MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF JANUARY, 1970, AT 7:30 PM

On the 20th day of January, 1970, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the regular meeting place of said City, with the following members thereof, to-wit:

Earl Nisbet	Mayor
Carl Liese	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
Byron McNeil	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Basil E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Lynn Durham	City Secretary

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

1. Meeting opened with prayer by Rev. R. E. Cotton, Pastor of First Assembly of God Church, Lufkin, Texas, who was thanked by Mayor for his participation.

2. Mayor welcomed visitors who were present as observers or in connection with items on the agenda, and especially Mrs. Janie Chappel and Mrs. Roberta Ames, Realtors.

3. CL made motion that minutes of regular meetings of December 16, 1969, and January 6, 1970, be approved as written. BEA seconded motion and a unanimous affirmative vote was recorded.

4. RLF read caption of Ordinance for second reading amending Zoning Ordinance by creating an MH District. Mayor inquired if any persons present to object to change and there were none. BMcN made motion that Ordinance be approved on second reading. CL seconded the motion and a unanimous affirmative vote was recorded.

5. RLF read caption of Ordinance for second reading covering zone change from R-2 District to C District on Lots 1, 2 & 3, Homewood Addition to City of Lufkin by Paul E. Ryan. Mayor inquired if any persons present to object to change and there were none. BMcN made motion that Ordinance be approved on second reading. BEA seconded the motion and a unanimous affirmative vote was recorded.

6. RLF read caption of Ordinance for second reading covering zone change from NR District to C District on Lots 8, 9, 10 and 11, Homewood Addition to City of Lufkin by Paul E. Ryan. Mayor inquired if any persons present to object to change and there were none. BMcN made motion that Ordinance be approved on second reading. ECW seconded the motion and a unanimous affirmative vote was recorded.

7. RLF read caption of Ordinance for second reading amending Section 2 of present Ordinance, regulating the discharge of industrial wastes into the public sewers of the City of Lufkin, promulgating requirements, etc., by changing the requirement of 300 PPM biochemical oxygen demand to 80 pounds per day demand and the addition of the word OR and changing the requirement of 250 PPM of suspended solids per day, with wording under Paragraph reading as follows:

   > "suspended solids content greater than at the rate of 30 pounds per day"

   DVS made motion that Ordinance be passed on second reading. ECW seconded the motion. However, before vote was taken CL inquired as to whether effective date of provisions of the amendment to the ordinance could be retroactive to October 1, 1969. RLF stated he did think it could but that the effective date would not make any difference. The following vote was unanimous in the affirmative.

8. Messrs. James D. Mewbourn and Pete Mence, representing the Lufkin Junior Chamber of Commerce appeared before the City Commission and requested permission to locate an old railroad steam locomotive on the premises of Ellen Trout Zoo at no expense to the City which would be an added attraction of the Zoo. Some discussion developed on future maintenance of the old locomotive. Messrs. Mewbourn and Mence stated did not have authority to committ the JC's on this item but outside of some touch-up painting, would require very little maintenance. BMcN made motion that City accept the generous offer of Lufkin Junior Chamber of Commerce to locate the old railroad steam locomotive on the premises of Ellen Trout Zoo. DVS seconded the motion and a unanimous affirmative vote was recorded. Mayor stated he would like to commend the JC's for the good work they were doing.

9. Lynn Montes, member of the Accounting firm of Axley & Rode, CPA, recently completed audit of the City records for the fiscal year ending September 30, 1969. Mr. Montes went through the audit in detail and read letter dated December 12, 1969, setting out certain recommendations on procedural changes that should be made to update the City's accounting records. HW called attention to shortage of personnel in the Accounting Department due to the Head Bookkeeper being on extended leave of absence due to family conditions which was having an affect on making the procedural changes recommended. CL set out in detail items contained in letter he thought should be put into effect immediately, and suggested that HW make a complete study of the recommendations and make a report to City Commission at the second regular meeting in February on items that could be implemented immediately. CL made motion that provisions of Article V, Section 10, of the City Charter be compiled with regarding publication in official newspaper of City the results of Audit. DVS seconded the motion and a unanimous affirmative vote was recorded.

BEA inquired if an ordinance could be passed that would protect the City against customers who leave town without paying their utility bills as noted by auditors. RLF stated did not think the City could legally do this but that every effort should be made to collect such delinquent accounts. DVS stated he thought these delinquent accounts should be turned over to Credit Bureau for handling.

10. Mr. Jerry Hennington, 302 Cordelia, appeared before the City Commission regarding alleged damage to furniture, carpeting and flooring in his home due to sewage from stopped up City Lines backing up in his home recently causing damage of approximately \$840.00. Discussion brought out that the City's sewer line was faulty causing this back-up but that same had now been corrected by installation of manhole and bypass line to prevent a recurrence at Mr. Hennington's home. However, since it was not the fault of Mr. Hennington, the City Commission members were in sympathy with Mr. Hennington. RLF stated that the City had governmental immunity from claims of this nature, and City could make itself liable for any future claims by paying the claim in this case. Mr. Hennington stated he had adequate insurance on his home but did not cover claims of this nature. EN, BMcN & DVS thought Mr. Hennington should have assistance from the City in this case. CL stated that although he was in sympathy with Mr. Hennington, any positive action taken might set a precedent that could not be afforded in the future by the City. ECW requested that a map be prepared of the area showing sewer lines, etc., and an estimate of cost on replacing present line with proper size new line and estimate of cost on repairs to bad area of present line with a program set up for doing so much work each year. Thought this information would be desirable in order to decide what to do with present line as well as easement requirements. HW will have above information developed and map compiled. BMcN made motion that City assist Mr. Hennington in paying half of alleged damage incurred but not to exceed \$400.00 due to City's knowledge of condition of line and no action having been taken to correct same prior to damage. DVS seconded motion and following vote was recorded:

Voting Aye:	EN DVS BMcN WOR
Voting Nay:	BEA CL ECW

ECW stated that he would be in favor of the above motion if there was any way of making it a separate and distinct claim and not obligate the City in the future.

Mayor declared motion carried by majority vote.

11. RLF suggested that City Commission make motion to allow industrial firms who will be given copy of proposed contract tomorrow covering charges for waste going into City sewer system, at least two weeks time to go over and accept or reject contract. CL made motion that industrial firms be given until next regular City Commission meeting to accept or reject the contract. BEA seconded the motion and a unanimous affirmative vote was recorded.

12. RLF called attention to copy of proposed contract submitted by Mr. Curtis W. Fenley, Jr., who was present, to cover water and sewer services for Angelina County Fresh Water District No. 1. Some discussion was had on the proposed contract and DVS made motion that no action be taken until next regular meeting in order to give City Commission members time to study. WOR seconded the motion and a unanimous affirmative vote was recorded.

13. HW requested authority to advertise an addendum to specifications on Garbage Collection Unit Chassis since specifications previously prepared and advertised were greater than needed. CL made motion that HW be authorized to advertise an addendum to specifications on Garbage Collection Unit Chassis as requested. BMcN seconded the motion and a unanimous affirmative vote was recorded.

14. HW requested City Commission to amend budget to allow the purchase of a second hand set of Vernon's Texas Statutes in amount of $350.00. DVS made motion that HW be authorized to handle as requested and budget was amended. WOR seconded the motion. Before vote was taken some discussion developed and Mayor stated he was for the motion if the item was necessary but City was going to have to economize due to its financial condition and called attention to the recent purchase of robes for the Municipal Judge. DVS stated he was in favor of Municipal Judge wearing robes since it added dignity to the Court. The following vote was unanimous in the affirmative.

15. HW requested City Commission authority to transfer an additional $2,500.00 from the General Fund to Improvement Fund to meet balance of outstanding invoices on last summer's street improvements. DVS made motion that this authority requested by HW be granted by City Commission. WOR seconded the motion and a unanimous affirmative vote was recorded.

16. HW stated had checked on paving North Raguet from Abney to Frank and developed there was a 60' street right-of-way which was adequate and requested authority from City Commission to pursue this item with State Highway Department. WOR made motion that resolution (quoted below) be passed authorizing HW to request State Highway Department to widen the above street from Abney to Frank Avenue. CL seconded the motion and a unanimous affirmative vote was recorded.

> "WHEREAS, the opening of the newly constructed underpass on Frank Avenue has affected the traffic flow on North Raguet (Highway 103) and,
>
> WHEREAS, this change has resulted in an increase of traffic on North Raguet Street from Abney Avenue to Frank Avenue, and,
>
> WHEREAS, North Raguet Street is a four-lane thoroughfare from the West City Limits to Abney Avenue, and
>
> WHEREAS, North Raguet Street from Abney Avenue to Frank Avenue is a two-lane thoroughfare.
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> NOW, THEREFORE, be it resolved by the City Commission of the City of Lufkin, that the City request the Texas Highway Department to widen the present thoroughfare (Raguet Street from Abney Avenue to Frank Avenue) from a two-lane street to a four-lane street."

17. HW presented several options of retirement under TMRS by employees of City of Lufkin under present rate of contributions by employees and City. CL stated this was not the exact information desired but further discussion developed that increase in employee and City contributions would not be changed until next budget. CL made motion that City Commission approve including employees in the Tax Department in

the City's plan under Texas Municipal Retirement System. ECW seconded the motion and a unanimous affirmative vote was recorded.

18. HW requested authority to advertise for bids on materials necessary for installing a signal system at the intersection of U. S. Highway 59 and Loop 287. CL made motion that this request for authority to advertise for bids as requested by HW be granted. BMcN seconded the motion and a unanimous affirmative vote was recorded.

19. BEA stated had been in contact with District Director EDA and was advised that City of Lufkin does not have to be a member of Deep East Texas Development Council to be eligible for a grant. However, was further advised that federal funds were not available to City of Lufkin in that DETDC does not have a comprehensive plan submitted to comply with regulations. BEA further stated had invited official of EDA to appear before the City Commission and discuss all details in connection with this matter.

20. BEA called attention to recent statement by Mayor in local newspaper regarding charter violations by members of City Commission and would like to have specific instances cited or retraction made. Also would like to see Mayor make such statements at City Commission meetings rather than direct to press. EN stated he would not make a statement tonight but would have statement to make later which would be at regular City Commiswion meeting.

21. EN stated that at regular meeting of City Commission he was authorized to appoint a Housing Authority composed of five members from industrial, business, professional, minority and labor groups and would like to appoint the following men as members of this Housing Authority:

Bayo Hopper — William Busby
Eugene Brookshire — C. A. Allen, M.D.
Oscar Allen

WOR inquired as to groups these men represented and discussion brought out that Mr. Hopper represented Industry, Mr. Brookshire, Business, Mr. Busby, Professional, Dr. C. A. Allen, Minority, and Mr. Oscar Allen, Labor. DVS made motion that Mayor's appointment of the above men as members of Housing Authority be approved by City Commission. BMcN seconded the motion and a unanimous affirmative vote was recorded.

22. There being no further business for consideration, meeting was adjourned at 11:30 PM.

Earl Nesbitt
Mayor - City of Lufkin, Texas

ATTEST:

[illegible signature]
City Secretary - City of Lufkin, Texas