MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6 th DAY OF MAY, 1969, AT 7:30 P. M.

On the 6th day of May, 1969, 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:

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| 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 |
| David Walker | Acting City Manager - City Attorney |
| Lynn Durham | City Secretary |

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

1. Meeting opened with prayer by Rev. William E. Hines, Pastor of Parkview Baptist Church, Lufkin, Texas. Mayor thanked Rev. Hines for his participation.

2. Mayor welcomed a number of visitors who were present in connection with items on the Agenda or as observers.

3. BMcN made motion that minutes of regular meeting of April 15, 1969, be approved as written and submitted. WOR seconded the motion and a unanimous affirmative vote was recorded.

4. DW stated had not received any new bids on repairing and painting of two elevated water storage tanks other than that reported at last meeting by National Steel Maintenance Corporation, Des Moines, Iowa.

   It was the decision of the City Commission that this bid not be opened and read but that consideration be given to the maintenance contract as furnished by this company covering elevated storage tanks. Mayor appointed ECW, Chairman, WOR and BMcN to check this proposed maintenance contract from National Steel Maintenance Corporation and report back their recommendation at a later meeting.

   Mr. Andy Andrews, representative of National Steel Maintenance Corporation, was present and stated he would be available for any information or questions regarding the proposed maintenance contract by handling through their Des Moines office by collect telephone calls.

5. Mr. John Cely and Mr. J. T. Maroney, Attorneys, were present and Mr. Cely acting as spokesman for a group of former City employees who were also present stated that the previous petitions submitted to the City in February of 1969 did not have sufficient signatures of qualified voters to warrant calling an election on certain provisions desired by Local 1550 AFL CIO covering Federal, State, City and Municipal Employees. Mr. Cely requested City Commission to act on an Ordinance providing certain provisions for City employees the same as listed in meeting of February 4, 1969, with the exception that back pay for employees now out of service was not requested. Mr. Cely further stated that petitions were now being circulated among citizens of Lufkin requesting the above provisions and would be presented to the City Commission at a later date.

   BEA made motion that no action be taken on Mr. Cely's request and that City Commission pass on to the next item on the Agenda. CL seconded the motion and a unanimous affirmative vote was recorded.

6. DW read caption of Ordinance changing zone from R-3 District and Special Use to A District covering approximately 13 acres bounded on the North by Myrna Street, on the West by Church Street, and on the East by Jones Street, being described by field notes in application. Zone change application by Paul E. and Peter M. Ryan.

Mayor inquired if any persons present to object to this zone change and there were none. DVS made motion that Ordinance be passed on second and final reading. BMcN seconded the motion and a unanimous affirmative vote was recorded.

7. DW read caption of Ordinance changing zone from R-1 District to C District and Speical Use covering property located at the intersection of Loop Lane and Loop 287, described in application by field notes by J. W. Duke and L. E. Davis.

Mayor inquired if any persons present to object to the change and there were none. WOR made motion that Ordinance be passed on second and final reading. Motion seconded by DVS and a unanimous affirmative vote was recorded.

8. DW presented Change Order from Thomas and Thompson approved by Wiener, Morgan and O'Neal, Architects, covering the extension of calendar days on contract for construction of two Fire Stations by 36 days due to inclement weather that has been experienced.

BEA thought that more detailed reasons should be given for the Change Order before approving. WOR stated that he was conversant with such contract work and that this construction had really been hampered this year due to rainy weather and was in agreement that the Change Order be granted since there was no penalty involved and made motion that the Change Order be approved. ECW seconded the motion and a unanimous affirmative vote was recorded.

9. Mr. John Duke appeared before the City Commission with regard to paving of Diana and Wallace Streets on which project he had been working and on which he stated that City Manager had advised him that such paving would be handled at the old price of $1.25 per running foot for property owners. He stated that he had been before the City Planning and Zoning Commission and they had agreed to a 40' right-of-way for such streets if same could be provided and had approved strip paving. He stated that it was his understanding that now the price for property owners part was in excess of $1.25 and felt that the City should honor the committment made to him by the City Manager.

This matter was discussed in some detail and CL made motion that Mr. Duke's petition be accepted only by the City after determination of current costs and that if this is not acceptable with the property owners involved, the City then deed back that additional right-of-way procured. This motion died for lack of a second.

DVS inquired if DW had any recommendation to make on this and DW stated he did not at this time before developing further information. DVS made motion that City Commission delay action on this paving request until DW had talked with William E. Wolff and checked with the Chairman of the City Planning and Zoning Commission as well as getting an estimate on what the street paving will cost. WOR seconded the motion and a unanimous affirmative vote was recorded.

10. DW read Ordinance in its entirety covering a zone change from R-1 District to A District on property located in the Paul McWilliams Addition to the City of Lufkin located at Pershing and Calvin Streets, application being by Paul McWilliams.

LD stated this application was considered by the City Planning and Zoning Commission in hearing of April 10, 1969, and it was their unanimous recommendation that zone change be approved by City Commission. BEA made motion that Ordinance be passed on first reading covering this zone change. CL seconded the motion, however, before vote was taken, Mayor inquired if any persons present to object to the change and there were none. The following vote was unanimously in the affirmative.

11. DW read Ordinance setting speed zones on Highway 59 South near Angelina Junior College as recommended by the State Highway Department. After some discussion, DVS made motion that Ordinance be passed on first reading. BMcN seconded the motion and a unanimous affirmative vote was recorded.

12. DW stated had received letter from City Engineer advising of price for paving of portion of Card Drive and Courtney Street as submitted by Moore Brothers Construction Company. DW further stated that 80% of the money for such paving had been turned in. DW stated that a price of $14,685.00 for 5" of Hot Sand Asphalt on Card Drive and Courtney Street, which was approximately 4,200', was submitted. Also, that an alternate to the above by Moore Brothers was $16,024.50 for 3½" of Hot Sand Asphalt and 1½" of Hot Mix Asphaltic Concrete to which should be added $1,000.00 for City's portion of work. DW recommended that we proceed with this new type of paving which is an exception to the present Paving Ordinance and which is in compliance with the recommendation of the City Engineer as to type of street.

    CL made motion that the necessary exception to the Paving Ordinance be made in order to accept paving petitions from residents on Card Drive and Courtney Street, to be included in an assessment program at a price quoted in City Engineer's letter of April 21, 1969, which will be based on 3½" of Hot Sand Asphalt with 1½" Hot Mix Asphaltic Concrete at a cost of $16,024.50 plus $1,000.00 for City's portion, making a total of $17,024.50. BMcN seconded the motion and a unanimous affirmative vote was recorded.

13. DW called attention to invoices from Axley and Rode in the amount of $3,000.00 and $850.00 respectively covering audit report of City books for fiscal year ending September 30, 1969. DVS made motion that these invoices in the amount of $3,850.00 be authorized for payment. WOR seconded the motion and a unanimous affirmative vote was recorded.

14. DW presented estimate #4 from Thomas and Thompson, Contractors, covering construction of two new Fire Stations and the amount of $8,900.10 which he stated had been approved by the Building Inspector and the Architects and recommended same be approved to pay. DVS made motion that this estimate in the amount of $8,900.10 be authorized for payment. ECW seconded and a unanimous affirmative vote was recorded.

15. DW inquired if City Commission desired to pay an invoice from Henningson, Durham and Richardson in the amount of $4,305.48 that was held up from last meeting. No action was taken on this since the City Commission members desired to discuss with officials of the above engineering firm at meeting scheduled for 7:00 P.M. Thursday, May 8, 1969.

16. DW presented proposed contract with Southern Pacific Railroad for drainage in the vicinity of the Abney Street crossing to allow for sanitary sewer construction to drain the area in the vicinity of Polk Street. DW recommended approval of this contract which stipulated a check for $25.00 be mailed to the railroad. BMcN made motion that contract be approved by the City. ECW seconded the motion and a unanimous affirmative vote was recorded with the exception of DVS who abstained from voting due to conflict of interest.

17. DW stated that Clyde O. Moore of Herty Water Company had written letter requesting action at this meeting by City Commission on proposed franchise previously submitted for study by the City Commission.

At this point, CL asked for an executive session and all visitors left temporarily. The City Attorney briefed the City Commission on points of law relating to the proposed franchise. Mayor then called the executive session to a close and called the meeting back into regular session and all visitors returned.

Mr. Owens, Attorney for Herty Water Company, along with Mr. Bridges and Mr. Moore were advised by DW that the City Commission was in agreement to grant franchise for present operations for a period of 5 years beginning at the time of annexing this property and would be glad to discuss this matter with Mr. Owens as to details.

18. DW stated had checked into the sewer line from Angelina Junior College and had received letter from Engineer giving details on same which is quoted in part below:

"In regard to the college sewer line, I submit the following:

Installed: 2,800 feet of 10" line; from Angelina Junior College North on Hwy. 59 to Texas Power & Light Co. easement; then West across Texas Power & Light easement to Old Diboll Hwy. and site of proposed Lift Station.

To Be Installed:

1. Lift Station.

2. 1000 feet of 4" force main North on Old Diboll Highway.

3. Approximately 1000 feet of 10" North on Old Diboll Highway.

4. Approximately 3,600 feet of 10" North on Hwy. 59 to the Gulf Pipe Line; then West along Gulf 7 acre tract; then North along A. B. Youngblood and George Powell common property line to Loop 287 and then existing City sewer system."

DW stated would try to work out details on installing this additional line since it was an item that had to be handled by the City and would advise the City Commission at later meeting on the amount of money turned in on materials and supplies by the college on such line. DW further stated that apparently there had been some misunderstanding about this project and that it appeared to him there was no choice but to complete this line as soon as possible.

19. DW presented proposed figures from Honeywell Company, Shreveport, La. of $804.00 per year for maintaining and checking the contracts of the airconditioning system in the City Hall. No action was taken since the City Commission desired to study the proposal.

20. DW stated he would recommend that the City Commission either lease or sell the old City Hall Building at 210 E. Lufkin Avenue. It was the decision of the City Commission without motion that advertisement be run during next 90 days on the sale of this property rather than leasing.

21. DW stated that Mr. H. E. Lacey had requested that he be tied onto the Cunningham Sewer Line and that the cost figure for pipe and labor needed by the City Engineer for such tie-on was $7,500.00. DW stated before any action was taken by the City Commission he would like to check further and report back. However, City Commission stated that if DW could

settle with Cunningham on this line for approximately $1,800.00 the City Commission would be agreeable.

22. DW gave a detailed report on Herty Water Line that City constructed in 1963 from Herty Elementary School down McHale Street to Atkinson Drive thence to City line at Tall Timbers. He stated that citizens of Herty were originally obligated to a note at the Lufkin National Bank which was $8,900.00, but now approximately $5,500.00 on cost of this line. He stated this note was reduced by tie-on charges of $100.00. DW stated since annexing the Herty area to the City Limits, this line was now in the City Limits and these people were entitled to same services as other citizens in the City Limits of Lufkin. He recommended that the City assume this note obligation of approximately $5,500.00 and pay off same as customers tie onto this line in the future. He stated there had been three tie-ons since the annexation and recommended that $300.00 be paid by the City on this note immediately.

WOR made motion that DW's recommendation of taking over this note by the City and paying same out as stated above be approved by the City Commission. ECW seconded the motion and a unanimous affirmative vote was recorded.

23. DW called attention to ambulance operations and in compliance with auditors report was preparing to place the ambulance collections in another department other than the present employee now handling in order that the accounting department would have a copy of all ambulance records. DW also stated that some study should be given to the time when ambulance bills are turned over to the Credit Bureau for collection.

This matter was discussed in detail and CL made motion that ambulance bills not be turned over to the Credit Bureau until after 6 months period and then at the City Manager's discretion. DVS seconded the motion and a unanimous affirmative vote was recorded.

Discussion brought out that the operations of the ambulance system by the City should be discussed further in meeting set for next Tuesday, 7:00 P.M. at which time the subcommittee report to the City could also be discussed. BEA suggested that consideration be given to the use of college boys as operators for these ambulances. DW stated consideration also might be given to omitting an attendant on the third ambulance but these items could be discussed later.

24. DW stated that he was having a complete inventory made of City equipment that would be available to all concerned.

25. DW stated that LD had prepared a complete inventory of credit cards in use by the City as per instructions from the City Commission.

26. DW stated would like to employ Mr. Hayne Stokes as a member of the City Supervisory force who could be designated as Director of Public Works over Street, Garbage and Water and Sewer employees and would be able to conduct the work to a much better advantage than is now the case. He stated that he had checked on Mr. Stokes' record and found to be good in every respect. DW further stated that he had the authority as Acting City Manager to employ this man but desired concurrence by the City Commission.

The City Commission authorized without motion and vote DW to go ahead and employ Mr. Stokes but BEA in particular thought his eye condition should be called to the attention of the examining doctor.

27. DW stated that information had not been developed on signs for the City Hall as yet but LD was in the process of doing this. Mayor stated he would check with sign people who handled signs for Perry Brothers to see what development could be made through this channel.

28. DW stated had received copy of letter from Cedar Grove Sewer System to the Mayor regarding the request of the Cedar Grove Sewer System to tie onto City sewer line. This matter was discussed in some detail but no action was taken.

29. DW stated that the Sales Tax bill reducing the time to one year duration between elections was now in effect and suggested the City Commission members give consideration to calling another election on the sales tax. This item will be discussed at meeting next Tuesday evening, May 13, 1969.

30. DW called attention to several minor changes in contract for Sam Rayburn Water between the U. S. Government and the City of Lufkin and requested authority for Mayor to initial such minor changes in order that same could be mailed back to the Government for their approval.

BMcN made motion that Mayor be authorized to initial these changes and contract be mailed back to the U. S. Government. WOR seconded the motion and a unanimous affirmative vote was recorded.

31. DW called attention to the check that the Noons Lions Club had issued to the City in the amount of $1,000.00 for the Lions cage at the Zoo.

32. DW called attention to a revision in Civil Service rules for the Fire and Police Departments under Section 43, Item C to be amended to read as follows:

> "that no person can be hired with the relationship of Father, Son, Daughter, Husband Wife, Brother, Sister, Uncle, Aunt, Nephew, Nieces."

DW stated that the Civil Service Board approved this change in rules in meeting held April 22, 1969 but should have the concurrence of the City Commission. The City Commission without motion concurred with the above change.

33. DW stated was having condition of streets, street signs, lights, etc. checked by the Police Department and reported weekly which he felt would eliminate some complaints due to such conditions in the future.

34. DW presented uptodate list as of this date showing delinquent taxes owed the City. He desired each City Commissioner to look over and then return immediately to him as this was confidential information and that many of them would be paid as notices were being mailed.

35. CL inquired as to progress being made on sanitary land fill. DW stated he would have a recommendation to make on this item at next meeting.

36. DW was asked about an invoice in the amount of $1,600.00 covering an Addressograph machine which City Manager had authorized for payment in four installments of $400.00 each. Some discussion was had as to City Manager's authority in authorizing such payments and DW stated he would get copy of the invoice.

37. DVS asked if City Police could patrol Junior High School area during rush periods of traffic. DW stated that they could not be there each day but assistance was furnished as often as possible.

38. DVS called attention to Region 16 Texas Municipal League meeting scheduled to be held in City of Lufkin at the Angelina Hotel on May 15, 1969 and requested all to be present.

39. BEA suggested that members of Industrial Committee of Chamber of Commerce, members of the Poultry Plants and any other industrial leaders in the City of Lufkin be invited to attend the presentation of the preliminary report on Thursday evening by Henningson, Durham and Richardson, Consulting Engineers. BEA also suggested that Mr. Loyd Parrish be given an invitation.

40. BEA inquired as to what was being done with tearing down old unoccupied buildings throughout the City. DW stated was following through on this with Building Inspector.

41. BEA inquired as to whether the City Commission had authority to change Civil Service rules. DW stated the City Commission did not have such authority and it was solely the responsibility of the Civil Service Board but that City Commission should concur or overrule any changes recommended by the Civil Service Board.

42. BEA asked DW if he had any information on the police unit that was wrecked a day or two ago. DW stated he had the information and was in contact with the Chief of Police regarding this item.

43. BEA presented the following statement regarding the Deep East Texas Development Council:

"It is being represented that the City of Lufkin is a member of the Deep East Texas Development Council. I don't think the City of Lufkin should be a member of this organization and I believe that we should go on record that the City is not a member.

The City of Lufkin believes in cooperating with its neighboring governmental units and is doing so in several ways. We are now supporting an ambulance program in cooperation with the county, and we are working in cooperation with our neighboring cities.

Lufkin is a growing City where more and more job opportunities and payrolls are being created on a continuing basis. This has been made possible because the people of Lufkin have been careful to build the city's economy and its institutions and its program of public service on a sound and enduring basis.

City officials have a great responsibility to help sustain this steady growth.

It would be unwise for Lufkin to trade its proven pattern of progress for speculative experiments and for undue reliance upon outside agencies which may be more oriented toward political development than economic development."

BEA stated for these reasons, I move that the City of Lufkin go on record that it is not a member of the Deep East Texas Development Council. CL seconded the motion and a unanimous affirmative vote was recorded.

44. BMcN called attention to carnival that is now operating on baseball fields near the Rodeo Arena and stated this carnival was prohibiting the use of such fields for several days. Also that this organization should be requested to clean up area before they leave the grounds. DW will discuss with officials of the Junior Chamber of Commerce who are sponsoring this carnival.

45. EN stated that the City should give consideration to a clean-up day in Lufkin wherein the merchants and everyone could join in and would follow through on this item.

46. EN stated several applications have been received for the position of City Manager and a schedule of interviews should be set up as soon as possible to screen such applicants.

47. There being no further business for consideration, meeting was adjourned at 12:00 Midnight.

Mayor - City of Lufkin, Texas

ATTEST:

City Secretary - City of Lufkin, Texas