

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 7TH DAY OF SEPTEMBER, 1971, AT 7:30 P. M.

On the 7th day of September, 1971, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
W. O. Ricks, Jr.	Commissioner at Large, Place A
B. E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Lynn Durham	City Secretary

being present, and

Kenneth R. Crain	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4

being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Sidney Spain, Minister of First Christian Church, Lufkin, Texas, and was thanked by Mayor Pro Tem B. E. Atkinson, Jr., M.D., who presided during the temporary absence of Mayor Garrison.
2. Mayor Pro Tem Atkinson, Jr., M.D., welcomed a large group of visitors and expressed appreciation for their interest in City affairs.

3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of August 17, 1971, be approved. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

4. Hearing on Proposed Annexations

At this point, Mayor Pro Tem Atkinson, Jr., M.D., opened the Public Hearing on each of the following proposed tracts for possible annexation as advertised in the Lufkin News on August 27, 1971:

Tract #1 lying west of Loop 287 between FM 1271 and Wooded Acres Addition;

Tract #2 lying south of and adjacent to Brookhollow #3 Addition along R.O.W. line of Copeland Street;

Tract #3 lying southwest of intersection of Loop 287 and U. S. Highway 59 South;

Tract #4 lying east of U. S. Highway 59 South and south of County Barn of Precinct #1; and

Tract #5 lying east of Loop 287 along each side of U. S. Highway 69 East a distance of 4,000 feet.

In connection with Tract #1, Mr. Jack Gorden, who owns 5 acres included in the proposed area to be annexed, requested consideration be given to exclusion of his property since it was not income bearing and would certainly be no advantage in being annexed to the City. Col. Ben Newsom requested consideration be given to not include approximately 0.8 of one acre of his wife's property since there would be no useful purpose served by including it in the proposed annexation. City Manager stated that this area had been recommended for annexation by the City Planning and Zoning Commission and had been squared off to include the above property to eliminate any meandering.

There was no one present to speak in behalf of or against annexation of Tract #2.

In connection with Tract #3, Richard Youngblood, President of Youngblood Enterprises, Inc., was present and requested consideration be given to only annexing Scenic Acres Mobile Homes property as previously requested since the property included to square up the area with U. S. Highway 59 South would cause a considerable tax burden on the Youngblood Estate if same was annexed.

In connection with Tract #4, J. B. Grider, who previously requested this area be annexed, was present and again requested favorable consideration.

In connection with Tract #5, Mr. C. A. Neal, representing a number of residents on Joyce Lane, spoke in favor of the property annexation.

At this point, Mayor Pro Tem Atkinson, Jr., M.D., called the hearing to a close and requested action on Ordinance for first reading covering each tract.

Comm. Roy L. Leamon, M.D., made motion that Ordinance covering annexation of Tract #1, as recommended by the City Planning and Zoning Commission, be passed on first reading. This motion died due to lack of a second. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on first reading covering Tract #1 with the exclusion of the 5 acres of property owned by Mr. Jack Gorden. This motion also died due to lack of a second. Mayor Pro Tem Atkinson, Jr., M.D., stated this item would be on the agenda for next regular meeting.

Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading covering area in Tract #2 as recommended by the City Planning and Zoning Commission. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

Comm. Roy L. Leamon, M.D., made motion that first reading of Ordinance covering Tract #3 be tabled until next regular meeting in order that a full Commission might be present. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on first reading covering annexation of Tract #4, which will include all the property of Mr. J. B. Grider, who previously had requested this annexation. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading covering annexation of Tract #5, including Joyce Lane and other area off U. S. Highway 69 East, as recommended by the City Planning and Zoning Commission. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Vumore TV Cable Operations - Report by Merl Saxon

Mr. Merl Saxon was present and was invited by Mayor Pro Tem Atkinson, Jr., M.D., to make any comments he desired with relation to his recent report on Vumore Operations. (At this point, Mayor Garrison appeared at the meeting and assumed his seat as Mayor). Mr. Saxon briefly commented on problems he had noted in making his report with regard to (1) switching of programs, (2) testing equipment, and (3) location of pick-up microwave towers. Mr. Saxon was questioned in considerable detail by the City Commission members with regard to measures that might be taken by Vumore Co. to improve their cable TV service under the present franchise. He also stated had been in meeting with local Vumore officials and he was sure the officials who were present would have some comments to make. Mayor Garrison thanked Mr. Saxon for his very comprehensive report to the City Commission. At this point, Mr. Marion Patten, District Manager of the parent company for Vumore, was present and stated that he too wished to compliment Mr. Saxon for his very good report. Mr. Patten listed a number of items which were contemplated by Vumore Co. to enable better service being rendered to the citizens of Lufkin, such as purchasing testing equipment. Also stated he had received word that the FCC had made public Vumore's application for two additional microwave channels and that Vumore intended to file for one more

microwave channel, which would give them 5 in the Houston area; namely, Channels 2, 8 (Educational), 11, 13 and 39. Mr. Patten also stated consideration was being given to the microwave tower situation by either moving closer to Houston or increasing the height of their present tower by 60'. Mayor Garrison thanked Mr. Patten for information furnished and requested that he furnish City Manager Westerholm with a letter indicating the exact corrective measures that Vumore Co. intends to take to improve reception as well as copy of notices from the FCC on the applications for additional microwave channels.

6. Zone Change Application - Joe Frank Leediker from C District to C District and Special Use (Art. XV, Items 16 & 19, Private Clubs and Dance Halls in Zoning Ordinance), covering property located north of St. Louis SW Railroad near its intersection with Timberland Drive

City Attorney Flournoy read caption of Ordinance for second reading covering the above zone change. Mr. John Hannah, Attorney, and Mr. Joe Frank Leediker were present and Mr. Hannah requested City Commission approval to secure information on permanent street entrance to the proposed property on which zone change was requested. Mr. R. T. Ewell, Jr., and Mr. & Mrs. Elraye Rogers were present and voiced objection to the change in that a private club and dance hall was undesirable in the location and would diminish the value of their property. Mr. Ewell went into considerable detail on his objection. Comm. B. E. Atkinson, Jr., M.D., made motion that this zone change be disapproved by the City Commission. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mr. John Hannah inquired as to what action would be taken by the City Commission on zone change for the private club now operating across Timberland Drive at the Shangri La Motel. City Attorney Flournoy stated that this club and others would have to comply with the Zoning Ordinance and would so advise the clubs by letter.

7. Permanent Zoning of Newly Annexed Area between Atkinson Drive (State Highway 103 East) and U. S. Highway 59 North

City Attorney Flournoy read caption of Ordinance for second reading covering permanent zoning of area listed above which has been previously recommended by the City Planning and Zoning Commission. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on second reading. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

8. Oil and Gasoline Requirements - Fiscal Year 1971-72

City Manager Westerholm stated had received bids which had been tabulated per our recent advertisement, from 5 local consignees, namely, Gulf Oil Co., Polk Oil Co. (Skelly), Winston Oil Co. (Mobil), Texaco, Inc., and Hughes Oil Co. (Phillips 66) for the Fiscal Year ending September 30, 1972. Copy of these bids are attached and made a part of these minutes. He stated that Polk Oil Co. (Skelly) had submitted the lowest bid for our requirements and recommended they be awarded the contract for these products; however, present supplier, Gresham Temple (ARCO), has agreed to continue furnishing City's requirements until November 12, 1971, when present price freeze is over and that new contract could not take effect until November 13, 1971. Comm. B. E. Atkinson, Jr., M.D., made motion that bid for the City's gas and oil requirements for the Fiscal Year ending September 30, 1972, be awarded to Polk Oil Co. (Skelly) per City Manager Westerholm's recommendation. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

9. Zone Change Application - R. H. Duncan from R-1 District to A District Covering Property Located on Camp Street between South Bynum Street and Schuller Drive

City Attorney Flournoy read Ordinance for first reading covering the above zone change. City Secretary stated this application was considered by the City Planning and Zoning Commission in regular meeting of August 12, 1971, and it was their recommendation that City Commission

approve same. Mayor Garrison inquired if any persons present to object to the change and there were none. Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Zone Change Application - Mesdames Virginia Moore and Vivian Fincher Covering Property Located on Camp Street between Schuller Drive and McGregor Drive

City Attorney Flournoy read Ordinance for first reading covering the above zone change. City Secretary stated this application was considered by the City Planning and Zoning Commission in regular meeting of August 12, 1971, and it was their recommendation that City Commission approve same. Mayor Garrison inquired if any persons present to object to the change and there were none. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on first reading. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

11. Speed Zone on Medford Drive Between U. S. Highway 59 South to 0.3 of a Mile North of U. S. Highway 69 East

City Manager Westerholm called attention to a letter of the State Highway Department making recommendation for speed zone of 45 MPH for 2 miles on Medford Drive between U. S. Highway 59 South to 0.3 of a mile North of U. S. Highway 69 East to be in force during the present construction work. City Attorney Flournoy stated this speed limit zone should be covered by Ordinance and should be of an emergency nature requiring only one reading by the City Commission. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on first and final reading due to emergency. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

12. Budget 1971-72 Approval

Mayor Garrison stated that after several workshop sessions with City Commission, City Manager Westerholm had advised that the Budget was now in order and should be given consideration for approval. Mayor Garrison inquired if any persons present wished to comment on the proposed Budget. Mr. John Taylor and Mrs. Virginia Allen, representing Angelina Foster Home, were present and requested City Commission consideration of increasing its donation to this project by \$1,000.00, making a total contribution of \$4,000.00 instead of \$3,000.00 as in the past. Mayor Garrison called attention to the splendid work being done by this organization and recommended this increase if funds were available. Comm. W. O. Ricks, Jr., stated he concurred with the Mayor's recommendation. City Manager Westerholm stated this additional \$1,000.00 could be taken from the Contingency Fund set up in the new Budget. Comm. W. O. Ricks, Jr., made motion that the City's contribution to the Angelina Foster Home Program be increased from \$3,000.00 to \$4,000.00 per year. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

City Attorney Flournoy read Ordinance adopting Budget for the Fiscal Year beginning Oct. 1, 1971, and ending Sept. 30, 1972. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed adopting the Budget for the City of Lufkin for the Fiscal Year beginning Oct. 1, 1971, and ending Sept. 30, 1972, with the \$1,000.00 increase in contribution to the Angelina Foster Home Program being dispensed from the Contingency Fund. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

City Attorney Flournoy read Ordinance levying taxes for the use and support of the Municipal Government of the City of Lufkin and providing for the Interest & Sinking Fund for the year 1972 and apportioning of each levy for the specific purpose. Also providing an Interest & Sinking Fund upon all property, real and personal, and mixed within the corporate limits of said City subject to taxation of \$1.45 on each \$100 valuation of property; for the maintenance and support of the General Government (General Fund) 1.2778 on each \$100 valuation of property and for the Interest & Sinking Fund .1722 for each \$100 valuation of property to be apportioned as follows:

Street Improvement Bonds	1947
General Obligation Bonds	1959
General Obligation, Refunding Bonds	1963
Park Bonds	1965
General Obligation Bonds	1965

Comm. J. T. Hopson made motion that the above Ordinance be approved. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

13. Curb & Gutter Ordinance - Shadybrook from Wildbriar to Copeland and South Bynum from Markus to Pershing

City Attorney Flournoy read Ordinance covering curb and guttering of the above streets, which calls for assessment against property owners for such cause. He stated the majority of property owners on these streets had requested through petition approval by the City Commission of such street work. Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first and final reading by use of the emergency clause in order that the City might get started under the approved plan for such street work. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

14. Telephone Rate Case

City Attorney Flournoy stated difficulty had been experienced in getting Judge Blankenship to set a date for trial of the Lufkin Telephone Exchange Rate Case on its merits, and recommended that the City of Lufkin take the initiative and set a hearing as soon as possible to consider rates to be charged for telephone service. Discussion developed on the particular date to be set and Mayor Garrison stated he would be unable to be at the next regular meeting of the City Commission scheduled for September 21, 1971, and suggested that this proposed hearing date and regular meeting date be scheduled for Monday, September 20, 1971, at 7:30 P. M. This was agreeable to the other City Commission members and Comm. W. O. Ricks, Jr., made motion that the date of September 20, 1971, at 7:30 P. M., be scheduled for the new telephone rate hearing and regular meeting for the City Commission with proper notices and advertisements being published. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

15. Texas Highway Dept. TOPICS Program - South First St. to Loop 287

City Manager Westerholm advised had received letter from Mr. M. G. Goode, local District Engineer of the Texas Highway Department, attaching Minute Order #65270 passed by the Highway Commission on August 31, 1971, covering work to be done on South First St. to Loop 287 under the TOPICS Program. City Manager Westerholm stated this work had been previously approved by the City Commission. However, the Highway Department desired this Minute Order be also officially approved at this time by the City Commission. Comm. J. T. Hopson made motion that Minute Order #65270 of the Highway Commission be approved by the City Commission. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

16. Audit of City Records - Fiscal Year Ending September 30, 1971

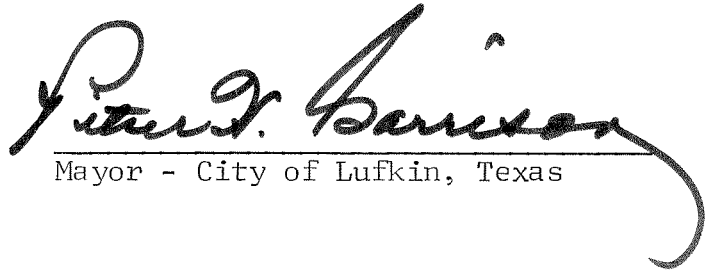
City Manager Westerholm advised that the City Commission should consider appointing a CPA Auditing firm to audit the City books for the Fiscal Year ending September 30, 1971. He stated for the past 7 years this work had been done by audit firms for two years in succession. He stated that Ken Smith of Smith, Allred & Co. performed the audit for the previous Fiscal Year and desired to know if this same CPA firm should be named to do the audit work for this present year. Comm. Roy L. Leamon, M.D., made motion that City Manager Westerholm be authorized to contact Mr. Ken Smith and negotiate a fee for the above audit and report back at the next meeting. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

17. Exchange of Property to Landfill Location

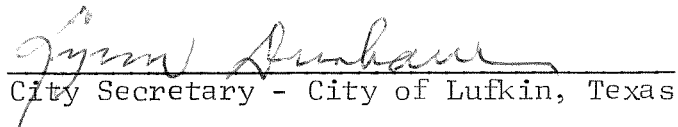
City Manager Westerholm stated that the City, in constructing an entrance road from FM 2251 (Country Club Road) to the present landfill location, went across property not owned by the City, covering approximately 0.03 of an acre and had been in contact with the owner of such property and it was City Manager Westerholm's recommendation that the City exchange 0.4 of an acre of its present property in the area in exchange for the 0.03 of an acre mentioned above. Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm's recommendation for this exchange of property be approved and that the Mayor be authorized to sign deed completing the transaction. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

18. Adjournment

There being no further business for consideration, meeting was adjourned at 10:00 P. M. and the City Commission went into a short executive session to discuss certain personnel with relation to the Budget.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas