

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON OCTOBER 1, 1974, AT 7:30 P. M.

On the 1st day of October, 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:

R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	Commissioner, Ward No. 2
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

Pitser H. Garrison	Mayor
Joe E. Rich	Commissioner, Ward No. 3
Harvey Westerholm	City Manager

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

1. Meeting opened with prayer by Rev. William L. Hattaway, Pastor of First United Methodist Church, Lufkin, Texas.
2. Mayor Pro Tem Wareing welcomed a large 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 September 17, 1974, be approved. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

4. Member Appointed to City Planning & Zoning Commission - Martin O. Glenn

Mayor Pro Tem Wareing stated that Mr. Martin O. Glenn had agreed to serve on the City Planning and Zoning Commission in place of Mr. Tucker Weems who was appointed at last regular meeting. It was determined that Mr. Weems would be unable to serve in this position and Mayor Pro Tem Wareing recognized the presence of Mr. Martin O. Glenn who was requested to be present to receive oath of office. Comm. W. O. Ricks, Jr., then made motion that Mr. Martin O. Glenn be appointed for a three-year term to serve on the City Planning and Zoning Commission. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing then asked City Attorney Flournoy to administer the official oath of office to Mr. Glenn.

5. Zone Change Application-A. B. Youngblood, Jr., from R-1 District to LB District & Special Use, Article XV, Section 26-c (Office Buildings and/or Professional Services, and/or Retail Sales in Conjunction with Professional Services)

Mayor Pro Tem Wareing stated that zone change application by A. B. Youngblood, Jr., from R-1 District to LB District & Special Use, Article XV, Section 26-c (Office Buildings and/or Professional Services, and/or Retail Sales in Conjunction with Professional Services) covering property located immediately North of and adjacent to Loop 287, East of Tulane Drive and South of Card Drive, had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application as presented. Comm. E. G. Pittman made motion that zone change application by A. B. Youngblood, Jr., from R-1 District to LB District & Special Use, Article XV, Section 26-c (Office Build-

ings and/or Professional Services, and/or Retail Sales in Conjunction with Professional Services) be approved on second reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

6. Zone Change Application - Joe A. & Ofelia Wood from R-2 District to LB District

Mayor Pro Tem Wareing stated that zone change application by Joe A. & Ofelia Wood from R-2 District to LB District covering property located North of Abney Avenue between Culverhouse Street and Sayers Street, being Lot 4, Block 2 of the Treadwell Addition of Lufkin had been approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application as presented. Comm. E. G. Pittman made motion that zone change application by Joe A. & Ofelia Wood from R-2 District to LB District be approved on second reading of ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

7. Curb & Gutter Paving Petition-North Timberland Drive-Approval

Mayor Pro Tem Wareing stated that curb and gutter paving petition by property owners on the West side of North Timberland Drive from a point at existing curb North to Forest Park Boulevard had been approved on first reading of ordinance during last regular meeting.

There were no persons present appearing in opposition to curb and gutter paving petition as presented. Comm. E. G. Pittman made motion that curb and gutter paving petition on North Timberland Drive 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 Application - C. D. Lowery from R-1 District to LM District

Mayor Pro Tem Wareing stated that zone change application by C. D. Lowery from R-1 District to LM District covering property located adjacent to and East of U. S. Highway 59 South had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

There were no persons present appearing in opposition to zone change application. Comm. Pat Foley inquired as to the type of business that would be finally located within this area if application was approved. It was determined that an electrical type business would be constructed on this property if application was approved. Comm. Pat Foley then made motion that zone change application by C. D. Lowery from R-1 District to LM District be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

9. Abandoned Water Well Site-A. W. Linton-Purchase of Property

Mayor Pro Tem Wareing stated that the City staff had received two bids for the purchase of an abandoned water well site located on FM 2021 North as indicated:

A. W. Linton	\$401.25
Mrs. Leo Clark	\$350.00

It was determined that this property was purchased by the City of Lufkin in 1966 for \$800 and recently appraised for \$750.00. Following a brief discussion, Comm. Pat Foley made motion to accept high bid received from Mrs. A. W. Linton in the amount of \$401.25 covering an 80' x 100' tract. Motion was seconded by Comm. R. A. Brookshire.

Prior to vote on motion, City Attorney Flournoy suggested that motion be amended to provide that Mayor Garrison be authorized to execute a deed involving the sale of this property as stated. Comm. Pat Foley then amended his previous motion in accordance with suggestion by City Attorney Flournoy and same was seconded by Comm. R. A. Brookshire. The following vote was then recorded:

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

Voting Nay: Comm. E. G. Pittman

Mayor Pro Tem Wareing stated that motion to authorize Mayor Garrison to execute deed regarding sale of this property to A. W. Linton was approved by majority vote of four to one.

10. Lufkin Civic Center - Herman Bennett Company - Change Order #1 Approved

Mayor Pro Tem Wareing stated that the City Commission had received a request for Change Order by the Herman Bennett Company to provide necessary extension of time for working days lost due to recent rains during the months of July, August and September.

A brief discussion developed and it was determined that the City Building Inspector and architect for Civic Center project had reviewed and recommended approval of this Change Order under circumstances as discussed. Comm. W. O. Ricks, Jr., then made motion that Change Order #1 on the Lufkin Civic Center as requested by Herman Bennett Company be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Herty Water Company-Denial of Sale Proposal by L. H. Bridges

Mayor Pro Tem Wareing stated that the City Commission had recently received a sale proposal by Herty Water Company prepared by Mr. L. H. Bridges who offered to sell this system at a cost of \$100 per water meter for 144 metered customers. Mr. Hayne Stokes, Public Works Director who was present, briefly reviewed a recent appraisal made by the City staff which determined that the 144 metered customers were valued at \$52 per meter. The following information was reviewed by members of Commission:

Total Value of Meters & Water Mains (Inside City Limits)..\$7,487.80

Total Value of Meters & Water Mains(Outside City Limits)..\$8,946.20

Total Value of Distribution System
(Inside & Outside City Limits).....\$16,434.00

Comm. R. A. Brookshire made motion that proposal presented by Mr. Bridges to sell the Herty Water Company at a cost of \$100 per customer be rejected at the present time due to conclusion of appraisal made by City staff. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., then made motion to offer Mr. Bridges \$6,000 for the meters and mains inside the City Limits. Comm. R. A. Brookshire then requested Comm. W. O. Ricks, Jr., withdraw his motion for the present time until the City had a better opportunity to investigate the system more thoroughly. Comm. W. O. Ricks, Jr., expressed his concern for the 144 property owners within this area who would need assistance after November of this year when the Herty Water Company contract would expire. Comm. W. O. Ricks, Jr., then withdrew his previous motion and Comm. E. G. Pittman made motion that City Manager Westerholm be authorized to negotiate a proposal with Mr. Bridges for the purchase of the Herty Water Company system inside the City Limits by next regular meeting. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

12. Ottis Locke Property - Construction of Road - Authority to Advertise for Bids Approved

Mayor Pro Tem Wareing stated that construction of a road leading to the lift station on the Ottis Locke property had been omitted from the Stephens Contracting Company contract. Mayor Pro Tem Wareing then called on Mr. Hayne Stokes to explain the circumstances involved. Mr. Stokes stated that the road to the lift station had originally been proposed to extend across Mr. Locke's property, but a decision had been previously made to gain access to the lift station across the McConnico Park area instead in order that this road may serve a dual purpose while also eliminating the inconvenience of going through Mr. Locke's property. It was further determined that the plans and specifications were ready to let this project for bids, which would consist of a proposed gravel road.

Comm. E. C. Wareing suggested that City Manager Westerholm be authorized to advertise for bids on the construction of this road while also reviewing the feasibility for construction of same by the City Street Department. Comm. Pat Foley then made motion that City Manager Westerholm be authorized to advertise for bids in accordance with suggestion as stated by Comm. E. C. Wareing. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

13. Recreation & Parks Department-Fire Department-Authority to Advertise for Bids on Construction and Equipment

Mayor Pro Tem Wareing stated that the Recreation & Parks Department had requested authority to advertise for bids on tennis court resurfacing and reconstruction and the Fire Department desired to advertise for bids on a new ambulance.

Mayor Pro Tem Wareing recognized the presence of Mr. Max Griffin who stated that these tennis court improvements involved the following locations:

- 2 Courts at Copeland & Allendale Streets (New Courts)
- 2 Resurfaced Courts at Chambers Park
- 2 Resurfaced Courts at Winston Park
- 2 Resurfaced Courts at Jones Park

Mr. Griffin stated that money was available for these improvements and Comm. E. G. Pittman made motion that the City staff be authorized to advertise for bids on tennis court resurfacing and reconstruction and the Lufkin Fire Department be authorized to advertise for bids for one ambulance.

Comm. Pat Foley inquired as to the possibility of improving the lighting conditions at Winston Park tennis courts. Mr. Griffin stated that as a result of improvements in areas as described above, lighting conditions would also be improved at Winston Park courts. Previous motion made by Comm. E. G. Pittman was then seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. DETCOG-Economic Development Administration-Preapplication for Water Works Improvement Funds Approved

Mayor Pro Tem Wareing stated that the DETCOG had informed the City that the EDA had agreed to accept \$550,000 project application from the City of Lufkin. It was further determined that approval from the City Commission would be necessary to submit this application consisting of a 50-50 matching grant. Mayor Pro Tem Wareing stated that providing the City elects to pursue this project, it would be obligated to fund \$275,000 or 50 per cent.

Hayne Stokes, Public Works Director, stated that this project was for the purpose of extending a 16-inch water main from the downtown area on North Raguet Street and a 12-inch water main along Loop 287 from Spence Street East to Highway 103, and West along Highway 103 to the Tall Timbers Addition. It was further determined that this extension be made in accordance with recommendation by HDR Water System Study of 1970. Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to make pre-application in accordance with information as presented. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. R. A. Brookshire inquired as to what plans were being made by the City to fund the \$275,000 portion of this grant. Mayor Pro Tem Wareing stated that the pre-application could be made at the present time and this question could be discussed during a later meeting as to whether or not funding would be possible. A unanimous affirmative vote was then recorded to previous motion and second to grant authority for pre-application.

15. Denial of Angelina County Sanitary Landfill Proposal

Mayor Pro Tem Wareing stated that Angelina County had submitted a proposal to the City Commission to enter into an agreement for operation of a Sanitary Landfill site. It was determined that the City staff had made an appraisal of this proposal submitted by the County and Finance Director, Royal Dunlap, presented members of Commission a copy of this appraisal for consideration. Mayor Pro Tem Wareing stated that information presented from the Finance Director concluded that providing the City accepted the County's proposal, it would need additional cash receipts in excess of \$51,000 during the next 12 months over and above those already budgeted.

Following considerable discussion, Comm. R. A. Brookshire made motion to refuse proposal submitted by Angelina County at the present time based on information furnished in appraisal. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman expressed his concern that the City Commission extend its appreciation to the County for making this proposal. Mayor Pro Tem Wareing was in agreement with suggestion presented by Comm. Pittman and expressed his concern that the County would understand the City's position at this time since this process could be conducted more economically by the City. Comm. R. A. Brookshire recommended that the City staff reconsider any future proposals from the County that indicated a more economical method than currently being used by the City.

16. Fire Department - Request for Parity Pay with the Police Dept.

Mayor Pro Tem Wareing stated that the Fire Department had recently submitted a request to the City Commission for parity pay with the Police Department which would be considered by the City Commission within the next three weeks in accordance with request by this Department. Mayor Pro Tem Wareing explained that, due to the absence of two members from the Commission, this item would be deferred until next regular meeting.

17. Status of Law Suits-Fuller Springs-Hearing Date Set for Annexation of Slack School Property

City Attorney Flournoy reported that the Supreme Court had recently upheld the incorporation of Fuller Springs and the City of Lufkin's motion for re-hearing had been denied thus confirming Fuller Springs as an official City.

City Attorney Flournoy further stated that due to the fact that the decision by the Supreme Court regarding the Fuller Springs suit had left some question that the Slack School area may not be within the corporate limits of the City of Lufkin, this area should therefore, be readvertised for public hearing during next

regular meeting to prevent any question by the Supreme Court to declare this annexation invalid. Comm. E. G. Pittman then made motion that hearing date be set for next regular meeting to consider the annexation of Slack School as requested due to circumstances as explained by City Attorney Flournoy. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

18. Status of Lawsuit - David Kirkley, et al vs City of Lufkin

City Attorney Flournoy reported that a pre-trial conference had been held before the Honorable William Wayne Justice, Federal District Judge, regarding David Kirkley, et al, vs City of Lufkin on September 27, 1974. City Attorney Flournoy further stated the City of Lufkin could possibly be going to trial as early as December of this year.

19. Water Pollution Control Plant - Status Report

Comm. E. G. Pittman inquired as to the status of the construction at the Water Pollution Control Plant. Public Works Director informed Mr. Pittman that Stephens Contracting Company would be terminated with construction to allow operation of the plant as early as October 4 and not later than October 7, 1974.

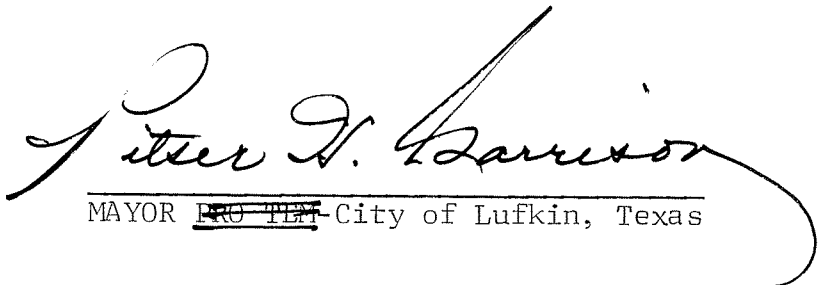
20. Status of Railroad Crossing on North Raguet Street

Mayor Pro Tem Wareing asked if the City had received any further information regarding the repair of the existing railroad crossing on North Raguet Street. Traffic Safety Coordinator, Denzel Percifull, stated that this repair project was being conducted by the Texas Highway Department and money was available for repairs which would be completed in the near future.

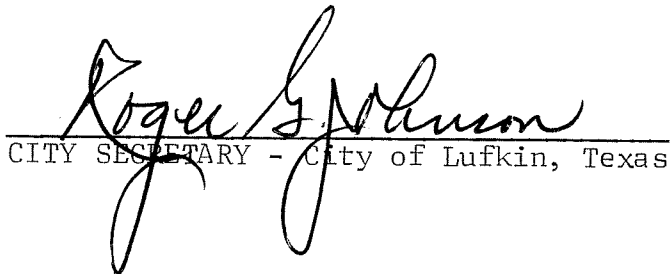
Mayor Pro Tem Wareing asked that a report be made at next regular meeting involving status of repairs at this railroad crossing.

21. Adjournment

There being no further business for consideration, meeting adjourned at 8:45 P. M.


MAYOR ~~PRO TEM~~ City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas