

**MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF NOVEMBER, 1985 AT 5:00 P.M.**

On the 19th day of November, 1985, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Chambers of City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Percy Simond, Jr.	Commissioner, Ward No. 1
Don Boyd	Commissioner, Ward No. 2
Lynn Malone	Commissioner, Ward No. 3
Louis Bronaugh	Commissioner, Ward No. 6
Harvey Westerholm	City Manager
Brian Boudreaux	Asst. City Manager
Ron Wesch	Public Works Director
Bob Flournoy	City Attorney
Nicholas Finan	City Planner
Atha Stokes	City Secretary

being present, and

Pat Foley	Commissioner, Ward 4
Jack Gorden	Commissioner, Ward 5

being absent when the following business was transacted.

1. Meeting was opened with prayer by Rev. Dale McClafin, Minister, Bethel Church of the Nazarene, Lufkin.
2. Mayor Garrison welcomed visitors present.

**3. APPROVAL OF MINUTES**

Minutes of regular meeting of November 5, 1985, were approved on a motion by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh. A unanimous affirmative vote was recorded.

**4. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - MARTHA THOMPSON - 812 SHADY PINE - RL TO RS**

Mayor Garrison stated that the Commission had for consideration an Ordinance on Second Reading for Zone Change Request from Martha Thompson covering property located at 812 Shady Pine from Residential Large to Residential Small. There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**5. ORDINANCE - APPROVED - SECOND READING - ZONE CHANGE REQUEST - ROBERT RAY - FRANK STREET BETWEEN PERRY & HILL STREETS - RL TO NR**

Mayor Garrison stated that Zone Change Request by Robert Ray covering property located on Frank Street between Perry and Hill Streets from Residential Large to Neighborhood Retail had been approved on First Reading at last meeting of this Commission. There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**6. ORDINANCE - APPROVED - ZONE CHANGE REQUEST - SECOND READING - DR. JOHN KOCH - LOOP 287 BETWEEN TURTLE CREEK & CROOKED CREEK - RL TO LB, SU (PROFESSIONAL OFFICES)**

Mayor Garrison stated that Zone Change Request by Dr. John Koch covering property located on Loop 287 West between Turtle Creek and Crooked Creek from Residential Large to Local Business, Special Use (Professional Offices) with the following restrictions had been approved on First Reading at last meeting of this Commission.

- (a) Follow Thoroughfare Policy and 30' setback with parking in rear;
- (b) Buildings limited to a 40' x 445' stretch along 30' setback as shown on plat;
- (c) Limit to two (2) drives in approximate location as shown on plat; and,
- (d) Respect floodway and pipeline easement.

Planning and Zoning Commission also recommends that deed restrictions state brick veneer and easement rights for access to property from adjacent property.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**7. ORDINANCE = APPROVED = ZONE CHANGE = SECOND READING = LUFKIN ASSOCIATES = 509 CHESTNUT VILLAGE = C TO C<sub>2</sub> SU (PRIVATE CLUB)**

Mayor Garrison stated that the Commission now had for consideration Second and Final Reading of Ordinance for Zone Change Request from Lufkin Associates covering property located at 509 Chestnut Village from Commercial to Commercial, Special Use (Private Club). There was no opposition present.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be approved on Second and Final Reading as presented. A unanimous affirmative vote was recorded.

**8. PUBLIC HEARING DATE = ESTABLISHED = ANNEXATION & PERMANENT ZONING HIGHWAY 58 AND WHITEHOUSE DRIVE**

Mayor Garrison stated that the Commission now had for consideration the establishing of a Public Hearing Date for Annexation & Permanent Zoning covering property on Highway 58 across from Whitehouse Drive.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that Public Hearing Date be set for December 3, 1985. A unanimous vote was recorded.

**9. PUBLIC HEARING DATE = ESTABLISHED = ANNEXATION & PERMANENT ZONING OLD UNION ROAD**

Mayor Garrison stated that the Commission now had for consideration the establishment of a Public Hearing Date for Annexation & Permanent Zoning of area North of Old Union Road and South of Texas South-eastern Railroad line, West of Largent, and East of Hudson City limits line.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Public Hearing Date be set for December 3, 1985. A unanimous affirmative vote was recorded.

Commissioner Lynn Malone stated that he had noticed that some of these people wanted to come into the City as Commercial zoning. City Planner Finan stated that the area would be zoned Residential Large and those people who owned businesses could come in and make application for Commercial zoning and if they did so within the first six (6) months they would not be charged the application fee. City Planner Finan stated that by zoning the area Residential large it will maintain the present character of the neighborhood.

**10. AMENDMENT = APPROVED = ZONING ORDINANCE = REAR YARD ORDINANCE**

Mayor Garrison stated that the Commission had received a request from the Planning & Zoning Commission that the City Commission change the Zoning Ordinance regarding the size of the rear yard requirement.

City Manager Westerholm stated that at this time he had asked City Planner Finan to bring in a chalkboard and by drawing various lot sizes he could explain the need for the rear yard amendment.

City Planner Finan stated that there had been inconsistencies and some confusion on the required amount to be counted as a rear yard and because of this situation he had been requested by local builders, architects and various people in the building industry to have the Ordinance amended.

City Planner Finan stated that the amendment would be especially beneficial for the odd shaped lots that are not perfect rectangles. City Planner Finan stated that with the new 10' setback off the rear yard line for Residential Small, and 15' for Residential Medium and Residential Large, any developer can look and tell where the line should be and will not have to worry about going into a lot of calculations which still might be wrong.

City Planner Finan stated that by doing away with the 20% rear yard requirement the amendment would make the rear yard requirement simple by just saying that the rear yard will be 10' from the rear property lines.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that Ordinance be prepared implementing the recommendation of the Planning & Zoning Commission for the Rear Yard Ordinance. A unanimous affirmative vote was recorded.

**11. RESOLUTION = APPROVED = POLICE DEPARTMENT = ASSISTANT CHIEF POSITIONS**

Mayor Garrison stated that when the budget was adopted the Commission authorized two positions for Assistant Chief of Police and the Commission now had for consideration a Resolution authorizing these new positions.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that Resolution be approved as presented. A unanimous affirmative vote was recorded.

**12. EXTRA-TERRITORIAL JURISDICTION = EXCHANGE = APPROVED = HUDSON AND LUFKIN**

Mayor Garrison stated that the Commission now had for consideration an exchange of Extra-Territorial Jurisdiction between Hudson and Lufkin. Mayor Garrison stated that a map had been included in the Commission packets showing the property which involves a portion of land to be annexed into the City of Lufkin.

Commissioner Percy Simond stated that he had seen more requests for annexations in the last few months than since he had been in Lufkin and he would like to know if the City is soliciting the annexations or if the property owners were requesting annexation on their own.

City Manager Westerholm stated that it was a combination of both, the people who were seeking annexation were doing so for the sewer service and zoning protection. City Planner Finan stated that normally annexations are responded to only by request.

Commissioner Simond stated that he would like to know if the City is conforming with Federal statutes regarding annexations and he would also like to see some form of approval from the Federal government on the annexations. City Attorney Flournoy stated that on most of the annexations the City does not get a response and at the end of 90 days they are automatically approved. City Manager Westerholm stated that the Federal government does not approve but reviews the annexations for any violations of the Voting Rights Act.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Louis Bronaugh that the City Commission proceed with the possible exchange subject to further determination as it develops. A unanimous affirmative vote was recorded.

### **13. BRANDON PARK - TEMPORARILY CLOSED**

Mayor Garrison stated that the Commission had received a request by the Shiloh Baptist Church and its members to consider a solution to the problem at Brandon Park. Mayor Garrison stated that recently there was some violence at the Park. Mayor Garrison stated that Commissioner Percy Simond had predicted that this was a troubled area and he had been concerned prior to the recent violence.

Commissioner Simond stated that he had been approached by some of the members of the Church to get them on the agenda and present their petitions to the City Commission. Commissioner Simond stated that Brandon Park is actually in Commissioner Boyd's district but since Commissioner Boyd was out of town he would proceed with the best possible way of getting the matter before the public.

The petition which was signed by Church members listed the following grievances:

1. Loud radios
2. Drinking, even on Church grounds
3. Dope smoking on Church grounds
4. Young people cursing and using very bad language
5. Young people laying up in cars around and on Church grounds
6. Complete disrespect for Church, parsonage, and elderly of our Community
7. Disrespect for our Pastor and his family

The petition stated the members were requesting that the Park be closed down and all crowd gathering there should be disbanded by the Police Department.

Rev. Hosea Dolphus, pastor of the Church, who lives next door to the Park, stated that he could not sleep because of loud music and CB radios playing until 2 or 3 o'clock in the morning. Rev. Dolphus stated that he appreciated what the authorities were trying to do by patrolling the park every 15 minutes but that with the use of CB radios the offenders knew when to expect the Police and curtailed their activities until the Police had cleared the area.

Commissioner Don Boyd stated that he had received complaints about the park previously and on one occasion had actually gone to the park site and run kids off of the property who were disturbing the peace. Commissioner Boyd stated that he had talked with Recreation & Parks Director Don Hannabas about putting up a fence at the park site.

Recreation & Parks Director Hannabas stated that J. D. Alford, an employee of his Department, is on duty at the park on Monday, Wednesday and Friday from 4 PM until 10 PM and from 3 PM until 11 PM on Saturdays, but he couldn't handle the situation outside without putting himself in danger. Recreation & Parks Director Hannabas

stated that Mr. Alford monitors the inside of the park building but has no control on the outside.

Commissioner Boyd stated that he had been approached by a group of Boy Scouts to use the building as a scout hut meeting place. Commissioner Boyd stated that with more lights, police protection, and a park patrol it would have eliminated a lot of the problems. Commissioner Boyd stated that under supervision there wouldn't be any problems with drinking in a public park.

Rev. Dolphus stated that the members of the Church had put up a chain blocking off the entrance to the Church parking lot and it was taken down. Rev. Dolphus stated that the people they were dealing with were defiant and uncivilized.

City Parks employee J. D. Alford stated that the community center should not be open as a recreation center because of the location. Mr. Alford stated that as long as it is named a park people will continue gathering there. Mr. Alford further stated that all park equipment should be removed from the park.

Rev. Cleo Fleming stated that unless something was done right away someone else could be killed. Rev. Fleming stated that the people they are dealing with have CB radios they listen to in order to know when the Police are coming and that a young person had recently been killed in the park between the 15 minute intervals of the Police patrol.

Recreation & Parks Director Don Hannabas stated that the Parks & Wildlife Department had expended Federal funds on the park and he would like to know what our obligations are to these agencies.

Mayor Garrison stated that in his opinion the Parks & Wildlife Dept. should not be able to enforce any kind of restrictions on the City especially since this situation could be considered an emergency type action.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Don Boyd that Brandon Park be closed temporarily, that an 8' fence with three (3) strands of barb wire be erected, that "No Parking" signs be erected on Church property and that "No Parking" signs be erected along Keltys to Highland and to Williams Street, and that Police patrol the area. A unanimous affirmative vote was recorded.

City Attorney Flournoy stated that he would research the situation to find a way to keep non-Church members from parking on Church grounds.

#### **14. INVOICE - APPROVED - INTERCEPTOR LINE - EVERETT GRIFFITH & ASSOC.**

Mayor Garrison stated that the Commission now had for consideration a monthly invoice from Everett Griffith & Associates for supervising the construction of the interceptor and preparing the revised plans and specifications for bidding.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that invoice in the amount of \$11,794.52 to Everett Griffith & Associates be approved as presented. A unanimous affirmative vote was recorded.

Commissioner Lynn Malone stated that in his opinion the invoices received for this work should be verified and he would like to know if anyone on the City staff had done so. Mayor Garrison stated that he had been concerned about this matter for some time and had discussed same with the City Manager. Commissioner Malone stated that it might be a good idea to "spot check" occasionally. Mayor Garrison stated

that it would be easy to abuse the monthly billings and there should be a better way to monitor same.

**15. RESOLUTION - APPROVED - HIGHWAY DEPARTMENT - HWY. 59 & LOOP 287**

Mayor Garrison stated that the Commission now had for approval a Resolution from the State Highway Department and Public Transportation in connection with Highway 59 and Loop 287 which provides for the City to assume the cost of curb and gutter, storm sewers, driveways and sidewalks necessary in the construction project.

City Manager Westerholm stated that the cost to the City would be \$120,000 which was not provided for in the budget, however, in looking over the budget it was felt that this amount could be taken from various areas to compensate for same.

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

**16a. BID - APPROVED - PUBLIC WORKS DEPARTMENT - INTERIOR CONSTRUCTION NEW CITY GARAGE - JAY CONSTRUCTION**

Mayor Garrison stated that the Commission now had for consideration a bid for finishing out the interior of the Service Center on Windsor Street.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that low bid in the amount of \$41,112 received from Jay Construction Company be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**16b. BID - APPROVED - REFUSE BAGS - SANITATION DEPARTMENT - ADAMS INDUSTRIES**

Mayor Garrison stated that the Commission now had for consideration a bid for refuse bags to be used in the Sanitation Department.

Motion was made by Commissioner Don Boyd and seconded by Commissioner Percy Simond that bid of \$85,332 received from Adams Industries be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**16c. BID - APPROVED - PUBLIC WORKS DEPARTMENT - GARBAGE CONTAINERS COAST INDUSTRIAL CORP.**

Mayor Garrison stated that the Commission now had for consideration a bid for garbage containers to be used by the Public Works Department.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that bid of \$13,783.70 received from Coast Industrial Corp. be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**16d. BID - APPROVED - PUBLIC WORKS DEPARTMENT - SIDELOADER - ENVIORNMENTAL SALES & SERVICE**

Mayor Garrison stated that the Commission now had for consideration bids on a sideloader used as a waste collection vehicle.

Mayor Garrison stated that he noticed the low bid was for an International and he thought the City had had problems with the transmissions in these trucks. Public Works Director Ron Wesch stated that bid specifications had addressed the previous transmission prob-



lems. Mayor Garrison stated that he would like to see some summaries on the performance of the new vehicles.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Don Boyd that bid of \$65,787.00 from Environmental Sales & Services be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**16e. BID - APPROVED - VARIOUS CITY DEPARTMENTS - TWO-TON DUMP TRUCKS AND PICKUPS -**

Mayor Garrison stated that the Commission now had for consideration bids on pickup trucks and two-ton dump trucks for use in various City Departments.

Motion was made by Commissioner Louis Bronaugh and seconded by Commissioner Percy Simond that low bids of \$6,685 from Mercer Nissan-Mazda, low bid of \$11,074 from Greater Lufkin Ford, low bid of \$9,013 from Barrett Chrysler-Plymouth-GMAC for pickups for various City departments be accepted as the lowest and best bids and that bid of \$17,962 each from Greater Lufkin Ford for four two-ton dump trucks be accepted as the lowest and best bid. A unanimous affirmative vote was recorded.

**17. POLICE DEPARTMENT STUDY - ANGELINA HOUSE OPEN HOUSE - CABLE FRANCHISE - NEWSPAPER ARTICLE**

Commissioner Don Boyd stated that he was still waiting for a report on the Police Department Study. Assistant City Manager Brian Boudreaux stated that he was working on the report and the information should be available at the December 3rd meeting of the Commission.

City Manager Westerholm stated that Open House would be held on December 6, 1985, for the new Angelina House, and the names of the City Commissioners would be listed on the program as hosts along with Rep. Charles Wilson.

Mayor Garrison stated that the Contract with Cablecom contains a cancellation privilege at five-year intervals if not more than nine months and not less than six months notice is given. Mayor Garrison stated that given that provision, some action would have to be taken between October 20th and January 20, 1986, as the 10th year of the Contract comes up on July 20, 1986.

Mayor Garrison stated that in the meantime, Congress has passed a law that more or less gives the cable system immunity from City administration. Mayor Garrison stated that from what he had accumulated so far he had found that Congress has passed a law that says that not less than nine months from the beginning of the last three years of the Contract you have to give notice to them that you are not going to renew a franchise.

Mayor Garrison stated that the Company can not eliminate the Contract we already have made but if the City terminates it, it looks like they almost have license to extend their franchise, or renew it after it is terminated.

Mayor Garrison stated that Cablecom will soon be under new ownership when Capital Cities Communications sells the network to the Washington Post. Mayor Garrison stated that he had been informed that the City might be able to take certain actions to make the franchise do better since the City will be faced with a request for approval of transfer of ownership.

Mayor Garrison stated that he wanted to be sure that the City was doing everything possible to get good and reliable service.

Motion was made by Commissioner Percy Simond and seconded by Commissioner Louis Bronaugh that City Manager Westerholm be authorized to check with a telecommunications consultant to determine costs involved in a study of Lufkin's cable company. A unanimous affirmative vote was recorded.


City Attorney Bob Flournoy stated that the Lufkin News had reported that the City would be involved in a lawsuit this week and he wanted the Commission to know that the case was in regard to the school crossing incident and would be represented by Attorney Bill Perkins.

City Manager Westerholm stated that he would like to commend Reporter Dan Hill for the fine editorial in today's newspaper defending the City regarding the Sewer Treatment Plant.

18. There being no further business for consideration, meeting adjourned at 7:17 P.M.

  
Pitser H. Garrison - Mayor



  
Atha Stokes - City Secretary