MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19TH DAY OF MARCH, 1974, AT 5:00 P.M.

On the 19th day of March, 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
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
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, and

Pitser H. Garrison	Mayor
E. C. Wareing	Commissioner, Ward No. 4

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

1. Meeting opened with prayer by Rev. C. A. West, Pastor of Keltys Methodist Church, Lufkin, Texas.

2. Comm. W. O. Ricks, Jr., presiding in absence of Mayor and Mayor Pro Tem, welcomed a small group of visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

   Comm. E. G. Pittman made motion that minutes of regular meeting of March 5, 1974, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Zone Change Application - Dr. J. H. Wade from R-2 to LB District

   Comm. W. O. Ricks, Jr., called on Dr. J. H. Wade who was present to represent his zone change application from R-2 District to LB District covering property North of Frank Avenue on West side of Kelley Street being Lots 1 and 2, Block 6 of the Woodland Heights Addition.

   Dr. Wade stated that he had complied with City ordinance as requested by Commission during last regular meeting. Comm. E. G. Pittman asked City Manager Westerholm if he was satisfied with improvements made by Dr. Wade to comply with existing ordinance. City Manager Westerholm stated that ordinance regulating blind corners required a maximum height for hedge and other type vegetation to 36 inches and Dr. Wade had trimmed his switchcane at this corner to 24 inches.

   There were no persons present appearing in opposition to zone change application as presented. Comm. Joe E. Rich made motion that zone change application by Dr. J. H. Wade from R-2 District to LB District be approved on second and final reading as amended and in accordance with information as presented by City Manager Westerholm. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

5. Forest Hills Subdivision-Annexation Request-Approval of Ordinance

   Comm. W. O. Ricks, Jr., called on Mrs. Burl Richardson who was present to represent property owners in behalf of their request for annexation of Forest Hills Subdivision located East of Kentwood Subdivision on U. S. Highway 59 South. Mrs. Richardson stated that members of the Commission were familiar with the request of property owners within this area declining any further comments regarding annexation and invited questions from members of the Commission.

There were no persons present appearing in opposition to annexation request as presented. Comm. R. A. Brookshire made motion that ordinance be approved on first reading annexing Forest Hills Subdivision in accordance with request as presented and recommendation of the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

6. Water Pollution Abatement Program-Agreement with Neches River Conservation District

City Manager Westerholm reported that two employees of the Angelina County-City Health Unit had terminated their employment with this organization which left the City Water Pollution Abatement Program without a staff as discussed during previous regular meeting of Commission. It was further reported by City Manager Westerholm that the City had temporarily assumed this program and the Neches River Conservation District had requested to accept this responsibility since it would be able to provide this same service to other cities and communities who must conduct a Water Pollution Abatement Program. City Manager Westerholm further stated that the City's cost would be reduced annually and provide even greater savings in the future. City Manager Westerholm then recommended that members of the Commission consider offering this responsibility to the Neches River Conservation District as requested.

Comm. E. G. Pittman asked if the state required the Water Pollution Abatement Program. City Manager Westerholm reported that this was a requirement by the state and the City must conduct a monitoring program. Comm. E. G. Pittman then made motion that the Neches River Conservation District be granted authority to conduct the Water Pollution Abatement Program for the City of Lufkin on recommendation by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Lufkin Telephone Exchange - Franchise Request - Disc.

Comm. W. O. Ricks, Jr., stated that the Lufkin Telephone Exchange franchise request had been discussed during last regular City Commission meeting and item had been tabled to allow more time for consideration of proposals as discussed. Comm. Ricks stated that he was of the opinion that discussion of this franchise should be held in abeyance until full Council could be exposed to request for new franchise.

City Attorney Flournoy stated that he had recently discussed telephone franchise with a telephone company official involving gross receipts. City Attorney Flournoy stated that the latest proposed franchise would make gross receipt payments a percentage in lieu of other formulas presented in first proposal since both formulas amounted to four per cent.

Comm. Joe E. Rich inquired as to the amount of gross receipts received by the City and if this amount was in line with other cities the same size of Lufkin. City Manager Westerholm stated that gross receipts varied from two to four per cent throughout the state in accordance with latest publications.

Comm. Ricks than called on Mr. Larry Ross, representing request by Lufkin Telephone Exchange, who stated that they did not desire to furnish telephone service to the City in lieu of same gross receipt because it was subject to discrimination charges. City Attorney Flournoy stated that he would furnish Comm. Ricks information regarding gross receipt taxes as requested.

Comm. E. G. Pittman inquired as to information presented by the Lufkin Telephone Exchange involving service levels for local telephone service. City Attorney Flournoy stated that these service levels were guidelines that the Lufkin Telephone Exchange had developed and were standard and acceptable throughout the state. City Attorney Flournoy stated, however, that these guidelines would be changing and needed to be considered as a separate part from franchise.

Comm. Joe E. Rich asked Mr. Ross how many pay phone stations were maintained in the City. Mr. Ross stated that the City of Lufkin had 160 pay phone stations and vandalism had recently reduced this number. Comm. Joe E. Rich stated that he had only experienced problems in direct distance dialing, failing to reach destination with a considerable amount of "cut-off" calls. Mr. Ross stated that this item was number four on service levels for local telephone service standards and was the largest and only real problem which could be completely eliminated by 1976 when micro-wave would be available to the Lufkin area. Comm. R. A. Brookshire stated that he had experienced cut-off problems with DDD calls during peak morning periods. Mr. Ross stated that even though this particular situation had presented problems, failure rate on originating DDD calls had only been five per cent since the Lufkin area was capable of receiving 270 DDD calls and only presently required 306 individual circuits for peak periods.

City Attorney Flournoy asked City Council to consider suggested changes in ordinance that would be made available for review prior to next regular meeting which had been proposed as a 20-year franchise subject to consideration by the City Commission on five-year intervals.

Mr. Ross stated that the 20-year proposal would be favored by the Lufkin Telephone Exchange, but requested that five-year interval review be limited to major problems only if finally approved.

Comm. R. A. Brookshire suggested that the Lufkin Telephone Exchange franchise request be placed on the agenda for next regular meeting. Comm. W. O. Ricks, Jr., then passed further consideration of this item on his own volition in accordance with recommendation by Comm. R. A. Brookshire.

8. Motorcycle Regulations for City Parks-Disc. of Ordinance

City Attorney Flournoy stated that a proposed motorcycle ordinance had been discussed during last regular meeting and he had recently discussed ordinance with Parks & Recreation Director who indicated a need for regulation of motorcycles in City parks which would also control disorderly conduct. City Attorney Flournoy recommended that members of the City Commission review a proposed ordinance to be made available to members of the Commission for review prior to next regular meeting.

Comm. W. O. Ricks, Jr., then passed further consideration of this item on his own volition in accordance with recommendation by City Attorney Flournoy.

9. Zone Change Application-Memorial Hospital from R-1 & LB Districts to R-1 District & Special Use, Section 18 (Parking Lots)

Comm. W. O. Ricks, Jr., stated that Memorial Hospital had presented zone change application from R-1 and LB Districts to R-1 District & Special Use, Section 18 (Parking Lots), covering property located immediately West of Franklin Street at intersection with Frank Avenue. Comm. Ricks further stated that the City Planning and Zoning Commission had unanimously recommended approval of this zone change application during previous regular meeting.

There were no persons present appearing in objection to zone change application by Memorial Hospital and Comm. Ricks asked if representatives for zone change application desired to comment regarding request. Representatives of Memorial Hospital declined comment on their application and members of Commission had no questions regarding same.

Comm. Joe E. Rich made motion that zone change application by Memorial Hospital from R-1 and LB Districts to R-1 District & Special Use, Section 18 (Parking Lots), be approved on first reading of ordinance as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

10. Water Tank Ground Storage Cleaning & Repair-Bids Discussed

City Manager Westerholm reported that the City had received only two bids for the cleaning and repair of a 1,000,000 gallon ground storage tank. City Manager Westerholm further stated that a tank inspector had reviewed these bids to determine whether or not they were reasonable since quoted amounts were in excess of anticipated figures placed in budget. City Manager Westerholm also stated that $6,000 had been budgeted for the repair of this tank and the following bids had been received:

Pittsburg Tank & Tower Co.	$14,295.00
Trust-Kote, Inc.	$17,316.40

City Manager Westerholm recommended that above bids not be accepted for reasons as previously discussed and also to allow tank inspector to write new specifications to correspond with conditions of tank and re-advertise for repair work in November and December. Comm. R. A. Brookshire then made motion that bids from Pittsburg Tank & Tower Company and Trust-Kote, Inc., not be accepted in accordance with recommendation by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

11. Credit Union Approved for City of Lufkin

City Manager Westerholm reported that employees from a majority of the City's departments had requested they be allowed to organize a credit union subject to approval by the City Commission. City Manager Westerholm further stated that the credit union would be run partially on City time and payroll deduction authority would be necessary.

Comm. Joe E. Rich stated that he was of the opinion that the City should have a credit union and Comm. W. O. Ricks, Jr., was in agreement with same. Comm. J. T. Hopson stated that credit unions were common throughout the City and most large-scale employers maintained a credit union of same type. Comm. E. G. Pittman was of the opinion that the Commission should not delay further consideration of the proposed credit union as desired by City employees.

Comm. W. O. Ricks, Jr., called on Finance Director Royal Dunlap, who was present, to comment on proposed credit union for the City. Mr. Dunlap stated that he did not anticipate the necessity to hire any extra employees for the administration of this credit union.

Comm. R. A. Brookshire suggested that the Commission review this entire program during next regular meeting to allow full Council recognition and a more complete report on the actual amount of City employees who desired to become credit union members. Comm. J. T. Hopson made motion that the City of Lufkin be authorized to form a credit union for City employees in accordance with recommendation as submitted by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Beautify Lufkin Council-Request to Allow Use of City Street Sweeping Equipment for Privately Owned Public Parking Areas

City Manager Westerholm stated that the Beautify Lufkin Council was concerned with littered conditions of large parking lots at shopping malls and the City policy was not to use City equipment on privately owned property. City Manager Westerholm further stated that the Beautify Lufkin Council had recommended that the City Commission consider altering this policy to allow City equipment to sweep privately owned public parking areas. It was further determined that adequate fees should be established with work being done whenever City equipment could be scheduled without neglecting City streets.

Considerable discussion developed among members of the Commission and City Manager Westerholm stated that the City was in need of a policy in this regard since many businesses frequently requested this assistance.

Comm. Joe E. Rich expressed his concern that this was a "gray area" and not really a procedure to which the City should become involved. Comm. W. O. Ricks, Jr., stated that businesses did not have available equipment to adequately perform this duty. Comm. E. G. Pittman asked City Manager Westerholm what percentage of the time City sweepers were in operation and it was determined that approximately 50 hours per week was required per sweeper.

Comm. R. A. Brookshire asked if the City had designated a minimum charge for this service. City Manager Westerholm reported that the City had not proposed any specific standards since the Commission had not had an opportunity to express their opinions toward this policy.

Hayne Stokes, Public Works Director, who was present, stated that business concerns could not afford $18,000 street sweeping machines that were run by the City to adequately clean parking lots. Comm. R. A. Brookshire was of the opinion that this policy as recommended by the Beautify Lufkin Council would be acceptable if City machines could be made available and charges were assessed by the City for use of machines to justify the amount of time required for cleaning parking areas.

Comm. E. G. Pittman asked City Manager Westerholm if this policy could be considered on a six-month trial period. Comm. Joe E. Rich expressed his concern that more time be allowed to consider cost of this policy. City Manager Westerholm stated that he would propose a policy including cost figures for review and consideration at next regular meeting of the Commission. Comm. W. O. Ricks, Jr., then passed further consideration of this item on his own volition until next regular meeting in accordance with information to be made available by City Manager Westerholm.

13. Summer Water Rates

Comm. J. T. Hopson asked City Manager Westerholm if the City could consider summer water rates. City Manager Westerholm stated that it would be difficult to determine whether or not the City could provide summer water rates since water was an unpredictable situation. City Manager Westerholm further stated that the water supply for the City was greater than the City's ability to furnish water to the customer through the existing water line system. City Manager Westerholm concluded that summer water rates hinged more on the ability of the City to rapidly supply the water to the customer than on the amount of available water.

14. Suits Claimed Against City & City Employees

City Attorney Flournoy reported that the City had recently received two additional suits involving the following claims as filed in the Federal Court by Judge William W. Justice:

a. Billy Royce Starks vs City Jail, et al
b. Patricia Perryman, Jana Treadwell, Sally Foley and Dixie Foley vs City of Lufkin

Comm. W. O. Ricks, Jr., stated that he understood members of the Commission desired to call an executive session following this meeting and City Attorney Flournoy stated that he also desired to further discuss previously mentioned suits during this meeting.

15. Water Pollution Control Plant - Progress Report

Comm. R. A. Brookshire asked City Manager Westerholm to review the progress of the Water Pollution Control Plant. City Manager Westerholm stated that the Water Pollution Control Plant was steadily progressing. Comm. E. G. Pittman inquired as to the anticipated completion date and City Manager Westerholm stated that the original completion date was July 1974, but the Commission had recently extended this period for three months during a previous meeting to October, 1974.

16. Adjournment

There being no further business for consideration, meeting was adjourned at 6:00 P. M.

Pitser H. Garrison

MAYOR - City of Lufkin, Texas

ATTEST:

Roger G. Johnson

Roger G. Johnson - City Secretary