

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 21ST DAY OF NOVEMBER, 1972, AT 7:30 P.M.

On the 21st day of November, 1972, 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
R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

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

1. Meeting opened with prayer by Rev. Ed Russell, Pastor of Calvary Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda and expressed appreciation for their interest.

3. Approval of Minutes

Comm. R. A. Brookshire made motion that minutes of regular meeting of November 7, 1972, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Zone Change Application - S. C. Childers & Wife, Blanche Childers, from C District to LM District

City Attorney Flournoy read caption of ordinance for second reading changing zone from C District to LM District covering property located Southeast of Wilson Street and North of North Raguet Street. There were no persons present appearing in objection to this zone change application. Comm. J. T. Hopson made motion that zone change application by S. C. Childers and Wife, Blanche Childers, from C District to LM District be approved on second and final reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Water Pollution Control Plant - Awarding of Bids

Mayor Garrison stated that bids for the Water Pollution Control Plant were opened November 9, 1972, and released to Henningson, Durham & Richardson, Consulting Engineers, for review and analysis. Mayor Garrison further stated that Henningson, Durham & Richardson, Consulting Engineers, recommended the two low bids received on November 9, 1972. Mayor Garrison also stated that the low bid received for constructing the Sanitary Sewer Improvements (sewer lines) was Stephens Contracting Company & Steele Construction Company, Inc., of Bellaire, Texas, in the amount of \$2,448,323.50. Mayor Garrison stated that the low bid received for the Water Pollution Control Plant was from Carrothers Construction Company, Inc., Paola, Kansas, in the amount of \$3,529,000.00. Mayor Garrison stated that the City had received a telegram from Henningson, Durham & Richardson, Consulting Engineers for the City, indicating their recommendations on the above Company bids. Following discussion, Comm. W. O. Ricks, Jr., made motion that the Water Pollution Control Plant Construction Contract bid be awarded to Carrothers Construction Company, Inc., Paola, Kansas, in the amount of \$3,529,000.00. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. Joe E. Rich then made motion that the City award contract for constructing the Sanitary Sewer Improvements to Stephens Construction Company & Steele Construction Company, Inc., of Bellaire, Texas, in the bid amount of \$2,448,323.50. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

6. Zone Change Application - A. B. Youngblood, et al, from R-1 District to A and C Districts

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to A and C Districts covering property located immediately East of Tulane Drive and North of State Highway Loop 287. Mayor Garrison stated that this application had been recommended by the City Planning and Zoning Commission with a majority vote of 4 to 1 and that opposition had been stated at this meeting of October 26, 1972.

Mayor Garrison called on Mr. Ward Burke, Attorney representing zone change application by A. B. Youngblood, et al. Mr. Burke briefly explained the location of this property and circumstances involved. Mr. Burke stated that C and A Zones at this location would serve as the highest and best use of this property. There were a number of persons present appearing in objection to this zone change application. Among those present voicing objection were Guy Carlton, Chester Neel, Jack Harris, Selman Griffith, H. L. Hughey, Dick McKay and Charles Prah. The following objections were presented:

1. Would create excessive amount of traffic on Card Drive and Tulane Drive;
2. Believed highest and best use was Residential;
3. Believed Commercial zone at this location was not necessary since many Commercial outlets were already present;
4. Would create a spot zone;
5. Believed that Tulane Drive must be widened if zone change was granted; and
6. Would devalue property.

Mr. Burke stated that his client would give easements to widen Tulane Drive if necessary for street improvements in this area. Comm. R. A. Brookshire expressed his concern that this zone change was a spot zone and asked City Attorney Flournoy if this was legal. City Attorney Flournoy stated that this was not a spot zone because it was near other Commercial area and the general surrounding area was best adapted for this type zone. Comm. E. C. Wareing stated that the size of a particular zone was always a factor in considering area being determined a spot zone. Comm. E. C. Wareing further stated that this proposed zone change application was relatively close to the size of a City block. Comm. E. C. Wareing further stated that prior to determining a particular zone for an area, at least three points should be considered. Comm. E. C. Wareing stated that the need for a particular type zone should be considered, public interest and the question as to whether or not this particular change would be in the over-all long-range development plan for the City. Considerable discussion developed and Comm. E. C. Wareing made motion that the zone change request be returned to the City Planning and Zoning Commission for further study of the entire area between FM 58, Highway 59 and South of Card Drive from State Highway Loop 287, and that property owners present at this meeting be notified of the City Planning and Zoning Commission meeting date. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Application - H. C. Polk, Jr., & Wife, Hazel Polk, from R-1 and LB Districts to C District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 and LB Districts to C District covering property located West of U. S. Highway 59 South and North of Erwin Street in the C. F. Thompson Second Addition, Revised. There were no persons present appearing in objection to this zone

change request. Following discussion, Comm. E. C. Wareing made motion that zone change application by H. C. Polk, Jr., & Wife, Hazel Polk, from R-1 and LB Districts to C District be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Zone Change Application - Angelina County Teachers' Credit Union from R-1 District to LB District

City Attorney Flournoy read caption of ordinance for first reading changing zone from R-1 District to LB District covering property located immediately West of State Highway Loop 287 between Lufkin Avenue and Ford Chapel Road. There were no persons present appearing in objection to this zone change application. Mayor Garrison called on Mr. Herbert Cross, Chairman of the Credit Union, who appeared in representation of this zone change application. Mr. Cross stated that since Central School was being phased out, this location on State Highway Loop 287 was a good location to serve the entire County. Mr. Cross briefly explained the location of the property and circumstances involved. Comm. E. C. Wareing stated that this area, primarily due to its size, should be considered a spot zone and recommended that a Special Use change should be made instead of LB zone. Following considerable discussion, Comm. E. C. Wareing made motion that zone change application by Angelina County Teachers' Credit Union from R-1 District to LB District be amended to read from R-1 District to R-1 District & Special Use (Item 3) and that Credit Union be labeled on the zoning map. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Mayor Garrison explained to Mr. Cross that this particular change would still serve the request by the Angelina County Teachers' Credit Union and would better serve the legal interpretation of the City's Zoning Ordinance.

9. DETCG - Request for Building Space for Alcoholism Program

City Manager Westerholm stated that the Deep East Texas Council of Governments had requested space to be provided for alcoholism classes to be used for four consecutive evenings, one week a month for three years. City Manager Westerholm stated that this request was similar to a recent request approved by this Commission at an earlier date. City Manager Westerholm stated that it was his recommendation that the City Court Room be made available for these classes since no conflicts were apparent. Following discussion, Comm. J. T. Hopson made motion that the City Court Room be used for this class-room activity in accordance with recommendation made by City Manager Westerholm and that resolution be passed in accordance with request by the Deep East Texas Council of Governments. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Fire Department-Bids on Vehicle to be Converted to an Ambulance

City Manager Westerholm stated that bids were opened November 20, 1972, at 2:00 P. M. for the Fire Department on a vehicle to be converted to an ambulance. City Manager Westerholm stated that two bids had been received and it was his recommendation that Angelina Chevrolet-Cadillac Company be awarded bid in the amount of \$4,719.62. Comm. W. O. Ricks, Jr., then made motion that Angelina Chevrolet-Cadillac Company be awarded bid on a vehicle to be converted to an ambulance in the amount of \$4,719.62 in accordance with recommendation by City Manager Westerholm. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Water Department - Bids on Cement Asbestos Pipe

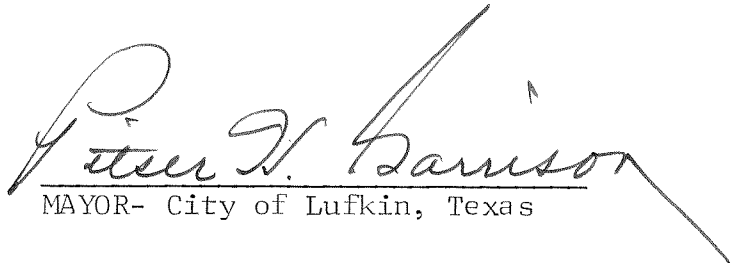
City Manager Westerholm stated that bids were opened November 16, 1972, at 2:00 P. M., for 20,000 Linear Feet of 8-inch Cement Asbestos pipe (Water Mains needed for projects listed through Revenue Sharing Funding) and that bid tabulations had been submitted to members of the Commission for consideration. City Attorney Flournoy stated that a question had arisen regarding a bid submitted by Hydrotex Utility Supply Corporation of Lufkin which indicated as an additional proposal on the bid that \$35 be allowed per truck load for unloading expense allowance. City Attorney Flournoy indicated that this particular proposal by Hydrotex Utility Supply Corporation may be illegal under the State and Civil Statutes and Tariff Act. Mr. John LaRue, of Hydrotex Utility Supply Corporation, was present and stated that he was not aware of any particular law governing this type unloading operation. Mr. LaRue also stated that his bid of \$1.73 per linear foot was still low regardless of his proposal to allow \$35 per truck load on unloading expense allowance. Mr. LaRue stated that this amount of pipe would require approximately nine truck loads. Comm. W. O. Ricks, Jr., stated that in accordance with rules of the Motor Carriers this particular proposal as presented by Hydrotex Utility Supply Corporation was in violation of this Motor Carrier Act. Following considerable discussion, Mayor Garrison suggested that the awarding of this particular bid be delayed until a ruling had been made regarding the validity of the bid submitted by Hydrotex Utility Supply Corporation. Comm. E. G. Pittman then made motion that this particular bid awarding be deferred in accordance with suggestion made by Mayor Garrison. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

12. Zone Change Application - D. C. Canada

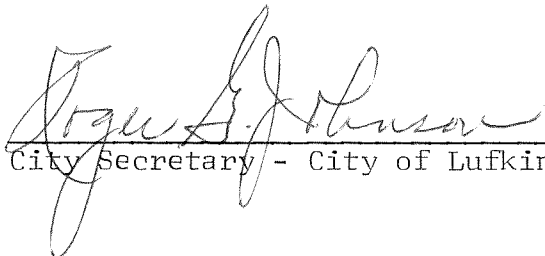
City Manager Westerholm stated that he had been notified that application for zone change presented by D. C. Canada had been withdrawn.

13. Adjournment

There being no further business for consideration, meeting was adjourned at 8:45 P. M.


MAYOR- City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas