

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JANUARY, 1976, AT 5:00 PM

On the 20th day of January, 1976, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
---------------	--------------------------------

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

1. Meeting opened with prayer by Lynn Durham, former City Secretary for City of 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. Joe E. Rich made motion that minutes of regular meeting of January 6, 1976, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Open Hearing - David Sapp & A. E. Fredregill - Taxi Cab License Request Postponed

Mayor Garrison stated that Mr. David Sapp and Mr. A. E. Fredregill had made application for a taxi cab license and were present to answer questions members of Commission may have regarding same.

Mayor Garrison requested comments from City Manager Westerholm regarding proposed application. City Manager Westerholm stated that there were two taxi cab companies in the City of Lufkin in the past, but only one was operating at the present time and applicants had met all requirements of City ordinances with the exception of one change on request which indicated a desire on the part of the applicant to provide for eight cabs instead of the initially proposed four.

Mayor Garrison recognized Mr. Dan Brazil, attorney for applicants, who stated that his clients desired to obtain another taxi cab license from the City in order to provide adequate cabs for Lufkin. Comm. Pat Foley inquired of Mr. Brazil as to whether or not information was available to indicate that there were not presently enough cabs furnished for the City of Lufkin. Mr. Brazil asked Mr. Sapp to comment regarding same and Mr. Sapp stated that he had circulated petitions containing the signatures of approximately 150 businessmen within the City who were in support of his application. Mr. Sapp further stated that he was of the opinion Lufkin had grown and was in need of an additional company.

Mayor Garrison recognized Mr. Jim Glawson, owner and operator of the Yellow Cab Company, who had recently been granted a license to operate his company in the City on December 16, 1975. Mr. Glawson stated he desired to appear in opposition to this request based on the fact that his company presently held license for 11 vehicles of which nine were being operated at the present time and three additional cars would be added within

the near future to bring his total to twelve. Mr. Glawson further stated that the International Taxi Cab Association magazine published recent information stating that a City the size of Lufkin should have approximately one cab for each 2,000 to 2,400 people. Mr. Glawson stated that he had attempted to improve his business in the past few weeks and he had begun operation as manager and requested members of Commission give him additional time to upgrade his service. Mr. Glawson stated that he had recently made contracts with the Lufkin State School and the State Welfare Department to furnish cabs under their particular program.

Mayor Garrison declared hearing officially closed regarding taxi-cab license request.

Mayor Garrison stated that a phone call had been received during the Christmas holidays which indicated cabs were not being furnished to provide transportation for individuals arriving on buses within the City. Mr. Glawson stated that his company had closed on this day due to the lack of calls and unanimous consent of his employees who were of the opinion that it would not be advantageous to furnish services on this particular day. Mr. Glawson further stated that he could obtain as many signatures as had been obtained by applicants for new permit in opposition to request if necessary. Mr. Glawson then requested that members of Commission consider postponement of their decision on permit until he could obtain additional information on the subject and upgrade his operation.

Mayor Garrison stated that he was of the opinion that members of Commission should be furnished additional materials regarding taxi cab services throughout the state prior to making final decision. Comm. Pat Foley inquired as to what information could be obtained from the Texas Municipal League and made motion that further action regarding taxi cab license request as presented be deferred until next regular meeting to provide time for procurement of information from Texas Municipal League and other areas. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Mayor Garrison asked all concerned individuals to be present at next regular meeting when this item would again be considered. Mayor Garrison further requested that this Commission be furnished current rate schedules and operating statements on an annual basis if possible.

5. Open Hearing - Revocation of Lufkin Recreation Center Pool Hall Permit - Postponed

Mayor Garrison stated that a formal complaint had been filed by the Lufkin Police Department to consider the revocation of pool hall permit of the Lufkin Recreation Center. Mayor Garrison stated that it was necessary to consider this revocation in a formal hearing and Mr. J. V. Price, attorney, was present in representation of Mr. W. T. Callaway, manager of the Lufkin Recreation Center.

Mayor Garrison then recognized Mr. Price, as attorney for Mr. Callaway. Mr. Price requested that members of this Commission provide additional time to review information that he had not had an opportunity to review prior to making decision on revocation. Mr. Price referred to two letters received from City staff, Mr. Roscoe Gibson, Fire Marshal, and Mr. O. C. Hanks, Building Inspector, which was jointly signed and forwarded to Mr. W. T. Callaway pointing out certain violations of City Code that should be corrected. A copy of this letter is attached to minutes for permanent record. Mr. Price stated that this particular letter pointed out four areas that should be corrected, of which all had been corrected. Mr. Price also stated that Mr. Callaway had received a letter from City Secretary which indicated violations of Section 4-20 of the City Code of Ordinances which has also been attached to minutes for permanent record.

Comm. Pat Foley made motion that further consideration of revocation be tabled until next regular meeting based on request by Mr. Price. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mr. Price asked members of Commission if he could be notified of the specific violations under Section 4-20 as previously discussed. Mayor Garrison explained that City Attorney Flournoy would provide this information. Mr. Flournoy stated that letter of January 2, 1976, by Mr. Gibson and Mr. Hanks was not related to the revocation of permit. Mr. Flournoy further stated that letter from City Secretary regarding violations under Section 4-20 applied to primarily Items 5, 6 and 7. Mayor Garrison stated that this information should be adequate for Mr. Price's preparation prior to next regular meeting. Mayor Garrison asked Lt. J. B. Goodwin, who was present from the Lufkin Police Department, if more information was available that should be furnished Mr. Price. Lt. Goodwin stated that additional reports were available and same would be furnished Mr. Price. City Attorney Flournoy stated that he would be available to assist Mr. Price regarding any questions he may have concerning same.

Mayor Garrison declared hearing formally closed and explained that further consideration of this revocation would be considered at next regular meeting.

6. Annexation & Permanent Zoning Request Approved 2nd Reading - A. B. Youngblood, Jr.

Mayor Garrison stated that annexation and permanent zoning request by A. B. Youngblood, Jr., covering property located South of Loop 287, West of Tulane Drive and North of Harmony Hill Drive to existing City Limits had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to annexation and permanent zoning request. Comm. E. C. Wareing made motion that annexation request by A. B. Youngblood, Jr., be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion to approve permanent zoning of this property which had been previously described on second and final reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Thousand Oaks Sub-Division - Ordinance Approved 2nd Reading to Lower Multiplier Rate for Sewer Service Charge

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting to lower multiplier rate for sewer service charge in Thousand Oaks Sub-Division and all areas outside City Limits.

There were no persons present appearing in opposition to approval of ordinance. Comm. Pat Foley made motion that existing Sewer Rate Ordinance be amended to provide a 2½ multiplier as a base rate for all individuals using sewer service outside City Limits. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading - C. G. Berry

Mayor Garrison stated that zone change application by C. G. Berry from R-1 District to C District covering property located West of and adjacent to Loop 287, North of its intersection with Highway 94 had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change request. Comm. E. C. Wareing made motion that zone change application by C. G. Berry from R-1 District to C District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Hearing Date Set-Annexation & Permanent Zoning Request-Sabine Investment Company-Crown Colony Sub-Division-Highway 59 South

Mayor Garrison stated that Mr. John Waak, a member of the City Planning and Zoning Commission, was present to answer any questions members of Commission may have regarding request to establish hearing date for the annexation and permanent zoning of Crown Colony Sub-Division located on Highway 59 South across from Angelina Junior College. Mayor Garrison further stated that the City Planning and Zoning Commission had unanimously recommended approval of this annexation and permanent zoning and it would be necessary to establish a hearing date if members of Commission desired. Mayor Garrison inquired as to whether or not basic utilities were available in this area and Mr. Ray Faircloth, appearing in representation of Sabine Investment Company, stated that all sewer facilities were available and no additional costs would be experienced by the City.

Comm. E. C. Wareing asked Mr. Westerholm if proposed zoning of this area would be compatible with existing zoning on adjacent properties within this area. Mr. Westerholm stated that the City Planning and Zoning Commission had made minor changes prior to recommendation to this Commission regarding adjacent zoning in this regard. Comm. Pat Foley inquired as to whether or not lift station in this area would be adequate. City Manager Westerholm stated that the new lift station recently installed in this area would be adequate.

There were no persons present appearing in opposition to this consideration and Comm. E. C. Wareing made motion that hearing date be set for next regular meeting to consider annexation and permanent zoning request of the Crown Colony Sub-Division as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

10. Alley Purchase Approved-Richard Johnson-Henry & Mickey Streets

Mayor Garrison stated that Mr. Richard Johnson, a property owner in the Townsend Addition, had made request to the City Commission to purchase an alley between Lots 27 and 28 and Lots 23 and 24, Block 1 of the Townsend Addition between Henry and Mickey Streets. Mayor Garrison further stated that the City Planning and Zoning Commission had recommended the purchase of this alley.

City Attorney Flournoy recommended that property owners on Lots 23 and 28, directly concerned with purchase, submit letters to the City indicating that they did not object to the sale of this property to Mr. Johnson based on information discussed. Mr. Johnson stated that one letter had already been furnished in this regard and an additional letter could be obtained, if necessary, to fulfill this request. City Attorney Flournoy stated that providing these letters were obtained, the City Commission could prepare a deed to Mr. Johnson based on information obtained also from the Tax Assessor-Collector who had appraised this property for a fair market value of \$209.36. Mr. Flournoy further stated that providing all information was obtained and property was sold for this value, deed could be prepared in Mr. Johnson's name.

Comm. E. C. Wareing made motion that City Attorney Flournoy be authorized to prepare a deed to Mr. Johnson for the purchase of this property contingent upon submission of required information as discussed and procurement of check covering cost of fair market value. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Community Development Block Grant-Keltys Street Improvements-Bid Approved-Moore Construction, Inc., Jacksonville

Mayor Garrison stated that bids had been received and tabulated for consideration by this Commission for Keltys Street Improvements. It was further stated that an allocation had been made by the City which included \$180,000 toward this project. Mayor Garrison stated that low bid submitted was from Moore Construc-

tion, Inc., of Jacksonville in the amount of \$192,467.20 and same had been recommended by the City staff. The following bids were reviewed:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT.#1</u>	<u>ALT.#2</u>
Moore Construction	\$192,467.20	No Bid	No Bid
Moore Brothers	\$218,444.74	\$260,416.77	\$15,769.38
Rhonesboro Contrs.	\$222,621.00	\$297,330.00	\$ 7,362.00

City Manager Westerholm stated that since these bids were based on unit cost, certain items could be eliminated toward the end which would provide an opportunity to remain within the allotted figure.

A brief discussion developed and Comm. W. O. Ricks, Jr., expressed his concern that Street Department money not be used to make the difference between the allocated amount and the amount necessary to pay low bid submitted. Comm. Ricks stated that block grant money should be used exclusively in this regard without borrowing from Street Department funds. City Manager Westerholm stated that this additional money could come from Revenue Sharing or Street Department depending upon the decision of this Commission.

Comm. Ricks further stated that he was of the opinion proposed sidewalks for this area were too wide which had increased the cost of bid proposal. City Manager Westerholm stated that the five-foot sidewalk had been recommended by engineers and same could be negotiated or made in accordance with standards with minimum specifications for sidewalks.

Comm. Joe E. Rich made motion that low bid by Moore Construction, Inc., of Jacksonville in the amount of \$192,467.20 be approved subject to the establishment of sidewalk widths that would be in conformance with the minimum requirements of City ordinances and effectively reduce bid more in line with allocated amount. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Police Community Relations Program-Continued Resolution Approved

City Manager Westerholm reported that the Police Community Relations Program had been operating for approximately 18 months and the City staff was of the opinion that same had been a success. City Manager Westerholm further stated that a resolution would be necessary from the City Commission to apply for a continuation grant if members of Commission desired. City Manager Westerholm also referred to a letter from Chief Leonard Latham and Lt. Amos Lewis of the Lufkin Police Department regarding same.

Comm. R. A. Brookshire then made motion that resolution be approved authorizing the continuation of the Police Community Relations Program based on information furnished by City Manager Westerholm. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

13. CB Club of Lufkin-Request by Pathfinders to Use Old City Ambulance-Approved

City Manager Westerholm explained that Mr. Danny Frank Robinson and Mr. Bates B. Windom of the Pathfinders CB Club of Lufkin had previously forwarded a letter to members of Commission to request the use of an old vehicle which was no longer needed. It was discussed that this vehicle would be used as a first aid and rescue vehicle. City Manager Westerholm stated that an old 1969 ambulance, which had been stripped and replaced with a new ambulance, was available which had a value of approximately \$300. City Manager Westerholm stated that this particular vehicle would meet the needs of the club and was available.

Mr. Robinson, President of the CB Club, was asked several questions by members of Commission. Mr. Robinson stated he would take the responsibility of maintaining this vehicle for the CB Club.

City Attorney Flournoy stated that a lease agreement with the City would be most practical. Comm. R. A. Brookshire then made motion that City Attorney Flournoy be authorized to prepare a lease agreement in this regard to furnish the use of this old vehicle to the CB Club as requested. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Authority to Advertise for Police Units Approved

City Manager Westerholm stated that 1975-76 budget for the City of Lufkin authorized the purchase of seven police units, but he personally recommended the consideration of eight police units based on the STEP Program which was discussed in more detail in letter from Police Chief and Traffic Safety Coordinator. Mr. Westerholm stated that the Selective Traffic Enforcement Program recommended a need for this additional unit.

Mayor Garrison stated that he was personally reluctant to purchase another vehicle outside the budgeted figure based on the fact that the City had already gone four months without a need for this vehicle and same should have been considered in initial budget.

Comm. R. A. Brookshire inquired as to whether or not City Manager Westerholm could obtain a bid for seven vehicles and an alternate bid for eight vehicles in order to determine the specific difference in cost prior to making final decision.

Comm. W. O. Ricks, Jr., expressed his opinion that present downtime on police vehicles would merit the need for an additional patrol unit.

Comm. R. A. Brookshire made motion that City Manager Westerholm be authorized to advertise for bids on seven vehicles with an alternate bid for eight prior to making a final decision for eighth vehicle. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

15. Lufkin Pilot Club - Resolution Approved

City Manager Westerholm reported that the Lufkin Pilot Club had approved a special project in tribute to the Bicentennial 1976 year and had purchased a grand piano for new Civic Center. Mr. Westerholm further stated that this piano had been recommended to the Pilot Club members as the type instrument that would meet the needs in the Civic Center facility.

Comm. R. A. Brookshire made motion that resolution be approved expressing appreciation to members of the Lufkin Pilot Club in behalf of their Bicentennial year project and in appreciation for their consideration to the citizens of Lufkin. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

16. Tennis Court Construction - Disc.

Comm. Pat Foley stated that it had been approximately one year since bids were approved authorizing Moore Brothers Construction Company to build new tennis courts at Kiwanis-City Park and little progress had been made in this regard. Comm. W. O. Ricks, Jr., also expressed his concern that this project be completed as soon as possible. Mayor Garrison asked City Manager Westerholm to prepare a report regarding this construction prior to next regular meeting.

Comm. Pat Foley expressed his personal concern that based on problems in this regard, all future bids should indicate both a starting date and a completion date.

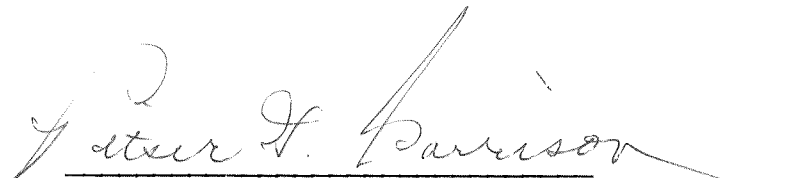
17. Lufkin Service League Commended - Completion of Lufkin Arts Museum

Comm. E. C. Wareing stated that the Lufkin Arts Museum had been completed under the direction of the Lufkin Service League and this organization should be complimented for a job well done.


Members of Commission were in agreement with Comm. Wareing and expressed their unanimous approval that the Lufkin Service League be publicly recognized for their contributions to the City of Lufkin and the new Civic Center.

18. Adjournment

There being no further business for consideration, meeting adjourned at 6:25 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary