

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF JANUARY, 1977, AT 5:00 PM

On the 18th day of January, 1977, 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
Jack McMullen	Commissioner, Ward No. 3
E. 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 City Secretary in absence of regular scheduled Pastor.
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. Pat Foley made motion that minutes of regular meeting of January 4, 1977, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Crown Colony Sub-Division Section III-Annexation & Permanent Zoning Ordinances Approved 1st Reading-Sabine Investment Company

Mayor Garrison stated that previous hearing had been held by the City Commission regarding annexation and permanent zoning for Crown Colony Sub-Division Section III, and Mr. Ray Faircloth representing application was present to answer any questions members of Commission may have regarding application covering property located on U. S. Highway 59 South, East of Angelina Junior College, containing approximately 93 acres.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that annexation of this property as previously described and requested be approved for annexation on first reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. R. A. Brookshire made motion that permanent zoning of this property as previously described be approved in accordance with previous advertisements. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Zone Change Approved 2nd Reading-W. L. Mewborn from RL to RM District

Mayor Garrison stated that zone change application by W. L. Mewborn from RL to RM District covering property located West of & fronting on Renfro Drive between Lufkin Avenue and Ford Chapel Road, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by W. L. Mewborn from RL to RM District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Zone Change Approved 2nd Reading-Robert E. Ray from C to C & CB District and from RS to C District

Mayor Garrison stated that zone change application by Robert E. Ray from C to C & CB District and from RS to C District covering properties located (1) East of & fronting on Chestnut, North of Lee Avenue; and (2) North of & fronting on Lee Avenue between Chestnut & Henry, had been approved on first reading of ordinances at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Robert E. Ray from C to C & CB District and from RS to C District be approved on second reading of ordinances. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Zone Change Approved 2nd Reading-Ken Roland from RL to RL & LB District, Special Use (Conditions)

Mayor Garrison stated that zone change application by Ken Roland from RL to RL & LB District, Special Use (Conditions), covering property located West of & fronting on Chestnut, between Card Drive & Loop 287, North of Clifford Burns property, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Ken Roland from RL to RL & LB District, Special Use (Conditions), be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

8. Zone Change Approved 2nd Reading-Glenn Herron & Larry Strand from RL to C District

Mayor Garrison stated that zone change application by Glenn Herron & Larry Strand from RL to C District covering property located immediately East of & parallel to Loop 287, East of Teer Street between Hwy. 103 East & Moffett Road, had been approved on first reading at last regular meeting.

There were no persons present appearing in opposition to application. Comm. Jack McMullen made motion that zone change application by Glenn Herron & Larry Strand from RL to C District be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Texas Power & Light Company-Rate Increase Request Suspended Pending Public Utility Commission Recommendation

Mayor Garrison stated that Mr. J. B. Manning of Texas Power & Light Company was present in behalf of their request for a rate increase. Mr. Manning briefly outlined proposal filed with the City on December 22, 1976, which involved a proposed increase of 34 percent outlined in materials which were distributed to members of Commission for review.

Mr. Manning emphasized the fact that the Texas Power & Light Company had made this request due to the conversion of natural gas to lignite coal as a source of energy.

Mayor Garrison explained to Mr. Manning that the City Commission had not decided to suspend this rate request, but only consider the suspension, and in order to keep Texas Power & Light Company's rates from going into effect, a resolution of suspension must be approved by this Commission.

Comm. Pat Foley made motion that a resolution suspending proposed rate increase for 120 days be approved in view of study being made by the City.

Prior to second of motion, City Attorney Flournoy explained that a public hearing was necessary to be held within 30 days after the date of suspension. Comm. Foley then requested that his previous motion be amended to add that a public hearing be set by this Commission on the second meeting in February. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Mayor Garrison explained to individuals present that the City Commission had filed intention to intervene before the Public Utility Commission and join with other Cities in employing the Touche Ross & Company to prepare a study to present before the Public Utility Commission in the Texas Power & Light Company's rate increase request hearing.

10. Texas Municipal League-Aut. to Act in City's Behalf at Public Utility Commission Hearing for Texas Power & Light Company Rate Increase Request

Mayor Garrison stated that the Texas Municipal League would need authority from this Commission to act in the City's behalf in representation before the Public Utility Commission on the Texas Power & Light Company's

rate increase request.

City Attorney Flournoy explained that the Public Utility Commission was only considering the rate increase request for the rural areas.

Comm. W. O. Ricks, Jr., then made motion that the Texas Municipal League be authorized to act in the City's behalf in this regard at the Public Utility Commission hearings. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman desired to clarify the fact that final judgement of either of these Commissions was not given by this Commission, and the City reserved the right to have final judgement.

Comm. W. O. Ricks, Jr., requested that his previous motion be amended to add the fact that the City reserved the right to make final judgement in this request. Comm. Wareing was in agreement with this amendment and so were the remaining members of the City Commission.

11. Lufkin Telephone Exchange-Request for Easement Substitution Approved-Angelina Street & Chambers Park Tennis Courts

Mayor Garrison stated that the City Commission had previously approved an easement at last regular meeting to allow Lufkin Telephone Exchange to construct an underground cable with certain conditions. Mayor Garrison further stated that as a result of these conditions. Lufkin Telephone Exchange had made a new request to substitute for previously approved easement request which would not be constructed under the proposed Angelina Street extension and only pass through the two west tennis courts in Chambers Park.

Comm. E. C. Wareing made motion that previous easement request granted Lufkin Telephone Exchange be revoked and new request, in accordance with information as explained by Mayor Garrison, be approved. Motion was seconded by Comm. Jack McMullen.

Prior to vote on motion, City Attorney Flournoy stated that easement had been prepared which explained exact details of construction. Comm. E. G. Pittman inquired as to what agreement had been made on court reconstruction and repairs following implant of cable. City Manager Westerholm explained that in accordance with agreement, the tennis courts must be returned to equal or better condition. Comm. Brookshire inquired of City Manager Westerholm as to whether or not he had discussed the specific details of restoration with Lufkin Telephone Exchange. City Manager Westerholm stated that in accordance with outline of easement, the courts would have to be re-surfaced and returned to an equal status. Members of Commission were in agreement that the courts should be re-surfaced to obtain equal status and City Attorney Flournoy stated that same was outlined in easement request.

Previous motion and second then received a unanimous affirmative vote to authorize Lufkin Telephone Exchange to construct this cable in accordance with conditions of agreement.

12. Zone Change Approved 1st Reading-Tommy E. Wood from RM to RS District

Mayor Garrison stated that zone change application by Tommy E. Wood from RM to RS District covering property located North of & fronting on Forest Park Boulevard, North of Butler Street intersection, had been recommended for approval by the City Planning and Zoning Commission. Mr. Wood was present in representation of his application.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by Tommy E. Wood from RM to RS District be approved on first reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Curb & Gutter Section Improvements for Pershing Avenue Street Extension Discussed

City Manager Westerholm reported that the property owners in this section of Pershing Avenue, from whom the City needed to secure additional ROW, had expressed a desire to have curb and gutter section rather than open ditch Farm-to-Market type improvement. It was further explained by City

Manager Westerholm that estimated costs from the State Department of Highways & Public Transportation would increase the City's obligation by approximately \$17,000.00, but would eliminate any future additional costs to the City if curb and gutter were installed and all property owners were willing to exchange necessary ROW in return for the curb and gutter section. It was also explained that Mr. Ben Newsom had agreed to pay his share on the North side of this property, and other property owners in this area had not been contacted. City Manager Westerholm explained cost differences between curb and gutter, storm sewers and storm sewers without curb and gutter as listed below:

	<u>Present Proposal</u>	<u>Proposed Alternate</u>
	(Edge Line with Shoulders)	(Curb & Gutter Section)
Item #1 - Right-of-Way:	\$3,000.00	\$ -0-
Item #2 - Storm Sewers:	5,189.00	21,319.00
Item #3 - Curb and Gutter:	-0-	9,680.00
	<u>\$8,189.00</u>	<u>\$30,999.00</u>
Less Property Owner Participation -		<u>4,840.00</u>
Total City Obligation -		\$26,159.00

Comm. Pat Foley expressed his opinion that Angelina Street receive priority monies in this regard and City be authorized to extend this street widening project without curb and gutter and storm sewers. Comm. Pat Foley then made motion that present proposal be approved in the amount of \$8,189.00. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

14. Bid Awarded-Lufkin Fire Department-Modified Hearse

City Manager Westerholm explained that two bids had been received for a new ambulance (modified hearse type) which was used for long-transfer of patients in the following amounts:

Summers Funeral Car Company - \$23,358.75
Superior Southwest, Ltd. - \$23,831.40

City Manager Westerholm stated that the low bid indicated the net cost was approximately \$5,000 greater than the anticipated budget due to the fact that Oldsmobile no longer made this type vehicle. City Manager Westerholm stated that provided members of Commission desired to approve low bid for this amount which was in excess of \$5,000 as previously stated, he was of the opinion the budget should be amended.

Comm. W. O. Ricks, Jr., made motion to authorize amendment to the budget in the amount of \$5,000 to cover cost difference and approve low bid submitted by Summers Funeral Car Company in the amount of \$23,358.75. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. E. G. Pittman inquired of the necessity for purchasing a new vehicle and whether or not a thorough investigation had been made of possible engine and transmission changes in present vehicle. City Manager Westerholm explained that these avenues had been investigated and the City would receive a trade value on the bid of approximately \$6,000. Fire Chief Billy Stephens, who was present, explained to members of Commission that one of the main reasons for trading this type vehicle was dependability and excessive demand of vehicle during times of emergencies.

Following a lengthy discussion, the following vote was recorded to previous motion and second:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Pat Foley, Jack McMullen, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. E. G. Pittman

Mayor Garrison declared motion approved by majority vote of six to one to approve low bid of Summers Funeral Car Company.

15. Lufkin Police Dept.-Aut. Approved to Advertise for New Police Units

City Manager Westerholm stated proposed specifications for new Police vehicles had been presented to members of Commission for review and

authority was necessary for advertisement of bids. City Manager Westerholm stated that they were basically the same as specifications requested the previous year, with the exception of four-barrel carburetor and 11" by 2½" brakes due to difficulties with both items of a smaller size.

Mayor Garrison stated that he did not desire to see any manufacturer be omitted from specifications, if possible, and the brake specification system seemed to be too restrictive.

Comm. W. O. Ricks, Jr., expressed his opinion that specifications should be written around department head recommendation when difficulties had been experienced with equipment which did not meet standards of departmental use.

Comm. Pat Foley inquired as to whether or not alternate bids could be received to provide all manufacturers an opportunity for bid specifications as proposed.

Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to submit advertisement for bids on these police units as requested in accordance with specifications as written. Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. R. A. Brookshire expressed his opinion that companies could always submit an alternate bid to meet specifications and that this Commission should encourage invitations of alternate bids and have accumulated totals on cost differences involved due to specific specifications. The following vote was recorded:

Voting Aye: Comms. R. A. Brookshire, Pat Foley, E. C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Mayor Garrison and Comm. Jack McMullen

Mayor Garrison declared motion approved by majority vote of five to two to approve previous motion submitted by Comm. Ricks.

16. Speed Limit Zone Established-Pershing Avenue from Pierce Street to Loop

City Manager Westerholm reported that the City had posted 40 M.P.H. speed limits signs on Pershing Avenue between Loop 287 and Pierce Street, but authority was necessary from the City Commission to maintain this action from a legal standpoint. City Attorney Flournoy read a proposed ordinance establishing increases in speed from 30 M.P.H. to 40 M.P.H. from Pierce Street to Loop 287. Comm. R. A. Brookshire made motion to approve this ordinance on first reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

17. City Commission Meeting Date Set - February 2, 1977

Mayor Garrison stated that the Chamber of Commerce Annual Banquet had been scheduled for February 1, 1977, which would be in conflict with next regular scheduled meeting of this Commission. It was suggested that alternate meeting date be considered in light of this conflict. Comm. R. A. Brookshire suggested that Wednesday, February 2, 1977, at 7:30 p.m., be considered as alternate meeting. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. Brandon Park Community Center Improvement Bids Approved

City Manager Westerholm stated that the agenda had been amended to add consideration for approval of bids on the Brandon Park Community Center Improvements and the following bids were reviewed:

<u>Name</u>	<u>Roofing</u>	<u>Sheetmetal</u>	<u>Plumbing</u>	<u>Air Cond.</u>	<u>Electrical</u>	<u>Hollow Metal</u>
Brock's A/C				\$4,690*		
Waller Sheetmtl.	\$650*	.85 lin.ft.*		\$4,875		
Nac. Sheetmetal			\$5,348*	\$5,649		
Cutler Electric					\$4,915.68*	
Ward & Capers						\$630*
Faulkner	\$1,600	\$360				
Shea-Shea Elec.					\$5,980.00	
Electrical Ent.					\$10,925.00	
John Durham					\$6,895.00	
Westside Elec.					\$5,650.00	
G. L. H.				\$5,490.15	\$5,723.81	
Temple Assoc.			\$7,480	\$7,900.00		

W. E. Sword
Garmon Company
*Indicates Low Bidder

Hollow Metal
\$729.00
\$730.00

City Manager Westerholm stated that a letter had been forwarded members of Commission from Parks & Recreation Director Max Griffin, a copy of which has been attached to the minutes for permanent record, indicating specific recommendations. City Manager Westerholm indicated there was a shortage of funds needed to finish the Center in the estimated amount of approximately \$5,000.00.

Comm. W. O. Ricks, Jr., expressed his opinion that the three bids for air conditioning, electrical and hollow metal be accepted. Comm. E. C. Wareing suggested that Revenue Sharing Funds be considered to make the difference of the \$5,000.00 to finish the balance of repair work needed.

City Manager Westerholm stated he was of the understanding that approximately \$23,000.00 in Revenue Sharing was presently uncommitted and this money could be obtained from this fund if members of Commission desired to make proper amendments.

Comm. W. O. Ricks, Jr., then made motion to approve the three low bids submitted on air conditioning, electrical and hollow metal in above listed tabulation with the provision that \$5,000 over-run be taken from the Revenue Sharing Budget. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

19. Hill Street ROW Extension Disc.

Comm. E. C. Wareing inquired as to the success with acquisition of ROW for the extension of Hill Street. Traffic Safety Coordinator Denzel Percifull, who was present, informed members of Commission that all property owners involved in the ROW acquisition on Hill Street had been notified and were contemplating whether or not they desired to trade their property for ROW as a normal practice. City Manager Westerholm stated that as soon as reports were available from these individuals, members of Commission would be advised regarding same.

20. Vitrified Clay Pipe-Confirmation of Use in Sub-Divisions

Comm. W. O. Ricks, Jr., stated that a question had been presented recently regarding whether or not sewer trunk lines should be constructed with vitrified clay pipe or approved equal. City Manager Westerholm stated it had been determined that PVC pipe was not an equal to vitrified clay pipe inasmuch as PVC is a flexible pipe. City Manager Westerholm stated that the Sub-Division Ordinance indicated main sewer lines should be constructed with vitrified clay or equal and PVC was not considered an equal pipe due to its flexibility. City Manager Westerholm stated, due to the fact that recent questions had been asked regarding the use of PVC, a specific policy was needed to clarify the use of same.

Comm. R. A. Brookshire inquired as to why the City Commission had approved the use of PVC from house-to-main. City Manager Westerholm explained that this pipe was approved for use from house-to-main because excess stress was not involved in this type construction and lines were not as deep as City lines.

Comm. W. O. Ricks, Jr., expressed his opinion that the City needed to set this policy to protect future developments and the tile product was a proven item. Comm. W. O. Ricks, Jr., then made motion that consideration for establishment of this policy and the use of vitrified clay pipe under these conditions be placed on the agenda for next regular meeting. Motion was seconded by Comm. Pat Foley and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Jack McMullen, E. C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of six to one.

21. Turtle Creek Sewage By-Pass - Disc. of Alternatives

Comm. R. A. Brookshire stated it had been brought to his attention that approximately 6 or 7 property owners in the Turtle Creek area had recent-

ly experienced sewage backup in their residences causing considerable damage to properties. Comm. Brookshire inquired of City Manager Westerholm as to what remedy he proposed to solve this problem.

City Manager Westerholm stated that inflow after a rain was the primary problem and lift station at this location on Loop 287 could not accommodate same. City Manager Westerholm also stated that the by-pass at this location had been plugged on order by the Texas Water Quality Board and homes in this area were receiving problems as a result. City Manager Westerholm also stated that the Texas Water Quality Board had requested an infiltration study to be conducted by the City and same was being prepared for review by members of Commission at a later date.

City Manager Westerholm also referred to an August 1969 study of the sewer problems in this area which made specific recommendations for improvement of drainage. City Manager Westerholm stated that if the by-pass plug was removed in the Loop 287-Turtle Creek area, the problem of overflow in residences would be improved. City Manager Westerholm also referred to various alternatives supplied in 1969 sewer study.

Comm. W. O. Ricks, Jr., recommended that members of Commission consider construction of new outfall main in this area.

Comm. R. A. Brookshire suggested that members of Commission agree to unplug the by-pass in this area to allow relief to property owners who have experienced flooding in their residences.

Comm. W. O. Ricks, Jr., suggested the possibility of creating a lake in this area which could later be treated and released to the treatment facility.

City Manager Westerholm stated that a reclamation lake of this type would allow retention of solids which would settle and cause a septic lake which would not be recommended. City Manager Westerholm pointed to the fact that alternatives to this problem would be to increase the size of the lift station at this location at a cost of approximately \$45,000, or members of Commission could consider a larger trunk line to the Water Pollution Control Plant at a cost of approximately \$500,000.

Comm. E. C. Wareing stated that even more development was to be considered in this area and the problem must be resolved in the near future.

City Manager Westerholm explained that the construction of new trunk lines in this area would save the City the cost of installing a new lift station which would be a savings on electricity.

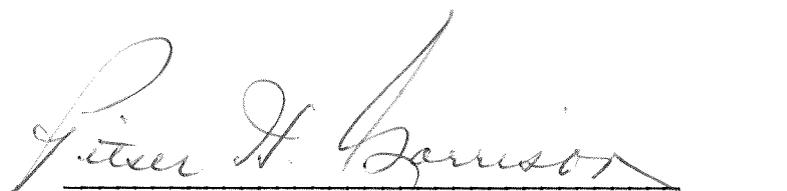
Comm. E. C. Wareing suggested members of Commission place this item on the agenda for consideration at next regular meeting for proper solutions.

Comm. R. A. Brookshire stated that the City, during this time, should relieve the possibility of further flooding of residences in this area by removing the plug in the by-pass.

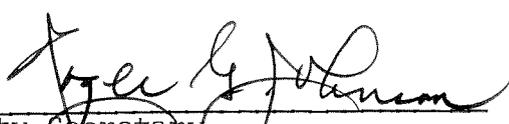
Mayor Garrison asked City Manager Westerholm to call the Texas Water Quality Board regarding removal of the by-pass plug in this area and report to members of Commission at next regular meeting regarding various alternatives for this area.

22. Adjournment

There being no further business for consideration, meeting adjourned at 6:50 p.m.


MAYOR - City of Lufkin, Texas

ATTEST:


City Secretary