 Paul Avenue, between Hubbard Street and Loop 287 had been recommended by the City Planning and Zoning Commission.

Mayor Garrison recognized Gary Boyd appearing in representation of his zone change application. Mr. Boyd stated that he would like to continue operation of a dog grooming shop at his residence and he had agreed to construct a sight bearing fence and culvert under driveway on Paul Avenue. Mr. Boyd then offered pictures of business and area around building to be reviewed by City Commission. Mr. Boyd stated that commercial property was only 75 feet from his property.

Commissioner Pat Foley inquired of Mr. Boyd as to how he entered his property. Mr. Boyd stated that his family entered from Hubbard Street but the business would have entry from Paul Street and off-street parking would be provided for customers. Commissioner Pat Foley further inquired as to how Mr. Boyd was in business without zone change. Mr. Boyd stated that he was not aware that the property needed to be rezoned for business but made application after City Building Inspector informed him, and Planning & Zoning Commission explained that the business could continue until consideration by City Commission. There were six (6) persons appearing in opposition to the zone change to include: Reggie Cordray, Doug Nicholson, G. J. Stovall, Raymond Adams, and Gay Parker. The major points of opposition were as follows:

- a. Noise of dogs
- b. Opposition to business in residential area.
- c. Decrease in property values.

Mrs. Boyd stated that no complaints were voiced until application was filed for zone change, and she needed to work to supplement her husband's income. Mrs. Boyd stated that this business would allow her to stay home with her two small children, and all work was done by appointment. Mrs. Boyd stated that she could regulate the number of dogs being serviced.

Mayor Garrison stated that these type zoning decisions were very difficult. Commissioner E. C. Wareing advised those present that if the dog grooming business ceased for more than six months, the property would revert back to a "Residential Small" zoning.

Commissioner Pat Foley stated that new homes had been built in the area and if he were in their position, he would oppose business property zoning.

Commissioner Don Boyd stated his opinion that people needed jobs and he saw no problem with the dog grooming business. Commissioner Don Boyd made motion to pass zone change on first reading as recommended by City Planning & Zoning Commission to include the following requirements:

- a. Business to be conducted in daylight hours.
- b. No more than 5 dogs in shop at one time
- c. No dogs kept overnight
- d. Sight bearing fence
- e. Culvert under driveway
- f. Off-street parking

Previous motion was seconded by Commissioner Richard Thompson.

Mayor Garrison stated that Mr. Cordray and Mr. Adams bought property next to a Commercial zone and businesses that are permitted under a Commercial zone can be much more objectionable than dog grooming.

The following vote was registered:

Aye - Commissioners Simond, Boyd, Wareing, Thompson and Mayor Garrison

Nay - Commissioners McCurry and Foley.

Mayor Garrison declared motion approved by a 5 to 2 majority vote.

11. Ordinance Approved - First Reading - Zone Change Application - R. H. Duncan Construction, Inc. - A to C

Mayor Garrison stated that ordinance on zone change application by R. H. Duncan from Apartment to Commercial on property located at 503 N. John Redditt between Pin Oak Lane and State Hwy. 94 had been recommended by the City Planning and Zoning Commission. There was no opposition present. Motion was made by Commissioner Pat Foley and seconded by Commissioner Bob McCurry that zone change be approved on first reading. A unanimous affirmative vote was recorded.

12. Ordinance Approved - First Reading - Zone Change Application - Alexander & Rogers - RL to LB, SU(Office Building)

Mayor Garrison stated that ordinance on zone change application by Alexander & Rogers from Residential Large to Local Business, Special Use (Office Building) on property located in J.L. Quinalty Survey between Loop 287 and Card Drive had been recommended by the City Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Foley and seconded by Commissioner Don Boyd that zone change be approved on first reading. A unanimous affirmative vote was recorded.

13. Ordinance Approved - First Reading - Zone Change Application - S. M. Boynton - RL to NR, SU(Craft Shop)

Mayor Garrison stated that ordinance on zone change application by S.M. Boynton from Residential Large to Neighborhood Retail District, Special Use (Craft Shop) covering property located at 1200 South First Street immediately north of and adjacent to Bartlett, Baggett, and Shands Insurance Agency and extending between South First and South Raguet Streets had been recommended by the City Planning and Zoning Commission after having been sent back to that Commission because zone change first came to City Commission without any recommendation. City Planning and Zoning Commission had no opposition when it was reconsidered. There was no opposition present at City Commission.

Motion was made by Commissioner Bob McCurry and seconded by Commissioner Pat Foley that zone change be approved on first reading. A unanimous affirmative vote was recorded.

14. Ordinance Approved - First Reading - Zone Change Application - Albert Slack - RL & C to A

Mayor Garrison stated that ordinance on zone change application by Albert Slack from Residential Large and Commercial District to Apartment District on 3.6 acre tract located between Joyce Lane and Alta Street was recommended by the City Planning and Zoning Commission. There was no opposition present. Motion was made by Commissioner Don Boyd and seconded by Commissioner E. C. Wareing that zone change be approved on first reading. A unanimous affirmative vote was recorded.

15. Ordinance Approved - First Reading - Zone Change Application - Gaslight Square Development Corp. - A to LB, SU(Hospital)

Mayor Garrison recused himself from vote or discussion on this item because he had interest in property being considered and asked that Mayor Pro-Tem Wareing conduct this item of business. Mayor Pro-Tem Wareing stated that ordinance on zone change application by Gaslight Square Development Corp. from Apartment to Local Business, Special Use(Hospital) covering lots 79 & 80 Gaslight Square Subdivision Amended had been recommended by the City Planning and Zoning Commission. There was no opposition present.

Motion was made by Commissioner Pat Foley and seconded by Commissioner Percy Simond that zone change be approved on first reading. A unanimous affirmative vote was recorded with Mayor Garrison recusing from vote.

Commissioner Richard Thompson stated that Pin Oak Lane should be in same category as Redbud Lane as stated in Minutes of Planning & Zoning Commission meeting of May 8, 1980 as follows:

"Mr. David Malone, Vice President, Hospital Corp. of America, stated that Redbud Lane was narrow and the liability and danger of using it for emergency vehicles was prohibitive and at present time did not contemplate opening of the street."

Commissioner Pat Foley stated that no restrictions were put on any of the streets by Planning and Zoning Commission and it was only noted in minutes.

16. Change Order Approved - Angelina Street Construction Project

Mayor Garrison stated that a Change Order had been submitted for consideration by City Commission which provided for carrying the construction of Angelina Street through the Pershing Street intersection on to the south limits of Chambers Park so that an orderly transition of traffic flow into Feagin Street could be made and proper drainage provided around the Girl Scout hut. It was reported that additional funds were available in Revenue Sharing earmarked for the extension of Angelina Street. Commissioner E. C. Wareing inquired as to whether this would make the rest of the street acceptable for participation in Highway Department funding. Commissioner Wareing was assured it would be a good possibility. Commissioner Pat Foley inquired if the additional section would have to be bid and what the price per linear foot would be estimated. City Manager Westerholm stated that the additional street would be at same unit price as estimated on other part of street. Motion was made by Commissioner Pat Foley and seconded by Richard Thompson that change order be approved. A unanimous affirmative vote was recorded.

In response to question by Commissioner Pat Foley, City Manager Westerholm stated that Griffith & Associates were given 270 calendar days to complete project. Jimmy Griffith stated his opinion that the project would be completed within six to seven weeks.

17. Appointment of Members to Lufkin Industrial Development Authority and Lufkin Housing Finance Corporation

Mayor Garrison stated that under an Amendment to the City Commission Agenda, the Commission should consider appointments of recently elected Commissioners Percy Simond, Jr. and Bob McCurry to serve on Lufkin

Industrial Development Authority and Lufkin Housing Finance Corporation Boards. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Pat Foley that the appointments be approved. A unanimous affirmative vote was recorded.

18. Executive Session - Real Estate Transaction

Mayor Garrison stated that it was necessary for the City Commission to consider an executive session concerning acquisition of property for a street right-of-way. Mayor Garrison adjourned open meeting at 9:00 p.m. to Executive Session.

The City Commission reconvened at 9:33 p.m. and Mayor Garrison stated that it was discussed in Executive Session whether to buy certain property and widen a street. Mayor Garrison also stated that the proposal had not been finalized with the property owner and details would be given at later date.

19. Sale of Park - Option to Buy New Property

Mayor Garrison stated that the option to purchase property for new park in amount of \$116,000 had expired. He further stated the new option would be in effect until July 24, 1980, but would require an additional \$5,000 from City because of delay in purchase making the new price \$121,000. Motion was made by Commissioner E. C. Wareing and seconded by Commissioner Percy Simond that City Manager be authorized to accept the new option to buy. A unanimous affirmative vote was recorded.

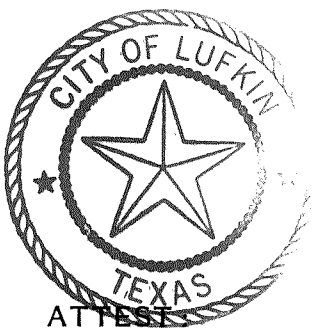
20. Taxicab Service

Commissioner Don Boyd inquired as to the status of Mr. Bob Tucker's Taxicab Franchise inasmuch as Checker Cab had discontinued business. It was reported that Mr. Tucker would know more information about his proposed opening by the first week in July.

21. Highway Department Survey

Commissioner Pat Foley inquired as to the status of the Highway Department Survey and whether the City would consider mini-buses if there was no taxi service available. It was stated that survey was in mail out stage and survey would indicate whether there was a need for mini-bus service in Lufkin.

22. There being no further business for consideration, meeting was adjourned at 9:40 p.m.



Peter H. Garrison
Mayor, City of Lufkin, Texas

Ann Griffin
Assistant City Secretary