

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 14TH DAY OF JUNE, 1977, AT 7:30 P.M.

On the 14th day of June, 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
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	Asst. City Manager

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
------------------	--------------------------

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

1. Meeting opened with prayer by Rev. W. A. Lewis, Pastor of the Lighthouse Cahpel, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.
3. Approval of Minutes

Comm. Jack McMullen made motion that minutes of regular meetings of May 17, June 2, and special meeting of May 24, 1977, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Texas Power & Light Company - Rate Increase Request Approved 1st Reading

Mayor Garrison recognized Mr. J. B. Manning representing Texas Power & Light Company for rate increase. Mr. Manning stated that the City Commission had previously asked for a deferrment of rate increase at last regular meeting which was granted by Texas Power & Light Company and he was present to consider first reading of ordinance at this meeting for awarding of a \$58,200,000 increase at a rate of 11.5 percent. Mr. Manning stated that the Public Utility Commission had recommended this amount, to include report by Touche-Ross.

Comm. E. C. Wareing stated that only two members of the three-member board of the Public Utility Commission had signed this rate approval and this board, therefore, had more power than a seven-member elected body as was the City Commission. Comm. Wareing further stated that providing this Commission took no action with regard to rate increase, new rates would go into effect without City approval; therefore, leaving the City Commission no further alternatives. Comm. Wareing stated that if this ordinance was adopted, it must be under his protest for two reasons: (1) the rate structures were a move away from cost, thereby increasing the rate of return differential, and (2) the present laws relating to the Public Utility Commission leave the individual Cities no effective "say-so" or regulation of utility rates.

Comm. W. O. Ricks, Jr., expressed his personal opposition to approval of this rate structure as proposed, but explained it was his opinion that the City had no alternatives under the circumstances.

Mayor Garrison was in agreement with previous statements by Comm. Wareing and Comm. Ricks, and stated he was of the opinion that the City should have the authority as an elected body to decide whether or not rate increase requests of this nature were approved. Mayor Garrison also referred to the fact that information furnished indicated Texas Power & Light Company experienced a 43 percent increase in net profit from the previous year.

Comm. E. C. Wareing made motion that ordinance be approved on first reading as requested by Texas Power & Light Company and Public Utility Commission, but minutes reflect as a matter of record two previous conditions stated: (1) that the rate structures are a move away from cost, thereby increasing the rate of return differential, and (2) the present laws relating to Public Utility Commission leave the individual Cities no effective "say-so" or regulation of utility rates. Motion was seconded by Comm. Jack McMullen and the following vote was recorded:

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

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of five to one, and indicated that second reading of this ordinance would be considered at next regular meeting on June 21, 1977, at 5:00 p.m.

5. Annexation & Permanent Zoning-Property South of Forest Hills Sub-Division-Tracts I & II-Whitehouse Road

Mayor Garrison stated that property located South of Forest Hills Sub-Division, previously advertised as Tract I, had been approved on first reading of ordinance for annexation and permanent zoning at last regular meeting. There were no persons present appearing in opposition to either the annexation or permanent zoning. Comm. W. O. Ricks, Jr., made motion that ordinance be approved on second and final reading annexing this property previously described in Tract I located across from Forest Hills Sub-Division. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Motion was then made by Comm. W. O. Ricks, Jr., to approve the permanent zoning of this property as previously advertised in Tract I on second and final reading to "R" District. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Mayor Garrison stated that Tract II of this annexation and permanent zoning involved property located North and South of Whitehouse Road. There were no persons present appearing in opposition to this annexation or permanent zoning. Motion was made by Comm. W. O. Ricks, Jr., that annexation of this property be approved on second and final reading of ordinance previously advertised as Tract II. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., then made motion that ordinance be approved on second and final reading permanently zoning this property in accordance with plat as previously advertised and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Pentecostal Campground Property-Annexation Ord. Approved 2nd Reading

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting annexing Pentecostal Campground property located East of & adjacent to U. S. Highway 59 South, and South of FM 819. There were no persons present appearing in opposition to this annexation request. Motion was made by Comm. W. O. Ricks, Jr., that annexation of this property be approved on second and final reading of ordinance as previously described. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. City Depository Bid-Lufkin National Bank-Contract Awarded

Mayor Garrison stated that due to his affiliation with Lufkin National Bank, he would ask Mayor Pro Tem Wareing to consider awarding of bid for City Depository and Mayor Garrison relinquished his chair to Mayor Pro Tem Wareing who proceeded with this bid consideration. Mayor Garrison excused himself from the Council Chambers and asked that he be notified when the next item on the agenda was to be considered.

Mayor Pro Tem Wareing stated that two bids were received from banks within the city, being Texas National Bank and Lufkin National Bank, and a recommendation had been submitted by City Finance Director for members of Commission to review.

City Manager Westerholm explained that the Finance Director had recommended acceptance of the high bid submitted by Lufkin National Bank under Plan A as the best bid and the one most advantageous to the City. Comm. Pat Foley inquired as to amount of interest accumulated by the City in the last two years under the present contract with Lufkin National Bank. City Finance Director Royal Dunlap estimated approximately a quarter of a million dollars had been obtained by the City. Mr. Dunlap also explained that this plan provided a one one-millionth of a percent interest, provided it was necessary for the City to borrow money.

City Manager Westerholm stated that bid submitted by Lufkin National Bank was 1.39 to 1.90 higher than comparable prevailing rates.

Comm. W. O. Ricks, Jr., made motion that Lufkin National Bank be awarded City Depository contract for a two-year period effective July 1, 1977. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison was then asked to return to complete the remainder of items on the agenda, having recused himself from vote or discussion of this item.

8. Zone Change Approved 1st Reading-R. V. Welch from RS to C District

Mayor Garrison stated that zone change application by R. V. Welch from RS to C District covering property located South of & fronting on Laurel Avenue, East of intersection with Atkinson Drive, had been recommended by the City Planning and Zoning Commission for approval.

There were no persons present appearing in opposition to application. Comm. E. C. Wareing made motion that zone change application by R. V. Welch from RS 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.

9. Zone Change Approved 1st Reading-R. C. Todd from RL to RM District

Mayor Garrison stated that zone change application by R. C. Todd from RL to RM District covering property located North of & fronting on Loop 287, East of Wallace and West of Slack Street, had been recommended by the City Planning and Zoning Commission for approval.

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

10. Slack Addition-Helen Street ROW Exchange Approved by Resolution

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended approval for ROW exchange on property in the Slack Addition being South of Helen Street.

Mayor Garrison recognized Mr. Samuel D. Griffin, Chairman of the City Planning and Zoning Commission who was present. Mr. Griffin explained that the City Planning and Zoning Commission had previously approved this sub-division plat on application by Mr. R. E. Grimes who had later asked that a street ROW in this area South of Helen Street be closed. Mr. Griffin stated that it was the opinion of the City Planning and Zoning Commission that this street should be closed because of its closeness to Helen Street which seemed to be more useful and would serve the City and the sub-division in this area more accurately.

Comm. E. C. Wareing inquired as to whether or not this could be resolved by amending a sub-division plat. City Attorney Flournoy stated that this method would seem to be a better alternative inasmuch as the City, under the proposed arrangement, would have to essentially purchase the property from Mr. Bruce who had previously donated ROW for this street.

Mayor Garrison stated that providing the ordinances were not in conflict, the City could relinquish all rights heretofore owned by the City by resolution and provide for a ROW exchange.

6/14/77

Comm. E. C. Wareing made motion that resolution be approved relinquishing previous rights of the City within ROW South of Helen Street in the Slack Addition in exchange for ROW on Helen Street previously donated by Mr. Bruce in order to provide for the development of Helen Street as proposed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Water Pollution Control Plant-Bid Awarded for Purchase of Sludge Truck

City Manager Westerholm stated that the City had recently received bids for the purchase of a Water Pollution Control Plant sludge truck and Mr. Bobby Mott, WPCP Superintendent, had submitted a letter of recommendation which supported the purchase of a more expensive model which had a larger tank and different transmission. City Manager Westerholm stated that this recommendation was based on the savings that could be affected with the larger tank, but a smaller tank with the same capabilities could be purchased that would allow the City to stay within the constraints of its budget.

A brief discussion developed with regard to the different bids submitted. Comm. W. O. Ricks, Jr., expressed his opinion that the No. 2 bid proposal from the Hayden Company seemed to be the better bid, as was agreed by the balance of the Commission.

Comm. Pat Foley made motion that the City be authorized to purchase a WPCP sludge truck from the Hayden Company in accordance with their bid No. 2 submitted in tabulation furnished members of Commission for review in the amount of \$38,899.00. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. St. Cyprian's Church & Civic Center Properties-Lufkin Service League-Lease Approved

Mayor Garrison stated that members of Commission had heard requests by the Lufkin Service League for the use of the old St. Cyprian's Church property and areas designated within in addition to requests by Lufkin Public Schools, Lufkin Tourist & Convention Bureau, at an earlier meeting. Mayor Garrison stated that at the request of this Commission all concerned parties had met and worked out a plan which would be conducted through the Civic Center booking office for use of the auditorium area.

City Manager Westerholm reported that all parties involved were agreeable to working with each other in the scheduling of their events and no problems with this arrangement was recognized. City Manager Westerholm stated that he would recommend this proposal for members of Commission to consider.

A number of representatives were present with regard to this proposal, to include Mrs. Marjorie Beckham, Velma Reese, Janie Rowe and Mrs. Emily Shelton of the Lufkin Service League. Also present were Dr. Allan Cannon and Al Strickland of the Lufkin Public Schools.

A brief discussion developed with regard to the type of lease that would be acceptable to the City of Lufkin and the Lufkin Service League for the use of this facility in conjunction with other groups as previously stated. Mayor Garrison suggested a two-year type lease that could be cancelled with a 90-day notice by either party involved as a more useable type lease which would not bind future Commissions. Mayor Garrison further stated that provided Lufkin Service League, in the future, desired to spend more money on the facility and a longer type lease became necessary, same could be considered by the Commission similar to the type lease provided for the use of the main museum facility.

Comm. E. C. Wareing made motion that a two-year lease be approved with the Lufkin Service League to include an automatic renewal and allowance for the last 90 days for possible re-negotiation or termination of agreement, if necessary, with the provision for separate meter utilities provided. Motion was seconded by Comm. E. G. Pittman.

Prior to vote on motion, Comm. W. O. Ricks, Jr., asked if the City Commission would agree to consider a museum curator in the budget for the next fiscal year. City Manager Westerholm stated that he would investigate this request and report at a later meeting regarding same. A unanimous affirmative vote was then recorded to previous motion to approve lease agreement as stated.

6/14/77

Mayor Garrison thanked members of these various City organizations for their cooperative efforts in this regard.

13. Southern Standard Building & Mechanical Codes Amended

Mayor Garrison stated that members of Commission had been presented amendments to the Southern Standard Building & Mechanical Codes at a previous meeting. Mayor Garrison further stated that these amendments had been postponed to provide the Building Inspection Department an opportunity to submit to members of Commission a synopsis of these amendments which had been prepared for review prior to this meeting.

Comm. Pat Foley inquired as to whether or not this Commission could make any change from these amendments in the future, if necessary. It was explained that these changes could be made, if desired, by the City Commission.

Comm. W. O. Ricks, Jr., then made motion that amendments to the Southern Standard Building & Mechanical Codes be approved as submitted. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

14. Data Processing Service-Contract Approved-County Tax Office

Mayor Garrison stated that City Finance Director had prepared a recommendation to possibly furnish certain data processing services that would benefit the County Tax Office and also offset some of the City's operational costs.

City Manager Westerholm stated that copies of Mr. Dunlap's proposal had been supplied members of Commission for review.

Mayor Garrison stated that in review of this proposal prepared by the Finance Director, it appeared that the City's monthly rental would be reduced approximately \$600 per month if this contract was approved. City Manager Westerholm recommended consideration of a minimum four-year contract to offset all preliminary costs.

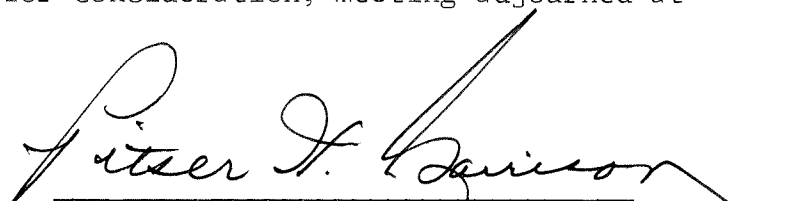
Mayor Garrison recognized Royal Dunlap who explained that the cost with regard to this data processing service would be variable, but the County would do all the keypunch and clerical work and the City would process this data.

Mayor Garrison also recognized Mr. Doug Allem, County Tax Assessor-Collector, who stated that the County had appropriated monies for this data processing and the method in which he processed the data was not their primary concern. Mr. Allem stated that he was personally knowledgeable of the County Commissioners' agreement to this procedure.

Comm. Pat Foley then made motion that City Manager Westerholm be authorized to execute this contract with the County for data processing services for a four-year period on basis of cost as estimated with the provision for adjusting future costs as needed. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

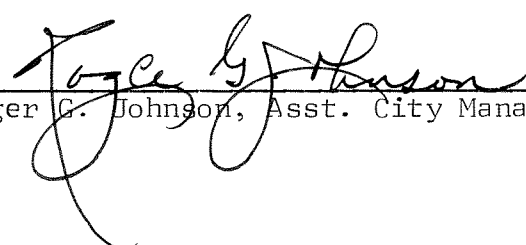
15. Adjournment

There being no further business for consideration, meeting adjourned at 9:30 p.m.



MAYOR - City of Lufkin, Texas

ATTEST:



Roger G. Johnson, Asst. City Manager