

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF MAY, 1971, AT 7:30 P. M.

On the 18th day of May, 1971, 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:

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Kenneth R. Crain	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
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, and

W. O. Ricks, Jr. Commissioner at Large, Place A

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

1. Meeting opened with prayer by Rev. Sidney Spain, Pastor of the First Christian Church, Lufkin, Texas, who was thanked by Mayor Garrison for his participation.
2. Mayor Garrison welcomed a number of visitors and stated they demonstrated an interest in the affairs of the City and was grateful for their presence.

3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of regular meeting of May 4, 1971, be approved as written. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous (6) affirmative vote was recorded.

4. Plumbing Appeal & Advisory Board

Mayor Garrison welcomed six members of the above Board appointed by the City Commission in regular meeting of April 20, 1971, namely:

George Ricks - Licensed Master Plumber
Ray Johnson - Licensed Journeyman Plumber
J. A. (Bo) Bryan - Building Contractor
Kenneth Vann - City Engineer
G. V. (Andy) Anderson - City-County Health Officer
Floyd A. Marcellos - Licensed Architect

He stated that Mr. Ray Johnson, Licensed Journeyman Plumber, had advised by letter that, due to circumstances beyond his control, he would be unable to serve as a member of this Board. Mayor Garrison stated the Administrative Department of the City had recommended Mr. Edward Bollier be appointed in Mr. Johnson's place. Comm. Kenneth R. Crain made motion that Mr. Edward Bollier be appointed as a member of this Board in place of Mr. Johnson. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous (6) affirmative vote was recorded. At this point, Mayor Garrison proceeded to give the Oath of Office to the above Board and thanked them for their willingness to serve thereon.

5. Examining and Supervising Board of Electricians

Mayor Garrison stated the Administrative Department of the City had recommended the following citizens to be members of the above Board:

Leonard E. Bass - Building Inspector
O. C. Hanks - Electrical Inspector
Charles Morrison - Electrical Engineer
Leon Caver - Master Electrician
Earl Thompson - Master Electrician
C. D. Lowery - Master Electrician
Robert Sisk - Master Electrician

Comm. E. C. Wareing made motion that the above citizens be appointed as members of the above Board. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous (6) affirmative vote was recorded. Mayor Garrison then proceeded to give the Oath of Office to the above Board and also expressed appreciation for their willingness to serve thereon.

6. Zone Change Application - Lufkin Industrial Foundation, Inc.

City Attorney Flournoy read caption of Ordinance for second reading covering zone change requested by Lufkin Industrial Foundation, Inc., from LM District to LM District and Special Use covering 13.723 acres of land located on the South side of Lotus Lane and described by field notes in the Ordinance. Mayor Garrison called for a discussion of this zone change application from visitors in attendance and then from members of the City Commission, and there were no comments. Mayor Garrison then stated he would entertain a motion for action thereon by the City Commission. Comm. Kenneth R. Crain made motion that Ordinance be passed on second reading. Comm. E. C. Wareing seconded the motion and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Kenneth R. Crain,
Roy L. Leamon, M.D., and E. C. Wareing

Voting Nay: Comms. B. E. Atkinson, Jr., M.D., and
J. T. Hopson

Mayor Garrison stated the motion carried by a vote of 4 to 2.

Jack Hicks, Attorney representing the applicant, requested City Commission approval of Plot Plan of the housing project which should be made a part of the minutes and which was recommended by the City Planning and Zoning Commission. Comm. Roy L. Leamon, M.D., made motion that this Plot Plan be officially approved. Motion seconded by Comm. Kenneth R. Crain and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Kenneth R. Crain,
Roy L. Leamon, M.D., and E. C. Wareing

Voting Nay: Comms. B. E. Atkinson, Jr., M.D., and
J. T. Hopson

Mayor Garrison stated the motion carried by a vote of 4 to 2.

7. Lease Agreement-Mounted Patrol-Lufkin Lion's Club Association

City Attorney Flournoy called attention to letter from the above Association requesting renewal of agreement with the City effective January 1, 1972, by taking advantage of the 5-year renewal option, if written notice was given to the City 30 days prior to expiration of the agreement. Comm. Kenneth R. Crain made motion that agreement be extended for 5 years from January 1, 1972. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous (6) affirmative vote was recorded.

8. Lufkin Telephone Exchange, Inc. - Rate Case

City Attorney Flournoy stated that he and City Manager Westerholm, after being instructed to check into the employment of a Rate Consultant in connection with the above case by the Lufkin Telephone Exchange, Inc., had interviewed three prospects, namely:

- (1) Z. A. McElfresh of H. Zinder & Associates, Dallas, Texas
- (2) Clinton Owsley, Houston, Texas
- (3) Joe N. Nall, Dallas, Texas

He further stated that he and City Manager Westerholm recommended Mr. Joe N. Nall as the Consultant in the above case since he was now also employed by the City of Conroe, whose telephone system is owned by the Lufkin Telephone Exchange, Inc., and on which court action was also being taken to secure rate increase. City Attorney Flournoy further stated that it was his and City Manager Westerholm's thought that Mr. Nall's service would be more economical due to related work with the City of Conroe. Comm. Kenneth R. Crain made motion that Mr. Joe N. Nall be employed by the City of Lufkin as Rate Consultant in the above case. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous (6) affirmative vote was recorded.

Mayor Garrison called attention to Charter Provision wherein the expense that the City of Lufkin incurs in this rate study will be reimbursed on a 50-50 basis to the City of Lufkin by the Lufkin Telephone Exchange, Inc.

9. Permanent Zoning in Area from Old City Limits to 300 Feet Beyond Loop 287 Between U. S. Highway 69 East and Paul Avenue

City Attorney Flournoy read Ordinance covering permanent zoning in the above area as recommended by the City Planning and Zoning Commission, map of which was exhibited to members of the City Commission and visitors present. Mayor Garrison called for any comments from the visitors and members of the City Commission regarding this recommended zoning and there were none. Comm. E. C. Wareing made motion that Ordinance covering this proposed zoning, as recommended by the City Planning and Zoning Commission, be approved on first reading with the provision that any citizen in the area who desired a zone change within the next 90 days be allowed to submit application without charge by the City, this also having been recommended by the City Planning and Zoning Commission. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous (6) affirmative vote was recorded.

10. Vumore TV Cable Operations

Mr. Jerry G. Steen, Manager of Vumore of Lufkin, appeared before the City Commission and was questioned in considerable detail with regard to their operations and the quality of reception since their recent improvement program was completed. Comm. Kenneth R. Crain stated that he had received numerous complaints that the reception now being received from Vumore was worse than it has ever been. Also, after calling Vumore's office regarding such service, a number of people had complained regarding the answers given. Comm. Kenneth R. Crain stated that, in his opinion, if Vumore Company could not improve upon the service, would be in the favor of adjusting downward the monthly rate charged. Mayor Garrison asked Mr. Steen specifically if the present service could be improved upon and Mr. Steen stated he would definitely check into this and advise later. Mayor Garrison also called attention to a reconnect fee which Vumore was now charging customers which he thought was not in accordance with the franchise agreement now in effect. Mayor Garrison requested Mr. Steen to check into this feature with City Attorney Flournoy. Comm. B. E. Atkinson, Jr., M.D., asked Mr. Steen if his micro-wave tower near Cold Springs was classified by the FCC as "B" instead of "A" and he was advised that it was. Comm. B. E. Atkinson, Jr., M.D., stated this would indicate the micro-wave relay station was too far from Houston, the pick-up point. Mr. Steen was questioned with regard to date Vumore would have an educational program available to local viewers and he stated Vumore had not received permit from the FCC to operate such a program. Mr. Steen assured the City Commission he would check into the service angle to see if there was any possibility of improving same and would report back later to the City Commission.

11. Proposed City Park Area in Keltys

City Manager Westerholm stated that local officials of Owen-Illinois Company had offered to the City, subject to approval by their home office in Toledo, Ohio, of giving 1.14 acres of land across Old Mill Road from their present office in Keltys for use by the City as a

park area. City Manager Westerholm further stated that he and Parks Director Griffin had checked the property and recommended acceptance by the City from Owen-Illinois if final approval was given by home office. Comm. J. T. Hopson made motion that this offer by Owen-Illinois be accepted by the City and as recommended by City Manager Westerholm and Parks Director Griffin. Comm. Roy L. Leamon, M.D., seconded the motion. However, before vote was taken, Comm. B. E. Atkinson, Jr., M.D., stated that he did not think there was sufficient area involved in the tract of land to be of any particular benefit to the City of Lufkin as a park. Vote on the above motion and second was as follows:

Voting Aye: Mayor Garrison, Comms. J. T. Hopson,
Kenneth R. Crain, Roy L. Leamon, M.D.,
E. C. Wareing

Voting Nay: Comm. B. E. Atkinson, Jr., M.D.

Mayor Garrison stated motion carried by a vote of 5 to 1.

12. City Depository Bank

City Manager Westerholm requested authority to advertise for bids for bank depository for the City's funds for the two-year period beginning July 1, 1971. Comm. Kenneth R. Crain made motion that this authority be granted to advertise for bids as requested by City Manager Westerholm. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous (6) affirmative vote was recorded.

13. Authority to Construct Building Over Utility Easement - Dr. Roy L. Leamon

City Manager Westerholm requested authority for the City to enter into an agreement with Dr. Roy L. Leamon, M.D., allowing the construction of an extension to his present office building over a utility easement on the back of his lot facing Ellis Avenue and stated this type of agreement had been authorized previously to other individuals or companies wherein the City was protected against any liability for damages as a result of the operation, maintenance or relocation of such lines in the easement. Comm. Kenneth R. Crain made motion that the City enter into an agreement with Dr. Roy L. Leamon as requested by City Manager Westerholm. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and the vote was unanimous (5) in the affirmative, Comm. Roy L. Leamon, M.D., recusing himself from voting due to his personal interest involvement.

14. Proposed Signal Light on U. S. Highway 59 South at Angelina Mall

City Manager Westerholm stated that City and State Highway Department had been checking the hazardous traffic condition near entrance to the Angelina Mall on U. S. Highway 59 South and the State Highway Department recommends a new traffic light be installed at this location to eliminate the present hazards. After considerable discussion, Comm. Kenneth R. Crain made motion that City enter into an agreement with the Texas Highway Department to install the above traffic light on U. S. Highway 59 South at the Angelina Mall. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous (6) affirmative vote was recorded.

15. Invoices - Henningson, Durham & Richardson, Inc.

City Manager Westerholm requested authority to pay the following invoices from Henningson, Durham & Richardson, Inc., when funds were available:

#D2359	-	\$27,782.40
#D2360	-	\$ 884.16

No action was taken on this request and City Manager was instructed to contact Henningson, Durham & Richardson, Inc., on the entire procedure of work now being done and charges being made.

16. Parking Area on Calder Square-Location of Old Demolished Buildings

City Manager Westerholm requested authority to change the charges for parking of 15¢ per hour recently authorized by the City Commission from 10:00 AM to 5:00 PM. Considerable discussion developed on this and the following proposal was agreed upon and to be put into effect with a 30-day trial period:

First Hour	- No Charge
Second Hour	- 15¢
Third Hour & each succeeding hour	- 25¢

Comm. Roy L. Leamon, M.D., made motion that the above schedule of parking charges be put into effect for a 30-day trial period. Motion seconded by Comm. J. T. Hopson. Comm. Kenneth R. Crain stated he thought this parking space should be free to the public. The following vote was recorded:

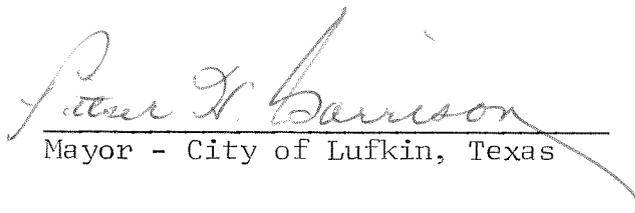
Voting Aye: Mayor Garrison, Comms. J. T. Hopson, Roy L. Leamon, M.D., E. C. Wareing, B. E. Atkinson, Jr., M.D.

Voting Nay: Comm. Kenneth R. Crain

Mayor Garrison declared motion carried by a vote of 5 to 1.

17. Adjournment

There being no further business for consideration, meeting was adjourned at 9:30 P. M.



 Mayor - City of Lufkin, Texas

ATTEST:



 City Secretary - City of Lufkin, Texas