

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF APRIL, 1974, AT 5:00 P.M.

On the 16th day of April, 1974, 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
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. Bill Fowler, Pastor of First Nazarene 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. Joe E. Rich made motion that minutes from last regular meeting of April 2, 1974, be approved. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

4. Open Hearing - Annexation & Permanent Zoning - Texas Power & Light Company & Others

Mayor Garrison stated that the City Planning and Zoning Commission had previously held hearing on March 28, 1974, regarding annexation and permanent zoning request of Texas Power & Light Company and other property located immediately North of FM 1194 and West of Loop 287 (North John Redditt Drive). Mayor Garrison declared hearing officially open regarding this annexation and permanent zoning request and explained that the City Planning and Zoning Commission had previously recommended annexation and permanent zoning during above meeting date as stated. Mayor Garrison called on Mr. Walter Borgfeld, attorney representing Texas Power & Light Company in behalf of their request for annexation and permanent zoning. Mr. Borgfeld stated that this request by Texas Power & Light Company was unique in that intervening property owners were involved. Mr. Borgfeld further explained that intervening property owners had received notices of previous hearing of the City Planning and Zoning Commission. It was further determined that intervening property owners had not voiced objections to proposal at the City Planning and Zoning Commission meeting of March 28, 1974.

Mayor Garrison asked Mr. Borgfeld to describe the total dimensions of property being considered for annexation and permanent zoning and Mr. Borgfeld reviewed same accordingly. Comm. E. C. Wareing asked Mr. Borgfeld for what purpose Texas Power & Light Company desired annexation. Mr. Borgfeld stated that Texas Power & Light Company desired to obtain City utilities as soon as possible. Comm. E. C. Wareing further inquired as to whether or not Texas Power & Light Company would replace part of their storage area. Mr. J. B. Manning of the Texas Power & Light Company, who was present, stated that Texas Power & Light Company would move all of its downtown warehouse facilities and equipment to this new location and downtown area would only have office and sales location.

Mayor Garrison then called on Mr. J. E. Christopher, intervening property owner in this area, residing between property owned by Jack Kennedy and Texas Metal Casting Company. Mr. Christopher stated that his primary concern regarding proposed annexation was the amount of time he must wait to receive City sewer and other City utilities. City Manager Westerholm explained that City sewer would be available within a reasonable length of time since Mr. Christopher would be near connection facilities. City Manager Westerholm further explained that individuals presently living outside the City could not receive City facilities under the existing City Commission policy. Comm. E. C. Wareing inquired as to the location of the nearest sewer tap within this area. It was determined that the nearest sewer tap to Mr. Christopher's residence was located across Loop 287 on Lotus Lane. Mayor Garrison declared hearing officially closed.

Considerable discussion developed regarding annexation and permanent zoning request and Mayor Garrison asked Mr. Manning the amount of distance Texas Power & Light Company would run sewer line extension. It was determined that Texas Power & Light Company would run sewer line approximately 1,000 feet with the City being responsible for only the remaining portion. There were no other persons present appearing in objection to annexation and permanent zoning proposal as presented and Mayor Garrison stated that this request would be considered for first reading of ordinance at next regular meeting.

5. Lufkin Telephone Exchange - Franchise Request Approved

Mayor Garrison stated that the City Commission had approved ordinance on first reading during last regular meeting establishing a new franchise between the City of Lufkin and the Lufkin Telephone Exchange. There was no further discussion regarding franchise request and there were no persons present appearing in objection to same. City Attorney Flournoy read caption of ordinance for second and final reading approving franchise request as reviewed during last regular meeting. Comm. W. O. Ricks, Jr., made motion that ordinance be approved on second and final reading establishing new franchise between the City of Lufkin and Lufkin Telephone Exchange as read by City Attorney Flournoy. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Proposed Park Conduct Regulations

Mayor Garrison stated that the City Commission had been reviewing proposed regulations to control the behavior of individuals within City parks and City Attorney Flournoy had prepared ordinance which had been submitted to members of City Commission for review prior to meeting. City Attorney Flournoy distributed another copy of this ordinance pointing out various revisions to members of the City Commission. Comm. E. C. Wareing stated that the revised ordinance, as distributed by City Attorney Flournoy, was basically the same as previous proposal distributed to City Commission. Comm. E. C. Wareing brought attention to the fact that several grammatical errors should be corrected and pointed out various changes within the ordinance for corrections. Considerable discussion developed and Comm. R. A. Brookshire made motion that proposed ordinance be placed on agenda for consideration at next regular meeting due to the amount of changes being considered. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

In connection with this discussion, City Manager Westerholm asked that members of City Commission consider the possibility of constructing a motorcross within the City's parks or at the sanitary landfill.

7. Regional Airport Feasibility Study - City & County of Nacogdoches, City of Lufkin and County of Angelina

Mayor Garrison explained that Federal funds had been requested in order to sponsor a regional airport and the Federal Aviation Agency had suggested that Angelina and Nacogdoches counties sponsor a feasibility study on a regional airport to serve a larger community with one airport. Mayor Garrison further stated that feasibility study would cost \$40,000 of which the FAA would finance \$26,666.66 with the balance, \$13,333.34 to be financed jointly by the Counties of Angelina and Nacogdoches and Cities of Lufkin and Nacogdoches. It was determined that the City of Nacogdoches had already agreed to participate and the County of Nacogdoches had informally agreed to participate. It was also reported that the Angelina County Commissioners' Court had indicated a desire to participate. Mayor Garrison stated that the Angelina County Airport Advisory Board had recommended County Commissioners consider this program. Mayor Garrison stated that the question was now before members of the City Commission to fund one-quarter of one-third of the cost of this project at a cost to the City of approximately \$3,500.

Considerable discussion developed among members of the Commission and Comm. W. O. Ricks, Jr., indicated his personal approval of proposal as explained by Mayor Garrison. Comm. Joe E. Rich asked if the County would remain liable if regional airport was completed. Mayor Garrison stated that he was of the opinion that a few existing contracts with Angelina County Airport would be difficult to relieve, but believed these individuals would be understanding toward proposal. Comm. Pat Foley inquired as to who would be conducting the feasibility study. Mayor Garrison stated that he was not certain as to what organization would be making the study, but was of the opinion that same would be conducted by qualified specialists in this field.

Mayor Garrison stated that the City Commission should only consider the question as to whether or not they desired to participate by paying one-quarter not to exceed one-third of the \$40,000 study. Comm. R. A. Brookshire then made motion that the City of Lufkin join in this project as explained by Mayor Garrison through active participation by paying a portion as previously described of one-quarter not to exceed one-third of the \$40,000 study. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Commendation Resolution Approved - J. T. Hopson

Mayor Garrison stated that Comm. J. T. Hopson, past member of the City Commission who had served four years as Commissioner, Ward No. 2, should be commended for his services. Comm. E. G. Pittman made motion that resolution be approved commending Comm. J. T. Hopson for his service as a Commissioner for the City of Lufkin in Ward No. 2 from April 7, 1970 to April 2, 1974. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

City Attorney Flournoy read resolution of commendation for Comm. J. T. Hopson and Mayor Garrison asked that Mr. Hopson be forwarded a copy of this resolution along with a plaque which had been prepared by the City staff indicating service dates as previously stated.

9. U. S. Forest Service - Property Exchange with City

Mayor Garrison explained that the City Commission, during a previous executive session, had authorized the City Manager to negotiate a property exchange with the U. S. Forest Service and official action should be discussed by members of the Commission in order to authorize the City Manager to proceed with negotiations. City Manager Westerholm explained that the City had proposed to build a metallic building of approximately 3,000 square feet on a tract of land immediately North of and behind Fire Station #4 on South Loop 287. City Manager Westerholm further explained that the City would offer this as a property exchange for warehouse location on North Raguet declared surplus by the U. S. Forest Service.

Mayor Garrison recommended that members of the Commission consider authorizing the City Manager to proceed with this negotiation to exchange property as previously described. Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to negotiate property exchange with the U. S. Forest Service as described. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Pak-Rite Corp.-Request for Price Adjustment-Garbage Refuse Bags

Mayor Garrison explained that the Pak-Rite Corporation representative had written City Manager Westerholm regarding the possibility of a price increase on plastic garbage refuse bags. Mayor Garrison further explained that City Manager Westerholm had recommended the Commission not approve this request since Pak-Rite Corporation was aware they were committed to previous bid as submitted and only desired to pass on price increases to customers. A brief discussion developed and Comm. E. G. Pittman inquired as to the City's current obligation. City Manager Westerholm explained that providing members of the Commission allowed request as presented by Pak-Rite Corporation for six months remaining in contract, the City of Lufkin would experience \$4,320 increase prior to existing garbage refuse bag contract termination amounting to approximately 20 percent increase. Comm. E. G. Pittman stated that it was the spirit of taking a bid to prevent increases of this nature and recommended that the Commission not approve request by Pak-Rite Corporation. Comm. R. A. Brookshire was in agreement with suggestion as presented by Comm. E. G. Pittman. Comm. R. A. Brookshire also stated that Pak-Rite Corporation would not, in most probability, pass on any reduction in price to the City and it was therefore, difficult to accept increases. Comm. Pat Foley made motion that Pak-Rite Corporation's request for plastic bag price increase be denied as discussed. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

11. City Planning & Zoning Commission - Member Replacement - Mark Swan, Jr., by W. H. Shoop - Commendation

Mayor Garrison explained that Mark Swan, Jr., had recently resigned from the City Planning and Zoning Commission and members of City Commission should consider replacement as soon as possible. Comm. Joe E. Rich made motion that William H. Shoop be appointed to fill the unexpired term of Mark Swan, Jr., as a member of the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Mayor Garrison then administered oath of office to William H. Shoop.

Comm. Pat Foley made motion that a resolution of commendation be approved commending Mark Swan, Jr., for his services as a past member of the City Planning and Zoning Commission from June 30, 1972 to March 16, 1974. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mayor Garrison asked City Attorney Flournoy to prepare resolution accordingly and City Manager Westerholm was requested to deliver resolution and a prepared plaque to Mr. Swan as soon as possible.

12. Examining & Supervising Board of Electricians-Members Reappointed

Mayor Garrison stated that C. D. Lowery and Robert Sisk had recently reached termination of their terms of office as members of the Examining & Supervising Board of Electricians and should be considered for either re-appointment or replacement. It was determined that Mr. Lowery and Mr. Sisk had agreed to serve an additional two-year term in accordance with approval by the City Commission. Comm. W. O. Ricks, Jr., then made motion that C. D. Lowery and Robert Sisk be re-appointed for two-year terms as members of the Examining & Supervising Board of Electricians. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. Civic Center - Disc. of Plans & Specifications

Mayor Garrison stated that the Commission had authorized an advertisement date for bids on Civic Center during last regular meeting and asked if members of the City Commission had any suggestions for corrections on plans and specifications as presented. Comm. W. O. Ricks, Jr., stated that he had previously reviewed plans but had not had an opportunity to review specifications. Comm. W. O. Ricks, Jr., further stated that he was of the opinion that changes could be made in existing plans, but made no suggestions for corrections. There were no further comments from members of Commission and City Manager Westerholm stated that plans and specifications were available for review in the office of the City Engineer.

14. Downtown Merchants Assn. - Permission Granted to Conduct Sidewalk Sales

City Manager Westerholm stated that Mr. John D. Miller of the Downtown Merchants Association had recently written a letter requesting permission to conduct a sidewalk sale two times per year, only being one day in February and one day in July of each year with the specific day to be set by the Downtown Merchants Association's discretion. City Manager Westerholm further explained that letter from Mr. Miller further requested consideration be given to allow a sidewalk arts and crafts show to be held on Saturday and Sunday, May 18 and 19, 1974, from 10:00 a.m. to 6:00 p.m. City Manager Westerholm stated that various other details of request were explained in letter from Mr. Miller which had been made available to members of the Commission for review.

A brief discussion developed among members of Commission and City Manager Westerholm recommended that special permission be granted due to the fact that sidewalk sales were in direct conflict with existing ordinance. Comm. W. O. Ricks, Jr., then made motion that the Downtown Merchants Associations be granted permission to conduct sidewalk sales twice a year and further authorized to conduct a sidewalk arts and crafts show on May 18 and 19, 1974, in accordance with request submitted. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. ROW Discussed - Second Street to Denman Avenue

City Manager Westerholm stated that the City Planning and Zoning Commission had recently recommended a 60-foot ROW on Second Street, from where it narrows to 40-feet near the First Bank & Trust exit, to Denman Avenue with the provision necessary property be secured for same. City Manager Westerholm stated that this particular street was being considered for opening and recommended ROW width as submitted by City Planning and Zoning Commission. Mayor Garrison asked members of the Commission to consider authorizing City Manager Westerholm to investigate the amount of property owners within this area that would be willing to furnish property for necessary 60-foot ROW. Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to secure property for 60-foot ROW in accordance with suggestion as presented by Mayor Garrison. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

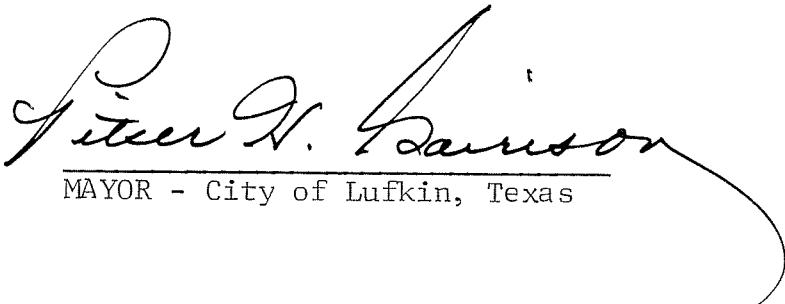
16. Hill Street - Extension Requested

Comm. E. C. Wareing stated that in accordance with list of City owned property as furnished members of Commission this date, it appeared that City owned property adjoining Hill Street near property located South of North Raguet Street. Comm. E. C. Wareing further requested that the City Engineering Department investigate the possibility of providing an access street through this property to relieve congestion on Raguet Street. City Manager Westerholm stated that he would have information available for review at next regular Commission meeting.

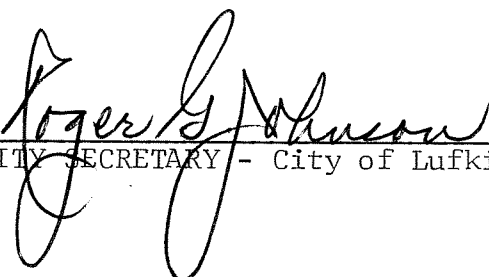
17. Executive Session - Adjournment

Mayor Garrison stated that the City had recently received information concerning suits against the City and it had been the request of the City Attorney that members of Commission adjourn into an executive session regarding discussion of same.

There being no further business for consideration, meeting was adjourned at 6:10 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas