

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF OCTOBER, 1973, AT 7:30 P.M.

On the 2nd day of October, 1973, 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
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, and

E. C. Wareing Commissioner, Ward No. 4

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

1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of September 18, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Proposed Annexation & Permanent Zoning - R. L. Cunningham - Open Hearing

Mayor Garrison stated that members of the City Commission were familiar with request by R. L. Cunningham to annex and permanently zone property located between existing City Limits and Tulane Drive and North of Kentwood Street. Mayor Garrison further explained that the City Planning and Zoning Commission had previously recommended annexation and permanent zoning of this area at a public hearing on September 13, 1973. Mayor Garrison reviewed details from the City Planning and Zoning Commission meeting and called on John W. Doyal, a member of the City Planning and Zoning Commission, who was present as a representative of same. Mr. Doyal explained that property owners within the Kentwood area had submitted a letter containing recommendations to applicant for proposed annexation and permanent zoning and all parties concerned had agreed to these recommendations with the exception of modifications to Recommendation #1 of letter explained in minutes from the City Planning and Zoning Commission meeting of September 13, 1973. There were no persons present to speak in opposition to annexation and permanent zoning of this property to C and R-1 Districts as advertised in the Lufkin News on September 19, 1973.

Mayor Garrison called on Mr. Walter Borgfeld, attorney for application by R. L. Cunningham. Mr. Borgfeld explained that only the Commercial zoned portion of this area would be considered for use as a motel location and the remainder of this property would be proposed for R-1 District. Mayor Garrison declared hearing closed on proposed annexation and permanent zoning of tract as described above and informed members of the City Commission and individuals present that this annexation and permanent zoning request would be on the agenda for first reading of ordinance at next regular City Commission meeting of October 16, 1973, at 5:00 P. M.

5. Zone Change Application - Youngblood Development Corporation from R-1 District to C District

Mayor Garrison informed members of the City Commission that zone change application by Youngblood Development Corporation from R-1 District to C District covering property located North of and parallel to Loop 287 between U. S. Highway 59 and Tulane Drive had been approved on first reading of ordinance at last regular City Commission meeting. There were no persons present appearing in opposition to zone change request. Comm. W. O. Ricks, Jr., made motion that zone change application by Youngblood Development Corporation from R-1 District to C District be approved on second and final reading. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

6. Zone Change Application-Doyle E. Bruce from R-1 to C District

Mayor Garrison explained that zone change application by Doyle E. Bruce from R-1 District to C District covering property located South of Slack Street extending parallel to and immediately South of Loop 287 and East of FM 58 had been previously recommended for approval by the City Planning and Zoning Commission. There were no persons present appearing in opposition to zone change application as presented. Comm. R. A. Brookshire made motion that zone change application by Doyle E. Bruce from R-1 District to C District be approved on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Recreation & Parks Department - Awarding of Bids - Lighting & Fencing Equipment

City Manager Westerholm informed members of the City Commission that bids had been received for lighting and fencing equipment by the Recreation & Parks Department and opened on September 21, 1973, at 2:00 P.M. City Manager Westerholm further stated that the following bids were received and recommended members of the City Commission accept low bid submitted by Marlin Associates, Houston, Texas, in the amount of \$27.00 per fixture for lighting equipment and Southwestern Fence Company, Houston, Texas, in the amount of \$1,335.47 for fencing equipment:

LIGHTING EQUIPMENT BIDS

<u>Name of Company</u>	<u>Total Bid Per Fixture</u>
Watson Electric Company Lufkin, Texas 75901	\$28.21/Ea.
Caver Electric Company Lufkin, Texas 75901	\$29.55/Ea.
Dealers Electrical Supply Co. Lufkin, Texas 75901	\$29.60/Ea.
Wholesale Electric Supply Co. Houston, Texas 77023	\$27.53/Ea.
J. J. Lighting Center, Inc. Houston, Texas 77055	\$28.34/Ea.
Goodway Distributing Company Houston, Texaw 77008	\$35.35/Ea.
Rig A Lite Houston, Texas 77034	\$36.00/Ea.
Consolidated Electrical Distributors Houston, Texas 77002	\$28.50/Ea.

Warren Electric Company Houston, Texas 77001	\$26.52/Ea. \$31.52/Ea.
Marlin Associates Houston, Texas 77023	\$27.00/Ea.
Dup's Pump Sales Houston, Texas 77003	\$33.50/Ea.
Owen Electric Supply, Inc. Houston, Texas 77026	\$28.64/Ea.
Dura-Tronics Addison, Texas 75001	\$32.05/Ea.

FENCING EQUIPMENT BIDS

<u>Name of Company</u>	<u>Total Bid</u>
Southland Fence Company Lufkin, Texas 75901	\$2,035.00
Atlas Fence Company Houston, Texas 77036	\$1,574.42
Gale Fence Company Houston, Texas 77022	\$1,555.00
Southwestern Fence Company Houston, Texas 77027	\$1,335.47

Completing review of bids as listed above, members of the City Commission asked City Manager Westerholm various questions in regard to bids as submitted. City Manager Westerholm informed members that bids for lighting and fencing had previously been budgeted through funds made available in the Revenue Sharing Budget.

Considerable discussion developed regarding bid from Marlin Associates as to whether or not \$27.00 per each fixture included complete installation cost F.O.B. Lufkin, Texas, since specifications were not available for review and bid did not indicate same.

Comm. R. A. Brookshire then made motion that bids for lighting equipment be tabled until more information could be made available regarding installation and F.O.B. costs. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Following review of bids for fencing materials, Comm. Joe E. Rich made motion that Southwestern Fence Company, Houston, Texas, be awarded low bid in the amount of \$1,335.47 for fencing materials. Motion was seconded by Comm. E. G. Pittman. Prior to vote on motion by Comm. Joe E. Rich, Comm. W. O. Ricks, Jr., inquired as to whether or not fencing would be galvanized and if posts would be individually placed in concrete when installed. Members of the City Commission unanimously agreed that motion presented by Comm. Joe E. Rich be amended to indicate that all posts be set in concrete with galvanized fencing only, and a unanimous affirmative vote was recorded. Members of the City Commission further unanimously agreed that fencing bids would be re-considered providing these requirements as listed above were included in bid specifications.

8. Sanitation Dept. - Awarding of Bids - Plastic Garbage Can Liners

City Manager Westerholm stated that bids on plastic garbage can liner bags had been received and tabulation had been prepared following bid opening on September 27, 1973. City Manager Westerholm further stated that Adams Industries with a bid of .03437 was low bidder, but recommended members of the City

Commission award bid to Pak Rite Plastic Corporation in the amount of .03473 since this bag was made from better materials and would only be 1% difference in price. The following bids were submitted for review by members of the City Commission:

<u>Name of Company</u>	<u>2 Mil Printed</u>
Adams Industries	.03437
Mobil Chemical	1st Delivery .039 2nd Delivery .041
St. Regis	No Bid
Pak Rite	.03473

Mayor Garrison suggested City Manager Westerholm consult with Pak Rite Plastic Corporation to see if they would accept a bid amount of .03437. Following a brief discussion, Comm. J. T. made motion that Pak Rite Plastic Corporation be awarded bid in the amount of .03473 in accordance with recommendation by City Manager. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

9. Street Dept. - Resurfacing Materials - Awarding of Bids

City Manager Westerholm reported that only one bid was received for street resurfacing materials from Moore Brothers Construction Company, Lufkin, Texas, in the amount of \$50,750 for hot mix 25%, 5000 Tons at \$10.15 per ton. City Manager Westerholm stated that a copy of this bid had been presented to members of the City Commission for review and consideration. Considerable discussion developed and Mayor Garrison expressed his concern that the City should know how many linear foot would be laid since specifications and advertisement did not indicate same. Comm. R. A. Brookshire expressed his concern that the City submit a projected street resurfacing program indicating a scheduling process. Members of the City Commission also expressed their concern that bid indicate length of time City would be guaranteed bid price. Following considerable discussion, Comm. Joe E. Rich made motion that Moore Brothers Construction Company be awarded bid for street resurfacing materials in the amount of \$50,750. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Angelina County-City Health Unit - Discussion of Ordinance for Control of Fruit Stands & Similar Food Establishments

City Attorney Flournoy informed members of the City Commission that the Angelina County-City Health Unit had expressed their concern that more control of health standards be granted the City toward fruit stands and other similar establishments since existing ordinances only referred to the control of restaurant facilities throughout the City. City Attorney Flournoy then explained a copy of proposed ordinance to members of the City Commission. Following a brief review of ordinance as presented, City Attorney Flournoy stated that he would furnish copies of this proposed ordinance to each member of the City Commission for study.

11. Angelina County-City Health Unit - Water Pollution Abatement Program - Resolution

City Manager Westerholm reported that the City Commission had previously approved the 835 Water Pollution Abatement Program which included the monitoring of various streams throughout the City and County for the control of polluted water. City Attorney Flournoy explained that the County-City Health Unit needed authority from the City to administer the program. City Attorney Flournoy stated that he had prepared a resolution giving this authority to the Angelina County-City Health Unit.

Mayor Garrison expressed his concern that the City should maintain some degree of control over any possible court action and that the City should have something to say about the enforcement and jurisdiction. City Attorney Flournoy stated that he would acquire more information regarding the implementation of the 835 program for further consideration at next regular meeting.

12. Traffic Safety Support Group - Appointment of Members

City Attorney Flournoy stated that he had received a proposed ordinance from Denzel Percifull, Traffic Safety Coordinator, whereby the City Commission could establish a Citizens Traffic Safety Support Group, defining its duties, responsibility and authority, qualifications of members, terms of office and effective date. City Attorney Flournoy further stated that he would recommend that a resolution be considered in place of an ordinance with members to be appointed for one-year terms to serve as an advisory committee with no actual authority. City Attorney Flournoy further reported that this particular support group was not essential under the law, but would serve as a good community involvement program.

City Manager Westerholm read from available information regarding the City's application for highway safety project grant indicating that the Traffic Safety Coordinator would be employed and a public officials coordinating committee and public support group, pointing out the fact that the coordinator would work directly under the City Manager in formulating and sustaining an approved Traffic Safety Program. Mayor Garrison expressed his personal reluctance to appoint this type committee pointing out the fact that expert members may not be available. Following a brief discussion, Comm. Joe E. Rich made motion that a Traffic Safety Support Group be appointed and resolution be approved in accordance with information as presented by City Attorney Flournoy and City Manager Westerholm. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Mayor Garrison expressed his concern that members of this group furnish members of the City Commission reports regarding their recommendations when members were officially appointed.

13. B. F. Gipson Estate vs City of Lufkin - Status of Suit

City Attorney Flournoy reported that he had recently received information regarding the B. F. Gipson Estate vs the City of Lufkin indicating that the Gipsos had agreed not to further prosecute their appeal and had filed a motion asking the appeal to be dismissed.

Mayor Garrison expressed his personal appreciation to City Attorney Flournoy for a job well done.

14. Alley Closing - Discussion of Quit-Claim Deed - Third Street Baptist Church

City Attorney Flournoy stated that several representatives were present from the Third Street Baptist Church in regard to approval by the City Commission of a quit-claim deed that would allow the City of Lufkin easement privileges on other property owned by the Third Street Baptist Church rather than within alley previously approved for closing by the City Commission. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Mayor Garrison be authorized to sign a quit-claim deed to the alley and obtain an agreement from the church authorizing the City of Lufkin to receive easement privileges on other property owned by the Third Street Baptist Church as previously reviewed. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Annual Audit Report - Discussion

City Manager Westerholm stated that it had previously been agreed by the City Commission that each auditing firm be engaged for two-year periods and that the firm of Alexander & Rogers did the audit for the 1972-73 fiscal year. City Manager Westerholm further reported that approximately \$250 to \$300 would be added to the cost due to the addition of the Revenue Sharing Audit. Comm. W. O. Ricks, Jr., then made motion that Alexander & Rogers be permitted to begin audit subject to revisions as explained by City Manager Westerholm. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

16. Advertisement for Bids - Authorization Requested

City Manager Westerholm stated that the following equipment had been budgeted in the 1973-74 Fiscal Year Budget and bid authorization from City Commission was necessary in order that advertisements for bids could be submitted:

8 Police Vehicles
1 Car - Inspection Dept.
1 Car - City Manager
1 Bucket Truck - Street Dept.
1 Pickup - Street Dept.
1 Sign Machine - Street Dept.
1 Backhoe - Sewer Dept.
1 Pickup (½-Ton) - Sewer Dept.
1 Dump Truck (¾-Ton) - Sewer Dept.
1 Steam Cleaner - Garage Dept.

Following review of above listed items, Comm. E. G. Pittman made motion that City Manager Westerholm be authorized to submit advertisement for bids on equipment as described above. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Veterans Day - Holiday Observation

City Manager Westerholm reported that official recognition should be made by the City Commission setting October 22, 1973, Veterans Day, as holiday observation for City employees. Comm. W. O. Ricks, Jr., made motion that Veterans Day, October 22, 1973, be officially set for holiday observation by City employees. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. Neighborhood Park Development - Southview Park - Gulf Pipeline Property

City Manager Westerholm stated that members of the City Commission had been furnished a letter from Max Griffin, Recreation & Parks Director, regarding money recently appropriated by the City Commission for the development of a neighborhood park in southwest Lufkin. City Manager Westerholm further reported as evidenced by letter submitted to City Commission, that it was the recommendation of the Recreation & Parks Director that monies be approved for park development in the Gulf Pipeline Property, southwest Lufkin, as a neighborhood park due to the need for same in this area since property was available for development. Following considerable discussion, members of the City Commission unanimously agreed that a development proposal of the Gulf Pipeline Property be submitted to members of the City Commission prior to final consideration of recommendation as presented by Recreation & Parks Director.

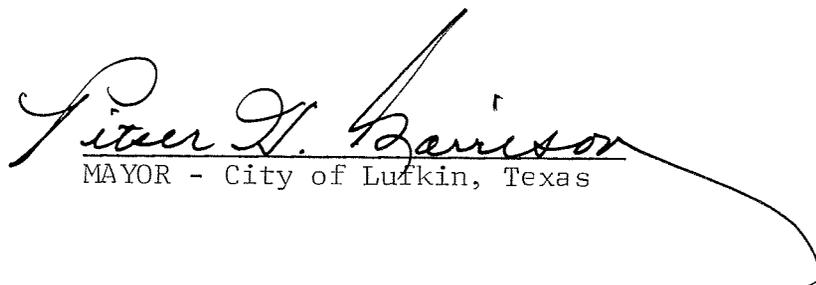
19. Civil Service Commission - Appointment of Member

City Manager Westerholm stated that Mr. L. D. Barrett, a current member of the Civil Service Commission, had reached his term of expiration effective October 1, 1973, and had agreed to be reappointed for a three-year term provided members of the City

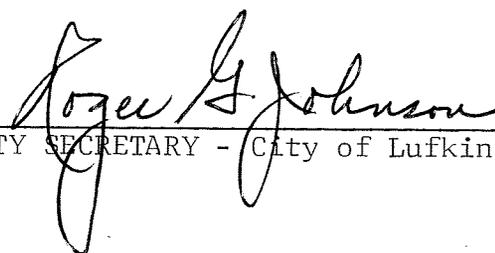
Commission agreed. Comm. W. O. Ricks, Jr., then made motion that Mr. L. D. Barrett be re-appointed as a member of the Civil Service Commission for a three-year period effective October 1, 1973. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

20. Adjournment

There being no further business for consideration, meeting was adjourned at 8:40 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas