

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 16TH DAY OF JANUARY, 1979, AT 5:00 P.M.

On the 16th day of January, 1979, 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:

Pat Foley	Commissioner, Ward No. 2
Jack McMullen	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Richard Thompson	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Roger G. Johnson	Asst. City Manager
Robert L. Flournoy	City Attorney

being present, and

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

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

1. Meeting opened with prayer by Comm. Richard Thompson in absence of scheduled pastor.
2. Mayor Pro Tem E. C. Wareing welcomed visitors present.
3. Approval of Minutes

Comm. Jack McMullen made motion that minutes of regular meeting of January 2, 1979, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Angelina County Ministerial Alliance-Request to Prohibit Possession of Alcoholic Beverages in Civic Center-Request to Consider Same for Public Vote & Ordinance Denied

Mayor Pro Tem Wareing stated that discussion of request by ACMA to prohibit possession of alcoholic beverages in the Civic Center had been deferred from last regular meeting to provide further study and representatives from the ACMA were present at this meeting to consider same. Mayor Pro Tem Wareing stated that, to his knowledge, the City had no specific ordinance relating to the Civic Center and control of alcoholic beverages. Mayor Pro Tem Wareing stated that same was controlled by the Liquor Control Board of the State of Texas and the City had not in the past attempted to establish any authority for control of same. It was further stated by Mayor Pro Tem Wareing that in order for the use of possession of alcoholic beverages in the Civic Center to be discontinued, it would be necessary to consider a separate ordinance.

Comm. Richard Thompson made reference to a proposed ordinance prepared by City Attorney which would prohibit the use of alcoholic beverages at the Civic Center and read caption of same. Comm. Thompson then made motion that proposed ordinance be approved which would prohibit the use of alcoholic beverages at the Civic Center. Motion died for lack of second.

Mayor Pro Tem Wareing asked inasmuch as there were a number of individuals present regarding request by the ACMA, that each appoint a spokesman, if possible, to speak in representation of their particular opinion.

Comm. Richard Thompson stated that he had made his previous motion based on the fact that recent inquiry made by The Lufkin News was in support of discontinuance of the use of alcoholic beverages at the Lufkin Civic Center and a support of the majority of Angelina County who opposed the use of public buildings for private clubs.

Mayor Pro Tem Wareing then asked for a show of hands of individuals present appearing in support of the discontinued use of alcoholic beverages at the Lufkin Civic Center. Of the large group present, it appeared that more individuals were present in favor of discontinuance than in support of present policy.

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Mayor Pro Tem Wareing then recognized Rev. Bob Lewis representing ACMA request as previously presented. Rev. Lewis stated that he had personally been concerned as to the legality of the present use of the Civic Center for consumption of alcoholic beverages, and as a result, had contacted Mr. Jim Glover and Mr. Bob Phillips of the Alcoholic Beverages Commission in Austin, Texas. Rev. Lewis stated that Mr. Clyde Collins was present in representation of the Alcoholic Beverages Commission at his request to assist in clarifying questions involved. Rev. Lewis then asked Mr. Collins whether or not the present use of the Civic Center was in violation of the state law regarding control of alcoholic beverages. Mr. Collins stated that at any event where a charge was levied for a meal or any fee of a similar nature for admission, a violation existed regarding state law requirements. Rev. Lewis stated in his opinion, in accordance with information reported by Mr. Collins, violations of the State Liquor Control Law at the Civic Center had been experienced and were continuing to exist as a result of the present policy which allowed consumption on the premises.

Mayor Pro Tem Wareing stated that any complaint against an individual who had contracted for the use of the Lufkin Civic Center would have to be lodged against the individual involved by the Liquor Control Board inasmuch as the City did not control the use of alcoholic beverages. Mayor Pro Tem Wareing also stated, in his opinion, it would be presumptuous of the City Commission to attempt to interpret the state law in this regard inasmuch as the state had written the regulation for which individuals contracting the use of the Civic Center were to comply. Rev. Lewis stated, in his opinion from information furnished by the Alcoholic Beverages Commission, it appeared an individual could only bring in an amount of alcohol for his own personal consumption, otherwise bootlegging would be involved.

Mr. Collins also reported regarding the transmittal of alcoholic beverages from a wet to a dry county and informed members of Commission that same could be transmitted from a wet to a dry county, but not in excessive amounts. Comm. Ricks inquired as to the specific violation that would be involved on transfer of alcoholic beverages for a private party where liquor would not be sold. Mr. Collins stated that the interpretation of the law in this regard was quite vague. Mr. Collins stated that he was only present at this meeting at the request of Rev. Lewis and did not propose to take a side regarding a wet-dry issue for the City of Lufkin. Mr. Collins stated that the state law regarding control of alcoholic beverages seemed to be contradictory and vague. Comm. Ricks stated, in his opinion, as long as the Lufkin Civic Center was operated in accordance with the state law, there would not be any problem as had been the case with previous experiences at the Lufkin Civic Center.

Comm. Pat Foley stated that if Rev. Lewis was of the opinion the law had been violated in this regard, he should discuss same with the Liquor Control Board inasmuch as the City did not enforce this particular regulation.

Mayor Pro Tem Wareing then recognized Rev. Joseph Dufner, Pastor of the Crossroad Baptist Church. Rev. Dufner expressed his concern that the City Commission was not operating under the law and stated that it was not possible for one man to control this problem. Mayor Pro Tem Wareing stated that the City of Lufkin did not disallow the use of alcoholic beverages at the Lufkin Civic Center, but reminded individuals present that this Commission, in no way, supported any policy which was contrary to any state law. Mayor Pro Tem Wareing stated that any violations of law would be recognized by this Commission and given full support.

Mayor Pro Tem Wareing also recognized Mr. Joel Havard, a college student who expressed his disfavor with the decision of this Commission not to support either a referendum consideration for vote or immediate disallowance as proposed.

Mayor Pro Tem Wareing recognized Mr. Jerry Lumpkin who discussed his position regarding request by the ACMA. Mr. Lumpkin stated that members of Commission should support the public opinion regarding use of alcoholic beverages at the Civic Center at least by public vote. Mayor Pro Tem Wareing stated that this Commission had not violated any law and any violation of law in this regard should be reported to the Liquor Control Board.

Comm. Jack McMullen stated, in his opinion, discontinuance of the use of alcoholic beverages at the Civic Center would provoke a wet-dry election for Angelina County. Mayor Pro Tem Wareing inquired of Mr. Collins as to how the state enforced their liquor control regulations. Mr. Collins

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stated that the Liquor Control Board proposed to seek assistance from all enforcement agencies as was the case with the enforcement of the regulation at the Lufkin Civic Center.

Discussion developed with regard to alternatives members of the ACMA could seek inasmuch as request for prohibition had not been approved by the City Commission. Mayor Pro Tem Wareing stated that the ACMA could consider an initiative petition which would require 15 percent of the qualified registered voters within the corporate limits. Mayor Pro Tem Wareing also stated in his opinion it was unfortunate that this request had been submitted by the ACMA and same may provoke a wet-dry election as indicated by Comm. McMullen.

Comm. W. O. Ricks, Jr., inquired of Rev. Lewis if he opposed the City Commission operating the Civic Center in accordance with the state laws. Rev. Lewis stated that he did not oppose the Civic Center being used in accordance with state laws, and the citizens of Lufkin deserved a consideration of this question by public vote as to whether or not same should be allowed at the Civic Center. Rev. Lewis stated that he strongly supported a referendum to this effect.

Mayor Pro Tem Wareing then made reference to a confused issue which seemed to be before this Commission which involved the fact that the cat and dog leash law question had been considered by an opinion poll which was a volunteer project and not considered a binding election involving expense of public funds. Mayor Pro Tem Wareing stated that the "yes" or "no" question for prohibition of alcoholic beverages at the Civic Center could be considered on the next City Election Ballot the first Saturday in April providing certified petition was presented in the required time.

Mayor Pro Tem Wareing recognized a resident of Lufkin and the Hudson community who supported the present policy at the Lufkin Civic Center. Supporters of the present policy contended that the Civic Center may become a "white elephant" if current use was banned.

Comm. Richard Thompson then withdrew his previous motion inasmuch as same had not received a second and offered a new motion to consider the prohibition of alcoholic beverages at the Lufkin Civic Center on the next City Commission election ballot for vote by the public.

Prior to vote on motion, Mayor Pro Tem Wareing asked Comm. Thompson to clarify the exact wording of this question to be considered by the public. Comm. Thompson stated that he would clarify this point with the Legal Department prior to final wording of ballot. Motion by Comm. Thompson died for lack of second. Comm. Thompson stated that inasmuch as his efforts had failed, he would suggest individuals present in opposition to the present policy at the Lufkin Civic Center pursue the initiative process under the City Charter which required a 15 percent petition of the qualified voters of the City.

Mayor Pro Tem Wareing then recognized Mrs. Shirley Guy who expressed her opinion of the City Commission and the response which had been made at this meeting to the proposal submitted by the ACMA. Mrs. Guy stated, in her opinion, the City Commission should represent the majority opinion of the people and not consider their own personal wishes. Mayor Pro Tem Wareing expressed his personal opinion of the responsibility of a City Commissioner in this regard and informed Mrs. Guy that the majority of individuals to whom he had spoken regarding this subject personally preferred to continue the present policy at the Lufkin Civic Center as controlled by the state regulation. Mrs. Guy also referred to problems that would be experienced within the community if the current policy was continued.

Mayor Pro Tem Wareing then recognized Mr. Fred Douglas, a Civics teacher within the community who explained his problem in communicating the discussion held at this meeting with members of his Civics class. Mr. Douglas stated that he regretted to inform members of his class of the decisions made by this Commission. Mr. Douglas also stated it was very important that the news media correctly interpret the procedures of this meeting inasmuch as same appeared to be a moral obligation of the City Commission to correct the present problem, and the City Commission had denied the referendum process in this request.

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Mayor Pro Tem Wareing stated that the Charter provided adequate relief for individuals involved through the initiative process and he appreciated comments made by both sides of question presented. Mayor Pro Tem Wareing also made reference to problems of this type which must be considered by Commission that involved personal concern and emotional involvement. Mayor Pro Tem Wareing stated that this question could have been postponed until full council had been present, but a decision by this Commission had been made to prevent further delays.

5. Texas Dept. of Highways & Public Transportation-Portable Flashing Signs-Proposed Control Ordinance Disc.

Mayor Pro Tem Wareing stated that members of Commission had initially been furnished a request from Mr. J. L. Beard, District II Engineer of the Texas Dept. of Highways & Public Transportation, regarding City control of flashing signs on state and City highways and request had been postponed until this meeting due to request by Mr. Jack Gartner who was present. Mayor Pro Tem Wareing stated that various questions had been proposed at last regular meeting and reports were available from the City staff and representatives were present from the Texas Dept. of Highways & Public Transportation to assist in consideration of same.

Mayor Pro Tem Wareing then recognized Mr. Johnny Frank Medford and Mr. Lynn Hill of the Texas Dept. of Highways & Public Transportation. Mr. Medford briefly reviewed the areas to be considered for implementation of the program to be sponsored by the Texas Dept. of Highways & Public Transportation and outlined locations within the corporate limits. Mr. Medford also presented members of Commission a copy of regulation involving the control of outdoor advertising signs which would be implemented. Mr. Medford stated that his organization had proposed this question to the City Commission to explain what the Texas Dept. of Highways & Public Transportation would be enforcing in this regard and in no way proposed to present any requirement on the members of the Commission to follow with additional requirements. Mr. Medford stated that the Texas Dept. of Highways & Public Transportation would request, in certain circumstances where violations occurred, assistance from the City if same were within the corporate limits. Mr. Medford stated they were not asking that the City Commission regulate any particular requirement of this request. Mr. Medford stated that the control would involve areas in and around the loop within the corporate limits and same would be regulated by the state with the assistance of the City in certain circumstances if legal process was necessary.

Mayor Pro Tem Wareing then recognized Mr. Jack Gartner who was involved in the portable mobile sign business within the corporate limits. Mr. Gartner stated that he was in opposition to this control and the sale of portable signs was quite essential to small businessmen within the community. Mr. Gartner stated that he had discussed this problem with the Texas Dept. of Highways & Public Transportation and was familiar with the program as discussed by Mr. Medford. Mr. Gartner asked several questions regarding this control.

City Manager Westerholm reported that the City of Lufkin had not completely enforced local sign requirements and would, in the future, request compliance for all applicants under the Southern Standard Building Code.

Mayor Pro Tem Wareing recognized Mr. Ed Lemke who expressed his opposition only to the intensity of lights being used on the portable signs within the community and stated that same should be controlled.

Mayor Pro Tem Wareing again recognized Mr. Jack Gartner who stated that, in his opinion, he was fighting a losing battle due to the recent legislation approved under the Highway Beautification Act and in this regard would concede in the matter and do every thing possible to cooperate regarding the new requirements.

Members of Commission were of the unanimous opinion that no further action should be considered unless the Texas Dept. of Highways & Public Transportation required additional assistance inasmuch as the implementation of the Southern Standard Building Code requirements would appear to be presently adequate. No further action was considered by the Commission based on this report.

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6. EDA Grant-Resolution Approved Authorizing Filing of Application to Assist in Financing Water Improvements

City Manager Westerholm stated that a resolution had been prepared and furnished members of Commission for review which was necessary for approval by the Commission in order to apply for \$800,000 grant application for the City's Water Improvement Program. Mr. Westerholm stated that one of the requirements of the application would be proposed water rates to finance the City's share of this project and he had met with fiscal agent regarding same to determine annual debt requirements for financing the 1.4 million dollar revenue bonds on the overall project. Mr. Westerholm stated that from this information, he would construct an alternate water rates structure for consideration to consider additional revenue at a later meeting. Mr. Westerholm stated that Mr. Randy Blanks was present of the Deep East Texas Council of Governments who had assisted in preparation of this application.

Comm. W. O. Ricks, Jr., made motion to approve resolution authorizing submission of EDA grant as proposed. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Mayor Pro Tem Wareing expressed his thanks to Mr. Randy Blanks of the Deep East Texas Council of Governments regarding his assistance in preparation of this application for submission to the EDA.

7. Bids Awarded-Short Wave Radios, Economy Truck, Uniforms & Police Units

City Manager Westerholm reported that various bids had been submitted for purchase of short wave radios, uniforms and vehicles to be used by the City in various departments and made reference to the following bids for purchase of nine short-wave radios to be used by the Sanitation Department:

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Motorola	\$790 Per Unit - \$7,110 Total	14-16 Weeks
General Electric	\$700 Per Unit - \$6,300 Total	None Indicated

City Manager Westerholm recommended purchase on low bid from Motorola as being the best bid also having better technical specifications. Comm. W. O. Ricks, Jr., made motion that Motorola be awarded bid for the purchase of nine short-wave radios for use in the Sanitation Department in the amount of \$7,110. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Members of Commission then reviewed following bids for the purchase of an economy pickup for the Water Collection Department:

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Lufkin Motors, Inc.	\$5,145.00	5 Weeks
Angelina Chevrolet-Cadillac Co.	\$5,113.15	Approx. 45 Days
Greater Lufkin Ford Sales	\$4,835.00	2 Days

City Manager Westerholm reported that the low bid for the purchase of the economy sized pickup for the Water Collection Department was from Greater Lufkin Ford Sales in the amount of \$4,835.00. Comm. Pat Foley made motion that bid be awarded to Greater Lufkin Ford Sales in the amount of \$4,835.00 for the purchase of one economy sized pickup. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Members of Commission then reviewed following bids for the purchase of uniforms for the Public Works Department employees:

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Industrial Towel & Uniform Co.	\$36.57 Per Suit	30 Working Days
Factory Sales, Inc.	\$40.25 Per Suit	30-45 Days

City Manager Westerholm stated that Industrial Towel & Uniform Company had not met bid specifications as provided for double pockets and buttons and recommended purchase of uniforms from Factory Sales, Inc., meeting specifications. Comm. W. O. Ricks, Jr., made motion that Factory Sales, Inc., be awarded bid in amount of \$40.25 per uniform. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

Members of Commission then reviewed following bids for the purchase of eight police units for the Lufkin Police Department:

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<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Village Chrysler Dodge	\$43,971.87	None Indicated
Morrow Buick-Pontiac, Inc.	\$38,958.76	Approx. 60 Days
Greater Lufkin Ford Sales	No Bid	No Bid

City Manager Westerholm stated that low bid was from Morrow Buick-Pontiac, Inc., in the amount of \$38,958.76 which included seven trade vehicles. It was determined that \$41,500.00 had been budgeted for purchase of these vehicles. Comm. W. O. Ricks, Jr., made motion that Morrow Buick-Pontiac, Inc., be awarded bid in the amount of \$38,958.76 for the purchase of eight police units. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Bids Approved-Worm Bed Construction Materials-WPCP

City Manager Westerholm explained that bid tabulations had been furnished members of Commission for the purchase of various items for construction of worm bed buildings at the Water Pollution Control Plant. The following bid tabulations were reviewed:

CONSTRUCTION MATERIAL-WORM BEDS

	<u>Lufkin Inds.</u>	<u>Coburns</u>	<u>Big-State</u>
1200' 4" S&D PVC	\$ 348.00	\$ 696.00	\$ 756.00
48 4" T's (S&D PVC)	30.24	75.84	66.24
12 4" T w/threaded end (S&D-PVC)	20.88	36.12	58.80
12 4" Valve	2,316.00	1,800.00	840.00
24 4" Plug	-0-	19.44	17.76
12 4" T's (Schedule 40 PVC)	40.44	30.00	36.00
12 4" T w/threaded end (Sch. 40PVC)	64.56	54.00	89.88
6 4" L (Schedule 40 PVC)	7.14	10.56	12.72
1332' 4" Schedule 40 PVC	<u>1,518.48</u>	<u>1,531.80</u>	<u>1,545.12</u>
(* Low Bid	\$4,345.74	\$4,253.76	\$3,422.52 (*)

City Manager Westerholm stated that the above listed bids were tabulated and Big-State was the low bidder, but it appeared Lufkin Industries was low in all other categories with the exception of the 12 4" valves.

Mayor Pro Tem Wareing inquired as to whether or not these purchases could be made from more than one company and whether or not same could be approved subject to low bid meeting specifications.

Comm. W. O. Ricks, Jr., expressed his concern for purchase of a better grade of pipe for this use and Comm. Richard Thompson stated that, in his opinion, for a savings equal to 25 percent of the cost difference for a better grade of pipe, it appeared for this type construction the savings would be more beneficial to the City.

Comm. Pat Foley made motion to accept low bid on all categories of above stated tabulation with the exception of 12 4" valves from Lufkin Industries and the purchase of 12 4" valves be made from Big-State in the amount of \$840.00 providing same met specifications. Motion was seconded by Comm. Richard Thompson and the following vote was recorded:

Voting Aye: Comms. Pat Foley, Jack McMullen, E. C. Wareing & Richard Thompson

Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Pro Tem Wareing declared motion approved by a majority vote of four to one.

Members of Commission then reviewed bids for construction materials of the worm bed buildings:

<u>Steel:</u>	<u>AFCO Metals</u>	<u>Lufkin Industries</u>
9000' 1"x1: square tube (14 gauge wall)	\$2,120.00	\$3,106.00
400' 3/4" x 3/4" bar	168.68	209.20
1200' 2" x 2" x 1/4" angle	723.49	675.00
2160' 1" x 1" x 1/8" angle	387.07	341.29
60 ps. 4' x 10' sheet (16 gauge)	1,368.00	1,641.00
720' 3/4" x 1/8" flat	<u>67.85</u>	<u>76.00</u>
	\$5,325.09 (*)	\$6,048.48

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City Manager Westerholm stated that AFCO Metals was the low bidder for the purchase of this equipment in the amount as stated above and requested members of Commission only consider the purchase of the steel materials at the present time. Comm. Pat Foley made motion that AFCO Metals be awarded low bid in the amount of \$5,325.09 as recommended by City Manager Westerholm which did not include the purchase of plastics at the present time as recommended. Motion was seconded by Comm. Richard Thompson and a unanimous affirmative vote was recorded.

9. Copeland Street Bridge Construction-Report by City Manager

City Manager Westerholm stated that members of Commission had discussed condition of Copeland Street bridge at a previous meeting and report had been submitted by Griffith Engineers regarding present condition of bridge and recommendations for reconstruction of same. City Manager Westerholm stated that a copy of Mr. Jerry Clark's report from Griffith Engineers had been furnished for their review. City Manager Westerholm stated as a result of this report, it would be necessary to make adjustments to the street grade and raise the elevation of the bridge at this location which would involve construction of a new bridge.

Mayor Pro Tem Wareing then recognized Mr. Jerry Clark of Griffith Engineers who made reference to his report which recommended the construction of a new bridge and widening of same to a three-lane type structure.

City Manager Westerholm inquired of City Commission as to whether or not they would consider Griffith Engineers to propose the design of the new bridge at this location. Comm. W. O. Ricks, Jr., made motion that Griffith Engineers be selected to design the necessary construction plans for a 60-foot bridge with 3-foot lanes as discussed for submission of same to bids. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., inquired of City Manager Westerholm as to whether or not the City would have participation in the cost of this construction. City Manager Westerholm stated that Mr. Rufus Duncan had indicated in a previous discussion that he may possibly assist in this construction cost. Comm. W. O. Ricks, Jr., requested that City Manager Westerholm further discuss this with Mr. Duncan for future report to City Commission.

10. City Water Well Site-Authorization to Consider Purchase of Property

City Manager Westerholm stated that a proposed well site location for Water Well No. 11 had been located on the L. C. Billingsley property containing 1.8104 acres. Mr. Westerholm stated that property owners indicated a requested cost for the purchase of this property in the amount of \$5,000.00.

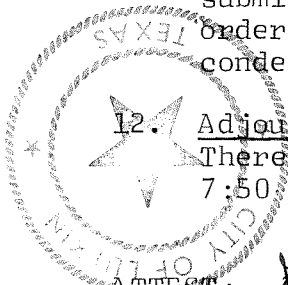
Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to negotiate this purchase in the amount of \$5,000 for Water Well Site No. 11 if option to purchase was approved. Motion was seconded by Comm. Jack McMullen and a unanimous affirmative vote was recorded.

11. Morris Frank Park-Change Order on Construction Project Approved

City Manager Westerholm reported that Griffith Engineer representatives were present in representation of a proposed change order extending the sprinkler system to the outfields for Morris Frank Park construction project. It was determined that this proposed change order had been reviewed by Mr. Bill Windsor and the proposal as submitted would save considerable maintenance costs if implemented. It was explained that the change order, if approved, would also add an additional \$3,625 to the overall cost of the project. City Manager Westerholm reported that increased sales tax revenues could offset this difference if members of Commission desired to approve change order as submitted. Following review of plans submitted by engineers, Comm. Richard Thompson made motion that change order in the amount of \$3,625 as submitted be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

12. Adjournment

There being no further business for consideration, meeting adjourned at 7:50 p.m.



ATTEST:

J. G. Johnson  
Assistant City Manager

E. C. Wareing  
MAYOR PRO TEM E. C. Wareing-City of Lufkin