

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON OCTOBER 15, 1974, AT 5:00 P. M.

On the 15th 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:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Pat Foley	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

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. Bill Hines, Pastor of Park-view Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers, and invited Mrs. Velma B. Reese, a member of the City Planning and Zoning Commission, to sit with members of the City Commission to speak on behalf of recommendations by the City Planning and Zoning Commission.

3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of October 1, 1974, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Zone Change Application-C. D. Lowery from R-1 to LM District

Mayor Garrison 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 being Lot 12, Block 1 of the Thompson Highway Addition to the City of Lufkin, was approved on first reading of ordinance at last regular meeting.

There were no persons present appearing in opposition to zone change application. Comm. E. G. Pittman made motion that zone change application by C. D. Lowery from R-1 District to LM District be approved on second and final reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

5. Curb & Gutter Paving Petition - Cunningham Drive

Mayor Garrison stated that curb and gutter paving petition for Cunningham Drive from 190 feet East of Linkwood Drive to Ford Chapel Road had been previously considered by the City Commission and tabled until this meeting, and the Public Works Director had prepared information regarding the extension of Cunningham Drive to Ford Chapel Road for a total cost of \$36,237.44. Comm. W. O. Ricks, Jr., made motion that Cunningham Drive be extended to Ford Chapel Road in accordance with standard curb and gutter paving program not to exceed a cost of \$2.50 per linear foot per property owner and ordinance be approved on first reading accordingly. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman inquired as to the status of other curb and gutter paving projects to be completed by the City. City Manager Westerholm reported that the City had three additional projects to consider prior to completion of the Cunningham Drive project.

6. Stephens Contracting Co.-Change Order #4- Disc.

City Manager Westerholm reported that the City Commission, during regular meeting of September 17, 1974, rescinded Change Order #4 for Stephens Contracting Company which provided for a 15-inch sewer line to supply sewer services for the Angelina College and South Highway 59 area at a cost of \$23,802.61. City Manager Westerholm further reported that the City staff had completed studies regarding these costs and determined that this project could be completed by the City at a cost of \$21,500, and recommended the City complete same. Comm. W. O. Ricks, Jr., made motion that previous action of the City Commission on September 17, 1974, with Stephens Contracting Company be rescinded, and City staff be authorized to complete this extension in accordance with information as presented by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Lufkin Fire Department - Request for Parity Pay

Mayor Garrison stated that the Fire Department had recently forwarded a letter to members of the Commission regarding request for parity pay consideration. Mayor Garrison called on Mr. Murry Brown, David Tankersley and James Pickle who spoke individually regarding this request by the Fire Department, which was represented by a number of Firemen in support of same. A copy of this letter from the Fire Department has been attached to minutes for permanent record.

The following information was presented:

- a. Desired pay increase equivalent to neighboring Cities;
- b. Desired parity in pay between Police Department and Fire Department; and
- c. Requested \$15 per month uniform allowance.

Considerable discussion developed regarding request as submitted and members of Commission inquired as to whether or not Fire Department personnel would consider an eight-hour day as in the Police Department. Mr. Brown stated that he personally was in favor of this consideration, but was not aware of remaining opinion from other Firemen regarding same. A brief discussion also prevailed regarding a possible certification program for the Fire Department which may be approved by the legislature prior to the end of the present month.

Mr. Brown informed members of Commission that providing all requests were met, an approximate additional cost to the City annually would be \$44,200.

Comm. W. O. Ricks, Jr., expressed his concern that the City did not presently have necessary monies to fulfill this request as presented by the Fire Department and Comm. Pat Foley was in agreement with this opinion. Following considerable discussion, there was no motion by the Commission to approve request by the Fire Department for reasons as previously discussed.

Mayor Garrison stated that the City Commission would like to honor request as submitted by the Fire Department and requested that this decision be accepted as honest and sincere with no lack of appreciation for the Fire Department. Mayor Garrison further stated that provided money was available in the future, this request could possibly be reconsidered.

8. Lufkin Tennis Association - Proposal

Mayor Garrison called on Mr. Paul Sweetland representing the Lufkin Tennis Association in behalf of their request for various considerations by the City Commission. There were a number of members from the Lufkin Tennis Association present who appeared in support of this proposal as represented by Mr. Sweetland who was one of four directors within this organization. Mr. Sweetland then outlined the following proposal for consideration:

- a. Desired a multi-tennis court location in one central area at Chambers Park and expressed concern that central location of tennis courts for the purpose of effectively controlling their use and to prevent destruction by vandalism;
- b. Desired more lighted tennis courts;
- c. Desired tennis courts be located in a central area to enhance tennis tournament competition;
- d. Requested that four existing courts at Chambers Park be relocated within the same area nearby due to the fact that the extension of Angelina Street would effectively eliminate all four courts in this area; and
- e. Expressed concern that scattered courts throughout the City away from a centrally located area would prevent player competition which was essential to young tennis players.

The following alternate proposals were presented:

- a. Proposed that the City resurface all four existing courts at Chambers Park and construct the two additional courts proposed for Gulf Park to the East of the existing courts; and
- b. Proposed that providing Angelina Street must be constructed through Chambers Park, the City Commission consider construction of a minimum of six new courts at Chambers Park as described on a map supplied to Commission before existing courts were removed.

Mr. Sweetland concluded his proposal indicating that there were approximately 85 members in the Lufkin Tennis Association which represented only one-quarter of the individuals presently using tennis court facilities. Mr. Sweetland further stated that the development and need for the tennis courts had far exceeded the City's current court capacity.

Considerable discussion developed and it was the unanimous decision of the Commission that this proposal be considered during next regular meeting when bids would be available on tennis court reconstruction as previously advertised. It was further recommended that Recreation & Parks Director consider proposal as presented by Lufkin Tennis Association and report to members of Commission regarding same during next regular meeting.

9. Zone Change Application - Herbert E. Deal, et al, from R-2 District to LB District

Mayor Garrison stated that zone change application by Herbert E. Deal, et al, from R-2 District to LB District covering property located immediately West of Bledsoe on Ellis, being Lots 1 thru 5, Block 2 of the Oakland Addition to the City of Lufkin, 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 as presented. Comm. E. G. Pittman made motion that zone change application by Herbert E. Deal, et al, from R-2 District to LB District be approved on first reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Zone Change Application-Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12 (Electrical Substation)

Mayor Garrison stated that zone change application by Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12 (Electrical Substation) covering property located South of Pershing Avenue at intersection with T & NO Railroad and Harrel Street had been recommended for approval by the City Planning and Zoning Commission during a previous meeting.

Mayor Garrison then called on Mr. Walter Borgfeld, attorney, representing applicant. Mr. Borgfeld briefly described the location of this property indicating that applicant was considering a 1-1/10 acre tract for zone change for an electrical substation

to provide electrical service to Lufkin Industries. Mr. Borgfeld further stated that this substation would eventually service other areas of the City and adequate ROW's had been reserved for future widening of Pershing Street.

Mayor Garrison then recognized the presence of Mr. Richard Spear who appeared in representation of Mr. Jim Spear. Mr. Spear stated that he was present in behalf of request by his father, Jim Spear, who desired that members of the City Commission hear a short tape regarding his personal opposition to this zone change request as presented. Members of Commission then heard tape from Mr. Spear which presented the following oppositions:

- a. Objected to 11-hour prior notice of the proposal;
- b. Objected to the Commission's interpretation of an ambiguity in the Zoning Ordinance which precluded advance notice being required in writing to property owners within 200 feet of the perimeter of the 13 acre parcel;
- c. Expressed concern members of Commission should have a qualified communications engineer to determine whether or not radio or TV interference would be experienced by surrounding property owners from the 138,000 volt supply line leading to the proposed substation;
- d. Objected to the hazards to be experienced by the property owners on Feagin Drive from the proposed 138,000 volt transmission line; and
- e. Objected to the real property devaluation that may be experienced from the installation of this substation and the possible increased interference that may result if same was completed.

Mr. Spear's tape further requested that members of Commission return this zone change application to the City Planning and Zoning Commission for further study and to instruct the proper authority to provide all property owners within 200 feet of the perimeter of the 13-acre tract the designated 10-day notice of meeting.

Considerable discussion developed regarding zone change application as presented and Mayor Garrison expressed his concern that the City must have electrical power and Comm. W. O. Ricks, Jr., made motion that zone change application by Texas Power & Light Company from R-1 District to R-1 District & Special Use, Item 12 (Electrical Substation) be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

Comm. E. G. Pittman requested that the minutes reflect his voting abstinence due to his working association with Lufkin Industries, Inc., and Mayor Garrison instructed City Secretary to prepare minutes accordingly with indication of a recused vote for Comm. E. G. Pittman.

11. Second Street - Acquisition of Additional ROW

City Manager Westerholm reported that the Commission had previously requested the City staff determine whether additional ROW could be secured on South Second Street from Townsend Street to Denman Avenue to change it from a 40- to 60-foot ROW. City Manager Westerholm further reported that all property owners had been contacted and desired to either give or negotiate the additional ROW. City Manager Westerholm then requested that he be authorized to proceed with the acquisition of this ROW. Mayor Garrison stated that members of Commission should be informed regarding the possible cost of this project and City Manager Westerholm indicated he would provide this information for consideration at next regular meeting. Comm. Joe E. Rich then made motion that City Manager Westerholm be authorized to proceed with this ROW acquisition. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Texas Highway Dept.-Approval of Minute Order #69358-Pershing Avenue-Approval of Flashing Light Installation at Abney Avenue Railroad Crossing

City Manager Westerholm reported that the State Highway Commission had approved participation with the City of Lufkin in the improvement of Pershing Avenue by the usual standards with City providing ROW, curb and gutter and drainage structures. It was further determined that the highway department would build a new street and bridge, but authority would be necessary from the Commission to approve same. Comm. W. O. Ricks, Jr., then made motion that the City be authorized to approve this agreement with the Texas Highway Department in accordance with information as presented by City Manager Westerholm and documents be signed accordingly by acceptance of Texas Highway Department Minute Order #69358. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

City Manager Westerholm further reported that the Texas Highway Department planned to install railroad grade crossing signals at Abney Avenue and North Angelina Street under the 1973 Highway Safety Act at an estimated cost of \$37,000 of which 90% would be Federally funded with 5% from the railroad and 5% from the City. City Manager Westerholm explained that the 5% contribution from the City would amount to \$1,850 and authority from the City Commission would be necessary to enter into this agreement with the Highway Department. Comm. R. A. Brookshire made motion that the City be authorized to participate in the funding of this project for installation of a flashing signal at Abney Avenue and North Angelina Street at a cost of \$1,850. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Texas Highway Dept.-Resolution of Commendation Approved

Mayor Garrison stated that the Texas Highway Department had provided constant assistance to the City of Lufkin in the coordination and regulation of traffic which had been extremely beneficial to the citizens of the community and suggested that a resolution of commendation be considered for the Texas Highway Department regarding same. Comm. Pat Foley made motion that a resolution of commendation to the Texas Highway Department be approved in behalf of their cooperation with the City of Lufkin. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Plastic Trash Liners-Approval of Bids-Sanitation Department

City Manager Westerholm reported that bid tabulation sheets for trash liners had been furnished members of Commission for consideration and appropriation had been made in the present City budget in the amount of \$70,000 with low bid from Adams Industries being approximately \$30,000 in excess of the budgeted amount. The following bids were reviewed by the Commission and City Manager Westerholm recommended the purchase of the plastic trash liners due to their labor and time saving characteristics and approval of low bid by Adams Industries:

<u>Name of Company</u>	<u>Price Per Each 2 Mil Bag (Printed)</u>	<u>Alternate Bid Paper Bags</u>	<u>Total Cost 700,000 Bags</u>
Pakrite Plastic Corp.	.10368*		\$72,576.00
Adams Industries	.07964*		\$55,748.00
Crump & Company, Inc.	.0963***		\$67,410.00
St. Regis		.1330*	\$93,100.00
C & M Plastics	.0900**		\$63,000.00
Wise Paper & Chemical	.09828		\$68,796.00

* For First 700,000 Bags Only
** Not On Rolls
*** Does Not Meet Delivery Specifications

It was determined that the City would receive a small savings by purchasing unprinted plastic trash liners from Adams Industries and Comm. Pat Foley made motion that low bid from Adams Industries for unprinted plastic trash liners at a cost of \$77.33 per thousand be approved accordingly. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., asked City Manager Westerholm to prepare information for consideration by the City Commission at next regular meeting regarding possible increases in monthly customer garbage rates. City Manager Westerholm stated that he estimated approximately 25¢ to 35¢ per customer to accommodate increases in excess of budgeted amount for purchase of plastic trash liners.

Comm. E. G. Pittman then made motion that the City begin immediate sale of these plastic trash liners at a cost of 10¢ each or \$5.00 per roll. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Pat Foley, Joe E. Rich, W. O. Ricks, Jr., and E. G. Pittman
Voting Nay: Comm. R. A. Brookshire
Mayor Garrison declared motion approved by majority vote of five to one.

15. One Multi-Purpose Excavator & Ditch Cleaning Machine-Approval of Bids - Street Department

City Manager Westerholm reported that the City had recently budgeted \$55,000 for an excavating machine and that same was for a Grad-all for which the City received three bids with only one being valid since two companies had forwarded late bids. The following bids were reviewed by the Commission:

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Hi-Way Equipment Co.	\$61,924.00*	5 Days Houston Stock 60-90 Days Factory
Hi-Way Machinery Co.	\$62,193.00**	120 Days
Girard Machinery & Sup.Co.	\$62,500.00**	120 Days

*Less 2% Cash Discount for Payment in 10 Days After Delivery
**Rejected - Late Bids

It was determined that the only bid acceptable was from Hi-Way Equipment Company in the amount of \$61,924.00. Comm. W. O. Ricks, Jr., then made motion that Hi-Way Equipment Company be awarded low bid in the amount of \$61,924.00 for one multi-purpose excavator and ditch cleaning machine. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. Pat Foley stated that he had recently discussed the purchase of this machinery with a local dealer who expressed his concern that bids received for the purchase of this equipment were excessive. Comm. Pat Foley further stated, however, that this particular dealer had not submitted a bid for same.

16. Recreation & Parks Dept.-Authority to Advertise for Bids-Pavilion, Lighting, Playground Equipment & Picnic Tables

City Manager Westerholm reported that the Recreation & Parks Department desired to receive authority to advertise for bids on a pavilion for Brandon Park; lighting for lakefront, Ellen Trout Restrooms; and playground equipment and picnic tables for Man-tooth, Brandon and Jones Lake Parks. City Manager Westerholm further reported that these items had been approved in the 1973-1974 budget under the Texas Parks & Wildlife Project and other

items approved in the 1974-75 budget. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that the Recreation & Parks Department be authorized to advertise for bids for equipment and construction as previously indicated. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

17. Sanitation Dept. & Administrative Dept.-Authority to Advertise for Bids

City Manager Westerholm reported that the Sanitation Department had budgeted three chassis in the 1974-75 fiscal budget to include provision in the Administrative Department for the purchase of one passenger vehicle. Comm. Pat Foley then made motion that both the Sanitation and Administrative Departments be authorized to advertise for bids for this equipment. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

18. Bi-Centennial Planning Committee - Appointment of Members

City Manager Westerholm stated that the following individuals had agreed to serve on the Bi-Centennial Planning Committee as appointed by the Chamber of Commerce:

Bayo Hopper	Hugh Hackney	Walter Atwell	Judge David Walker
H. J. Shands, Jr.	Woody Gann	Mrs. Annie Royale	Pitser H. Garrison

Following a brief discussion, Comm. R. A. Brookshire made motion that the above listed individuals be appointed in accordance with recommendation of the Chamber of Commerce. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

19. North Raguet Street - Disc. of Railroad Crossing

City Manager Westerholm reported that improvement project on North Raguet Street was a joint venture covered by an agreement between the Texas Highway Department and the Southern Pacific Railroad involving considerable expense on the part of both parties and monies for this project were approved by the Texas Highway Department on September 30, 1974, and the Lufkin Highway Department office had been notified on October 7, 1974, to proceed with the project. City Manager Westerholm further reported that the Texas Highway Department had additional commitments at the present, but planned to complete this project within the next several months, if possible, depending on weather conditions.

20. Cablecom General-Motion to Break Contract Denied

Comm. R. A. Brookshire stated that this Commission had devoted many hours of study and consideration to the Cablecom General Company and Cablecom had most recently appeared before the Commission indicating that new equipment would soon be installed. Comm. R. A. Brookshire further stated, however, that this new equipment had not been installed to this date. Mayor Garrison stated that he had recently received a letter from Cablecom General indicating the new equipment could possibly be installed within the next two to three weeks.

Comm. R. A. Brookshire made motion that the City should proceed to District Court with a law suit in an attempt to break the existing contract with Cablecom General.

Considerable discussion then developed among members of the Commission and Mayor Garrison stated that he was in agreement with suggestion presented by Comm. R. A. Brookshire but desired to provide Cablecom General another opportunity to remedy the existing problems being experienced by the cable company. Mayor Garrison further suggested that the City Commission be furnished a daily report on the activities being conducted by Cablecom General in an effort to keep members of Commission adequately appraised of current improvements.

Comm. R. A. Brookshire did not withdraw his previous motion, however, and same died for lack of second.

21. Water Pollution Control Plant - Disc.

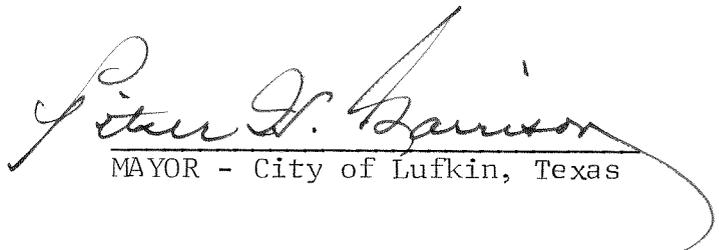
Comm. E. G. Pittman inquired as to the present status of the Water Pollution Control Plant. City Manager Westerholm reported that inspections were currently being conducted on the outfall line to the new plant. The new plant could begin operation immediately but until the outfall line is ready for acceptance by the City, the new plant will not be put into operation.

22. Emergency Vehicle Service Outside City Limits-Authority Granted City Attorney to Negotiate Possible Contracts

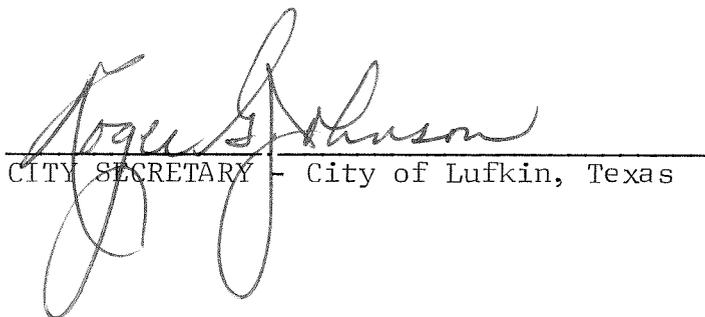
City Attorney Flournoy requested authority from the Commission to consult with County officials and other individuals in an attempt to negotiate contracts to provide compensation for service of emergency vehicles being sent to the County and other areas outside the City Limits. City Attorney Flournoy stated he was of the opinion that through these negotiations, the City would be in a better position to claim payments for service which is a present problem. Comm. E. G. Pittman made motion that City Attorney Flournoy be authorized to negotiate contracts with the County and other areas in accordance with request as presented and report to the Commission accordingly at a later meeting. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

23. Adjournment

There being no further business for consideration, meeting adjourned at 7:25 P. M. into a brief executive session to consider the purchase of property on North First Street.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas