

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF SEPTEMBER, 1971, AT 7:30 P. M.

On the 20th 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:

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| Pitser H. Garrison | Mayor |
| Roy L. Leamon, M.D. | Commissioner, Ward No. 1 |
| Edgar C. Wareing | Commissioner, Ward No. 4 |
| 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

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| J. T. Hopson | Commissioner, Ward No. 2 |
| Kenneth R. Crain | Commissioner, Ward No. 3 |

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

1. Meeting opened with prayer by Rev. A. D. Thomas, Pastor of Goodwill Baptist Church, Lufkin, Texas, who was thanked by Mayor Garrison for his presence and participation.
2. Mayor Garrison welcomed visitors who were present as observers or in connection with items on the agenda.
3. Open Hearing - Lufkin Telephone Exchange, Inc. Rates

Mayor Garrison called an open public hearing on Lufkin Telephone Exchange, Inc., rates and invited any remarks by visitors in the audience. There were no persons present to speak for or against the telephone rates and there were no representatives or officials present from the Lufkin Telephone Exchange, Inc. Mayor Garrison recommended that all evidence introduced in the rate case of the Lufkin Telephone Exchange, Inc., vs the City of Lufkin in the 159th Judicial District Court, Lufkin, Texas, Judge Dallas A. Blankenship presiding, during the early part of July, 1971, be made a part of this hearing. Comm. B. E. Atkinson, Jr., M.D., made motion to this effect. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded. Mayor Garrison then called public hearing to a close.

Comm. E. C. Wareing stated that "in view of the evidence presented at the recent court proceedings relative to telephone rates and the results of this hearing, I move that the October 3, 1957, Rate Ordinance #953 and the March 17, 1970, Rate Denial Ordinance #1407, both relative to telephone rates, be repealed and become null and void as of this date by proper ordinance." City Attorney Flournoy read caption of ordinance repealing the two ordinances, for consideration of first reading. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

4. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of September 7, 1971, be approved. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

5. Meeting Date Change

Discussion brought out that next regular meeting of the City Commission would ordinarily be October 5, 1971, but since this date conflicts with the annual TML Conference scheduled to be held in Houston from Oct. 3 through Oct. 5, 1971, in which some of the City Commission members will be in attendance, Comm. E. C. Wareing made motion that the next regular meeting date of the City Commission be set for Thursday, October 7, 1971, at 7:30 P.M. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

6. Ordinances on Proposed Annexations

Mayor Garrison stated that at last meeting no action was taken by the City Commission on first reading of Ordinance covering Tract #1, and requested City Attorney Flournoy to read Ordinance for consideration.

Tract #1 lying West of Loop 287 between FM 1271 and Wooded Acres Addition.

Mr. Jack Gorden, who owns 5 acres included in the above Tract and who appeared at meeting of September 7, 1971, to request City Commission to exclude his property, was again present at this meeting and requested City Commission to disregard his previous request, since he was withdrawing same at this time, but in so doing, desired his property to be rezoned for business purposes the same as present adjoining business property. Mayor Garrison explained the procedure necessary in permanently rezoning property annexed to the City and assured Mr. Gorden that he would be kept fully informed of measures to follow. City Attorney Flournoy read Ordinance covering this proposed annexation and Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading annexing this area shown as Tract #1, as recommended by the City Planning and Zoning Commission. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

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

City Attorney Flournoy read caption of Ordinance for second reading covering annexation of the above Tract. Comm. W. O. Ricks, Jr., made motion that Ordinance annexing this area be passed on second reading. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

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

Mayor Garrison stated action was withheld on first reading of Ordinance annexing the above area at last meeting. There were no persons present at this meeting for or against this property annexation. However, City Manager Westerholm read letter from Mr. R. L. Cunningham with regard to 3.98 acres owned by himself and Mr. Delane Boddie, to which was attached a drawing showing such property, requesting that same be included in the proposed annexation. Some discussion developed on the request as to proper field note description and Comm. B. E. Atkinson, Jr., M.D., made motion that this request be referred to the City Planning and Zoning Commission for its recommendation. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

City Attorney Flournoy read Ordinance and Comm. W. O. Ricks, Jr., made motion that since this was first reading only, same be passed on first reading covering annexation of Tract #3 as recommended by the City Planning and Zoning Commission. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous affirmative vote was recorded.

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

City Attorney Flournoy read caption of Ordinance covering proposed annexation. Comm. Roy L. Leamon, M.D., made motion that Ordinance covering annexation of Tract #4 be passed on second reading. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

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

City Attorney Flournoy read caption of Ordinance covering proposed annexation of above Tract. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on second reading. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous affirmative vote was recorded.

7. Zone Change Application - R. H. Duncan from R-1 District to A District covering property located on Camp Street between S. Bynum and Schuller

City Attorney Flournoy read caption of Ordinance for second reading covering the above zone change. Mayor Garrison inquired if any persons present to object to the change and there were none. Comm. B. E. Atkinson, Jr., M.D., made motion that Ordinance be passed on second reading. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

8. Zone Change Application - Mesdames Virginia Moore & Vivian Fincher from R-1 District to A District covering property located on Camp Street between Schuller Street and McGregor Drive

City Attorney Flournoy read caption of Ordinance for second reading covering the above zone change. 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 second reading. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

9. Incorporation - Fuller Springs & Hudson Area

City Attorney Flournoy requested instructions from the City Commission on legal action to be taken by the City against recent election for incorporation by citizens of Fuller Springs area, portions of which were within the one-mile extraterritorial jurisdiction of the City of Lufkin. Comm. E. C. Wareing made motion that City Attorney Flournoy be authorized to take whatever legal action that was necessary to protect the interest of the City of Lufkin in this area. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded. Comm. B. E. Atkinson, Jr., M.D., inquired if the City should not also consider legal action to be taken against the City of Hudson, which was incorporated several years ago and portion of which is also within the one-mile extraterritorial jurisdiction of the City of Lufkin and made motion that City Attorney Flournoy be authorized to take whatever legal action necessary to protect the interest of the City of Lufkin in this area. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Bids - Garbage Liners, Automobile, Trucks, Street Sweepers & Front End Loader

City Manager Westerholm requested authority to advertise for bids on the following equipment:

- (a) One Million plastic garbage can liners - Sanitation
- (b) Six Patrol Units - Police
- (c) Two Sedans - Dir. of Public Works & Tax Department
- (d) One Carry All Panel Truck - Engineering
- (e) Two Street Sweepers - Street
- (f) One Pickup - Street
- (g) Front End Loader - Sewer Treatment Plant

Comm. Roy L. Leamon, M.D., made motion that City Manager Westerholm be authorized to advertise for bids on the above equipment as requested. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Invoices - HDR & John Gano

City Manager Westerholm requested authority to pay the following invoices:

- (a) John Gano, \$5,417.00, Telephone Rate Case, and
- (b) HDR, \$1,086.28 covering first estimate on Downtown Traffic Survey.

Comm. B. E. Atkinson, Jr., M.D., made motion that authority be granted for payment of the above invoices. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

12. Audit of City Records - Fiscal Year Ending 9-30-71

City Manager Westerholm stated had been in contact with Mr. Ken Smith, as instructed by City Commission at meeting of September 7, 1971, and Mr. Smith had written letter stating he would perform the audit for a professional fee of \$2,450. City Manager Westerholm stated this fee was \$300 less than previous year's audit. Comm. W. O. Ricks, Jr., made motion that Mr. Smith be retained to make the audit of City Records for the Fiscal Year ending September 30, 1971. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous affirmative vote was recorded.

13. Flashing Signals - Loop 287 Intersections

City Manager Westerholm requested approval of City Commission to install flashing signals on Loop 287 at the intersections of FM 325 (Lufkin Ave.), FM 841 (Ford Chapel Rd.) and Paul Avenue, which he stated was recommended and concurred in by the State Highway Dept. City Manager Westerholm further stated there was sufficient money in present budget for this expenditure. Comm. B. E. Atkinson, Jr., M.D., made motion that the above recommendation of installing flashing signals be approved. Motion seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

14. Acquirements of Additional R.O.W. on N. Raguet between Frank & Abney

City Manager Westerholm requested authority for the City to acquire additional R.O.W. on N. Raguet St. between Frank and Abney as it now develops that there isn't sufficient R.O.W. for the widening program now being handled by the State Highway Department under the TOPICS Program. City Manager Westerholm stated the additional R.O.W. was needed on the east side of N. Raguet St. Comm. Roy L. Leamon, M.D., made motion that City Manager Westerholm be authorized to acquire on the part of the City the additional R.O.W. needed for this widening program. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

15. Computer Systems

City Manager Westerholm presented cost figures by John Wilkins, Finance Director, on proposed installation of a computer system to handle City of Lufkin accounting records, which is included in the approved Budget for the Fiscal Year beginning 10-1-71. These estimates were received from IBM and National Cash Register Companies. City Manager Westerholm stated that, after careful study of the proposals by the two above companies, it was his and Mr. Wilkins' recommendation that the system proposed by IBM would be better suited for the needs of the City of Lufkin. Some discussion developed after which Comm. E. C. Wareing made motion that the IBM system, as recommended by City Manager Westerholm and Finance Director Wilkins, be approved for use by City of Lufkin. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

16. Mobile Home Parks

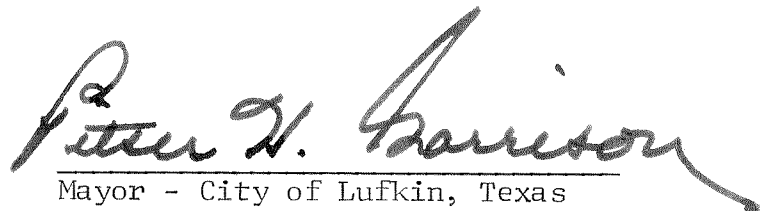
Comm. B. E. Atkinson, Jr., M.D., called attention to Mobile Home Park located on Loop 287 at 103 West which he thought was not complying with our Mobile Home Park regulations. Hayne Stokes, Public Works Director, stated that this was the case, but the City was working on the matter and if they did not comply with the Ordinance, the City utilities would be cut off. Mayor Garrison stated that if favorable results were not obtained, that City should proceed with an injunction.

17. City Clean-Up

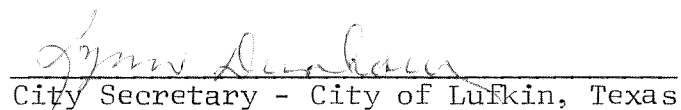
Comm. B. E. Atkinson, Jr., M.D., stated the City now had a much cleaner appearance due to the mowing of vacant lots, etc., but thought the budget should be amended to allow for a more concerted effort in this regard. The Mayor and members of the City Commission were in agreement and instructed City Manager Westerholm to follow up on this program with all dispatch.

18. Adjournment

There being no further business for consideration, meeting was adjourned at 8:15 P. M.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas