

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF APRIL, 1972, AT 7:30 P. M.

On the 4th day of April, 1972, 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
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
B. E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	Dep. City Secretary

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

1. Meeting opened with prayer by Rev. Richard Creech, Pastor of Memorial Baptist Church, Lufkin, Texas.

2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers and expressed appreciation for their interest.

3. Approval of Minutes

Comm. J. T. Hopson made motion that minutes of special meeting of March 14 and regular meeting of March 21, 1972, be approved. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

4. Elwyn Gipson - Resolution - Civil Defense Commendation

Mayor Garrison asked City Attorney Flournoy to read a prepared resolution commending Mr. Elwyn Gipson, Civil Defense Director, for his past 21 years of service. Following the reading of this resolution, Comm. B. E. Atkinson, Jr., M.D., made motion that this resolution be passed commending Mr. Gipson for his service. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded. Mr. Gipson, who was present, expressed his sincere appreciation for this commendation.

5. Texas Power & Light Company - Application for Rate Increase

Mayor Garrison gave a brief description of previous meetings concerning Texas Power & Light Company and called on Comm. B. E. Atkinson, Jr., M.D., to express his opinion regarding hot water rates. Comm. B. E. Atkinson, Jr., M.D., stated that he had discussed this matter with Mr. James B. Manning, District Manager of Texas Power & Light Company. Following a brief discussion, Comm. B. E. Atkinson, Jr., M.D., made motion that ordinance regulating Texas Power & Light Company's request, as originally submitted, for a 6% rate increase be passed on second reading. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded. Mayor Garrison stated that this ordinance would become effective immediately.

6. Telephone Rates - Discussion - Substitution of Rates

Mayor Garrison gave a brief description of the present situation regarding the Lufkin Telephone Exchange. Mayor Garrison further stated that a rate schedule had been worked out with officials of the Lufkin Telephone Exchange and asked City Attorney Flournoy to read caption of ordinance including the rates to be charged. Following a brief discussion, Comm. E. C.

Wareing made motion that we substitute these rates as read by City Attorney Flournoy for those passed on first reading at prior City Commission meetings and approve the new ordinance on first reading. Motion was seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

7. Proposed Permanent Zoning - Area North of Present City Limits Between Lake Street and U. S. Highway 59 North to Loop 287 - Annexed by Ordinance 1461

City Attorney Flournoy read caption of ordinance for second reading covering proposed permanent zoning of area North of present City Limits between Lake Street and U. S. Highway 59 North to Loop 287, annexed by Ordinance 1461. There were no persons appearing in objection to this permanent zoning. Following a brief discussion, Comm. Roy L. Leamon, M.D., made motion that ordinance be passed on second reading. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

8. Ellen Trout Lake - Boating Regulations - Ordinance Amended

City Attorney Flournoy read caption of ordinance for second reading amending Ordinance 204 prohibiting motor driven boats on Ellen Trout Lake, except under certain conditions. Comm. J. T. Hopson made motion that Ordinance 204 be amended as read by City Attorney Flournoy and approved on second reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

9. Zone Change Application - Haney Oil Company, Huntsville, Texas, from R-3 District to A District

Mayor Garrison read from minutes of the City Planning and Zoning Commission dated March 28, 1972, and explained circumstances involved in zone change application of Haney Oil Company, Huntsville, Texas. Mayor Garrison stated that no persons were present at this meeting appearing in objection to this zone change, but several persons had appeared in favor of this project. Mayor Garrison also stated that in addition to Mr. Haney's request to change zone from R-3 District to A District covering property on Lots 1, 3 and 4, and portion of Lot 2, Block 31 of the Denman Addition, he had also requested that an alley be closed in this area. Comm. E. C. Wareing stated that the City Commission should consider the zone change and the alley closing by separate motion. Following a brief discussion, Comm. E. C. Wareing made motion that zone change application of Haney Oil Company, Huntsville, Texas, from R-3 District to A District be approved on first reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion that alley also be closed within this same property. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

10. Annexation of Property-Lufkin ISD (Slack School Property)

Mayor Garrison stated that there was some question regarding area to be considered in this annexation prior to setting a hearing date. Following a brief discussion, Mayor Garrison passed this item on his own volition for consideration at a later meeting.

11. Ellis Avenue - Closing Portion of Alley

City Attorney Flournoy stated that approximately 0.1 of an acre that used to be the old Ellis Avenue had been abandoned by the City with the reconstruction of the present Ellis Avenue. City Attorney Flournoy recommended that the City Commission consider the passage of a resolution to close the portion of alley remaining and deed it to A. G. Perry & Son, Inc., the adjacent property owner. City Attorney Flournoy further stated that all other adjoining property owners, which included Elliott W. Cavanaugh and Lyle Peden, had been deeded one-half of the abandoned street under Resolution #1274. Following a brief discussion, Comm. E. C. Wareing made motion that City Attorney Flournoy be authorized to prepare a resolution to this effect and that Mayor be authorized to sign a deed. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

12. Burke Water Supply-Request for Emergency Water Connection

City Attorney Flournoy stated that the Burke Water Supply system had requested to connect with a City water main for possibly one week and that this would not be a permanent connection. City Attorney Flournoy further stated that there would be no expense to the City and the water could be regulated by the installation of a large meter. Comm. E. C. Wareing made motion that the City Commission allow the Burke Water Supply system to connect with the City water main subject to compliance with all specifications of State, City and other regulations previously allowed to other areas under similar conditions. Motion was seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

13. Resolution - Construction and Maintenance of Pavement Widening Projects - Abney Avenue, Denman Avenue & Timberland Dr.

City Manager Westerholm recommended to the City Commission the consideration for the construction and maintenance of the following pavement widening projects:

- (a) Spur No. 339 - From Abney Ave. to State Highway 94
- (b) U. S. Highway 69 - From Denman Ave. to Timberland Dr.
- (c) U. S. Highway 59 - From Timberland Dr. South 0.8 mile

City Manager Westerholm stated that a condition of the resolution was that parking would be prohibited on these streets. Following a brief discussion, Comm. B. E. Atkinson, Jr., M.D., made motion that resolution be passed to this effect. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

14. Citizens Advisory Committee - Names for Nomination

Mayor Garrison stated that the City Commission needed to consider at least 20 names for nomination to a Citizens Advisory Committee to work with State Planning Officials from Lockwood, Andrews & Newnam concerning the City's Comprehensive Master Plan. Following a brief discussion, the City Commission members agreed to consider these names for nomination prior to next regular meeting or during an executive session.

15. Redland Water Supply Co. - Request to Purchase Treated Water

City Manager Westerholm stated that due to a shortage of water the Redland Water Supply Company had begun proceedings to obtaining a loan to drill another well. City Manager Westerholm further stated that these proceedings had been reviewed by the Deep East Texas Development Council and the Redland Water Supply Company had been directed to contact the City of Lufkin regarding the purchase of this treated water. City Manager Westerholm indicated that if this request was granted, the point of delivery

would be Spence Street and Loop 287 and the request for water would include price of water, cost of tap (meeting all State Health Department regulations criteria) and regulations of proposed lines within the City would be laid by the Redland Water Supply Company. City Manager Westerholm stated that the City could supply this water with the same rates being charged, 35¢ per 1,000 gallons, as obtained by Cedar Grove. Comm. J. T. Hopson asked City Manager Westerholm about other areas that may apply for water in the future. City Manager Westerholm indicated that the City had always been able to supply surrounding areas. Following a brief discussion, Comm. J. T. Hopson made motion that this request by the Redland Water Supply Company for this supply of treated water be approved. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

16. Texas Water Quality Board Order No. 71-1216-25 - Water Pollution Control

City Manager Westerholm stated that the Texas Water Quality Board had set forth in an order on recent legislation concerning water pollution control duties of Cities. City Manager Westerholm further stated that this legislation called attention to all Cities having a population of 5,000 or more to comply with these provisions, and that the City would have to set up check points on all streams, samples would have to be taken, tests conducted and more personnel may have to be employed. Following a lengthy discussion, it was the decision of the City Commission that City Manager Westerholm be authorized to prepare a plan, as requested by the Texas Water Quality Board, to be in by May 1st, implementing the provisions provided in accordance with recent legislation for a later meeting. Comm. Roy L. Leamon, M.D., requested that this plan to be prepared by City Manager Westerholm include number of personnel that would be involved.

17. Rufus H. Duncan Addition - Request for City to Accept Sewage from Sub-Division

City Manager Westerholm stated that he had received a letter from Mr. Coy O. Milligan, Engineer for Mr. R. H. Duncan, concerning Mr. Duncan's request that the City Commission consider the acceptance of sewage from the Thousand Oaks Sub-Division at the intersection of Lotus Lane and Henderson Street. City Manager Westerholm further stated that the first phase of development will consist of about 38 lots and a similar number of lots were proposed for the near future in order that the lift station would be sized to provide for 80 lots. City Manager Westerholm further remarked that Mr. Milligan had discussed the possibilities of this request with personnel of the Texas Water Quality Board but no reply had been received at this time. City Manager Westerholm recommended that the City accept this sewage on Mr. Milligan's recommendation and that this area be billed at outside City rates. Several questions were directed to the City Manager in regard to this request by Mr. R. H. Duncan and following a lengthy discussion, Mayor Garrison suggested that more information be gathered in regard to the cost of maintenance, revenue and an overall study of projects for the next ten (10) years, including revenues and obligations to the City. Comm. B. E. Atkinson, Jr., M.D., recommended that this study be conducted to include the cost of sewage treated by the new sewer plant. It was the decision of the City Commission that this item be deferred until a later meeting to allow a more detailed study and report.

18. Parks & Recreation Department - Bids on Tractor, Rotary Cutter and Equipment for Lighting Softball Field

City Manager Westerholm stated that bids had been received from Angelina Truck & Tractor, Inc. in the amount of \$3,526.00, Piney Woods Tractor & Implement, Inc. in the amount of \$3,484.37 and W. A. DuBose & Son Company, Inc. in the amount of \$3,991.00.

City Manager Westerholm stated that after discussing these bids with Parks & Recreation Director, Max Griffin, it was their decision to recommend the bid of Angelina Truck & Tractor, Inc. in the amount of \$3,526.00 since it was a heavier tractor. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that the City accept the bid of Angelina Truck & Tractor, Inc., in the amount of \$3,526.00 in accordance with the recommendation of City Manager Westerholm. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

City Manager Westerholm stated that bids had also been received on equipment for lighting a softball field from Watson Electrical Supply Company in the amount of \$762.00, Dealer's Electrical Supply Company in the amount of \$704.40 and Dial Electrical Supply Company in the amount of \$1,010.64. City Manager Westerholm recommended the low bid of Dealer's Electrical Supply Company in the amount of \$704.40. Comm. W. O. Ricks, Jr., made motion that the low bid of Dealers Electrical Supply Company in the amount of \$704.40 be accepted. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

19. Fire Department - Bids on Equipment

City Manager Westerholm stated that bids had been received on equipment for the Fire Department from Fire Appliance Company of Texas, Wichita Falls, Texas, in the amount of \$1,873.00, Houston Fire & Safety Equipment Company, Houston, Texas, in the amount of \$1,953.70 and Arthur Dooley & Son Company, Houston, Texas, in the amount of \$2,071.08. City Manager Westerholm informed members of the City Commission that he had discussed these bids with Fire Chief, Delane Boddie, and recommended the low bid of Fire Appliance Company of Texas, Wichita Falls, Texas, in the amount of \$1,873.00. Following a brief discussion, Comm. Joe E. Rich made motion that the low bid of Fire Appliance Company of Texas, Wichita Falls, Texas, in the amount of \$1,873.00 be accepted in accordance with the recommendation of City Manager Westerholm. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

20. D & H Contracting Co. - Rental Trucks

City Manager Westerholm stated that the City had been renting two 2-ton trucks from D & H Contracting Company for the amount of \$125 per month for each truck. City Manager Westerholm further stated that Mr. Robert Hudson of D & H Contracting Company no longer desired to pay registration fees on these two trucks. The City Manager further informed the City Commission that printed information concerning these two trucks had been prepared by Mr. Hayne Stokes, Director of Public Works, and circulated among members of the City Commission. City Manager Westerholm further stated that a decision needed to be made either to continue the rental of the trucks and pay the registration fees, or to consider purchase of new or used trucks from another source. Following a lengthy discussion, it was the decision of the City Commission that since this procedure would involve purchase in excess of \$2,000, that bids be obtained on these and other trucks. Comm. E. C. Wareing asked City Attorney Flournoy if the City could get a rebate on registration fees for the trucks if D & H Contracting Company registers the trucks and the City subsequently purchases them. City Attorney Flournoy stated that he would investigate this possibility.

21. Election Returns - Regular City Election - April 4, 1972

Mayor Garrison read results of election held this date for City Commissioner Ward #3, City Commissioner Ward #4 and City Commissioner at Large, Place B, as follows, out of a total of 706 Votes cast:

<u>City Commissioner Ward #3</u>	<u>Votes</u>
Joe E. Rich	612
<u>City Commissioner Ward #4</u>	
Edgar C. Wareing	611
<u>City Commissioner at Large, Place B</u>	
Eugene (Gene) Childress	241
E. G. (Rod) Pittman	456

Comm. B. E. Atkinson, Jr., M.D., made motion that the above election results be made official and that Comm. E. G. Pittman be declared winner as City Commissioner at Large, Place B and Edgar C. Wareing as City Commissioner Ward #4 for the three-year period beginning April 4, 1972, and Joe E. Rich as City Commissioner Ward #3 for the one-year period covering unexpired term of Ward #3 beginning April 4, 1972. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded. Mayor Garrison then proceeded to swear in Comms. E. G. Pittman, Joe E. Rich and Edgar C. Wareing.

22. Resolution - Dr. B. E. Atkinson, Jr.

Mayor Garrison expressed his appreciation to Dr. B. E. Atkinson, Jr., and commended his job as City Commissioner. Comm. Roy L. Leamon, M.D., made motion that the City Attorney prepare a resolution commending Dr. B. E. Atkinson, Jr., upon his retirement this date as City Commissioner at Large, Place B. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

23. Pershing Street - Pavement Widening & Street Lighting

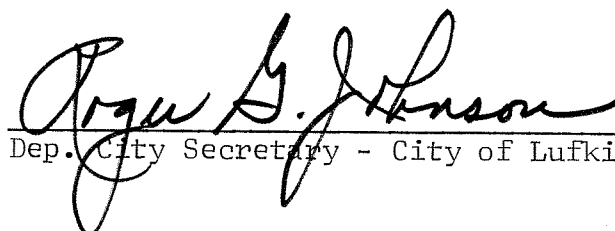
Comm. Roy L. Leamon, M.D., asked City Manager Westerholm if consideration had been given to Pershing Street concerning widening and curbing. City Manager Westerholm stated that Pershing Street was being considered for resurfacing but that a bridge would be needed on this street involving a greater expense than the City could afford at this time. Comm. Roy L. Leamon, M.D., asked City Manager Westerholm about street lighting improvements. City Manager Westerholm replied that the policy of street lighting called for the addition of street lights at every intersection and where no intersection exists, a light at every 300 feet if possible.

24. Adjournment

There being no further items for consideration, meeting was adjourned at 9:10 P. M.


Mayor - City of Lufkin, Texas

ATTEST:


Dep. City Secretary - City of Lufkin, Texas