

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4th DAY OF NOVEMBER, 1969, AT 7:30 PM

On the 4th day of November, 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:

Earl Nisbet	Mayor
Carl Liese	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
Byron McNeil	Commissioner, Ward No. 3
W. O. Ricks, Jr.	Commissioner at Large, Place A
Basil E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Lynn Durham	City Secretary
Robert L. Flournoy	City Attorney

being present, and

Edgar C. Wareing	Commissioner, Ward No. 4
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Dr. Stewart Clendenin, Pastor of First Methodist Church, Lufkin. Mayor thanked Dr. Clendenin for his participation in the meeting.
2. Mayor welcomed a large group of visitors in connection with items on the Agenda or as observers.
3. BEA made motion that minutes of regular meeting of October 21, 1969, and special meeting of October 28, 1969, be approved as written. BMcN seconded the motion and a unanimous affirmative vote was recorded.
4. RLF read caption of ordinance changing zone from R-1 District to R-1 District and Special Use covering property located Northeast of intersection of Diana Street and FM Road 58 and described by field notes and plat in application by C. D. Lowery, Sr.

DVS made motion that this ordinance changing zone be approved on second reading. WOR seconded the motion. Mayor inquired if any persons present to object to the change and there were none. The following vote was unanimous in the affirmative.

5. HW stated that C. W. Fenley, Jr., Attorney, did not have any additional information on Cedar Grove contract with City from Consulting Engineering firm and therefore was not present to discuss this item. CL suggested that Attorney not be placed on Agenda in the future until we were certain all concerned would be present.
6. Mayor opened and read the following bids per advertisement in the Lufkin News:

A. POLICE UNITS

Sewell Buick-Pontiac Co.	\$10,258.28 (Four Units with Trade-ins)
	<u>6,529.14</u> (Two Units)
Total	\$16,787.42
Gibbs Motor Company	\$ 9,988.00 (Four Units with Trade-ins)
	<u>6,394.84</u> (Two Units)
Total	\$16,382.84

Ralph New Motor Company	----

Total	\$16,176.72
Tipton-Billingsley Ford	\$ 9,408.12 (Four Units with Trade-ins)
	<u>6,104.06</u> (Two Units)
Total	\$15,512.18
Budgeted	\$11,800.00 (Four Units with Trade-ins)
	<u>6,876.00</u> (Two Units)
Total	\$18,676.00

DVS made motion that HW be authorized to purchase 6 cars instead of 4 after decision was made on bid. BMcN seconded the motion and the following vote was recorded.

Voting Aye: DVS and BMcN.

Voting Nay: EN, CL, WOR and BEA.

Mayor stated motion failed to carry by majority vote and it was the feeling of the majority of the City Commission that no decision be made on the number of purchases until after study was made of HW's recommendation.

B. RADIO UNITS

General Electric	\$1,385.00 Two Units
	<u>525.00</u> One Unit
Total	\$1,910.00
Motorola	---

Total	\$2,140.00
Budgeted	\$1,596.00 Two Units
	<u>600.00</u>
Total	\$2,196.00

HW will tabulate and study and make recommendation later.

C. ELLEN TROUT LAKE SPILLWAY

Vernon Jordan	\$11,890.00
Shull Construction Co., Inc.	\$10,800.00
Blanton Construction Co., Inc.	\$10,712.00 (Withdrew bid 11-6-69 at 10:30 A.M.)
Budgeted	\$12,000.00

City Manager will tabulate bids and make recommendation later.

D. METALLIC PARK SHELTER

L. Richardson & Sons, Inc.	22' x 10' x 42' (924 sq.ft.)	\$1,484.00
Lufkin Steel Fabricators, Inc.	24' x 10' x 40' (960 sq.ft.)	\$1,246.00
	21' x 10' x 44' (924 sq.ft.)	1,246.00
	24' x 10' x 48' (1152 sq.ft.)	1,559.00
Budgeted		\$3,247.00

E. BRUSH CHIPPER

Browning-Ferris	\$4,085.00 (6 cyl. motor)
	4,385.00 (8 cyl. motor)
Highway Equipment Company	\$3,877.00 (6 cyl. motor)
	4,527.00 (8 cyl. motor)
Budgeted (Chipper & Vacuum Leaf Machine)	\$5,000.00

F. LEAF VACUUM

E. W. Bliss Company	\$3,249.00
	673.45 (unmounted)
A. C. Childs	\$ 849.15 (mounted)

HW was instructed to make recommendations on the above bids at a later meeting.

7. RLF read ordinance changing zone from R-1 District to LB District covering property located in a southerly direction from City and being adjacent to Loop 287 Overpass (Old Diboll Highway), application by Perry Brothers, Inc., which was to be considered on first reading.

LD stated this zone change application was considered by the City Planning and Zoning Commission in public hearing held on October 9, 1969, and it was their recommendation that zone change be approved.

Mayor inquired if any persons present to object to the change and there were none. DVS made motion that Ordinance be passed on first reading. BMcN seconded the motion; however, before vote was taken, CL inquired as to whether **property** could be used only for the purpose of an office or apartment building as stated in minutes of City Planning and Zoning Commission recommending passage of zone change. Discussion brought out that property could not be limited but could be used for any item under LB District. The following vote was then recorded:

Voting Aye: DVS, BMcN and WOR.

Voting Nay: CL

Abstaining: EN and BEA (Vested Interest)

Mayor declared motion carried by majority vote. CL requested a clarification of Article III, Section II of Charter which stipulates that four members of the City Commission must be present and vote on a motion before it legally carries. RLF was instructed to check into this item and advise later.

8. RLF read ordinance for first reading annexing a strip of property 600 feet on each side of right-of-way shown as Tract I.

"TRACT I. A strip 600' on each side of the right-of-way of U.S. Highway No. 69 East, extending for a distance of 4,370 feet from existing City Limits, and"

WOR made motion ordinance be passed on first reading covering annexation of Tract I as stated above. BEA seconded the motion. Before vote was taken, CL stated that he thought the proposed annexation of this property was discriminatory in nature because tracts of similar nature had not been taken into the City Limits on previous action although he voted on annexing seven parcels at that time.

DVS inquired about sewer and water contracts and he was advised by HW on possibility of furnishing sewer to the area and also that the water contracts were now 10 years old and the City would become owner without any cost if the property was annexed to the City.

William D. Perkins, Attorney who was present, stated he represented several clients in the area and objected to the change as stated at the public hearing. Mayor called for a vote on the first reading of Ordinance with the following vote.

Voting Aye: DVS, WOR and BEA.

Voting Nay: EN, CL and BMcN.

Mayor declared first reading failed due to a tie vote.

RLF read ordinance for first reading covering annexation of Tract 2 consisting of --

"TRACT 2: A tract of land lying East of the existing City Limits between U.S. Highway 69 East and the existing City Limits line South of Paul Avenue and extending to East right-of-way of the proposed extension of Loop 287."

WOR made motion that this Ordinance covering the annexation of Tract 2 be passed on first reading. No second was given to the motion and no action was taken on the Ordinance and Mayor declared first reading failed to pass.

9. RLF read ordinance in its entirety setting date for referendum election on whether or not Housing Authority for the City of Lufkin shall function. WOR made motion that the Ordinance calling for the election be approved with the date of December 9, 1969, being set for such referendum. BEA seconded the motion. Before vote was taken, BMcN made motion that City Commission rescind any action on referendum election and proceed with all haste to accomplish sewer improvement project which is now being worked out by our Consulting Engineers, as he felt a referendum election at this time might have an adverse affect later on an election which may be called for a Bond Issue on the Sewer Improvement Program. DVS seconded the motion.

Since this motion was not an amendment to the motion of WOR, no vote was taken thereon. DVS then made motion that motion of WOR to call a referendum election on December 9, 1969, be tabled. BMcN seconded the motion and the following vote was recorded.

Voting Aye: EN, DVS, and BMcN.

Voting Nay: CL, WOR and BEA.

Mayor stated that since the vote was a tie, the motion automatically failed. Vote was then taken on motion for calling a referendum election on December 9, 1969, that was made by WOR and seconded by BEA with the vote as follows:

Voting Aye: CL, BEA and WOR.

Voting Nay: EN, DVS and BMcN.

Mayor declared motion failed since the vote was a tie.

DVS made motion that the motion he made in regular meeting of October 21, 1969, wherein the Mayor was instructed to appoint a Housing Authority based on a representative cross-section of the

citizenry of Lufkin be amended to read the Mayor to appoint a committee to consist of the same type of members but known as an Advisory Committee. BMcN seconded the motion and the following vote was recorded.

Voting Aye: EN, DVS and BMcN.

Voting Nay: CL, WOR and BEA.

Mayor declared the motion failed due to the above tie vote.

10. RLF stated that Mr. William Sheehy, Attorney, had contacted him and advised that a client who owned some property on North Timberland Drive and Hoskins, a portion of which belonged to City (being approximately 4' x 123') and that this client needed this additional area since opening of a business was contemplated at this location in the near future.

After some discussion, it was the decision that the City should not sell the property but give an easement to the property owner. BEA made motion that easement be granted covering egress and ingress across the property. DVS seconded the motion and a unanimous affirmative vote was recorded.

11. RLF stated that several weeks ago he passed out copy of proposed ordinance amending present Zoning Ordinance on apartment parking spaces under the Apartment District in the Zoning Ordinance.

CL made motion that proper legal notice be placed in the news paper calling public attention to this proposed hearing on this amendment which will be held by the City Commission at a later meeting. BEA seconded the motion, however, EN and DVS stated that since the proposed ordinance covered dwellings rather than apartment units only, as originally suggested, were opposed to such change. The following vote was recorded.

Voting Aye: CL, BEA, BMcN and WOR.

Voting Nay: EN and DVS.

Mayor declared motion carried by majority vote.

12. RLF stated had checked into the closing of Kelly Alley with several property owners and stated that in his opinion there was a prescriptive easement for such alley and that same could not be closed.
13. WOR inquired if any one ties onto private water lines on Highway 69 East which was up for consideration for annexation recently still had to pay owners of the line a fee to get on such water line. RLF stated would have to comply with the contract which stipulated this action.
14. HW presented an estimate of cost for the sewer problem at Herty Elementary School on Paul Avenue in the amount of \$10,826.95 and stated that a line and lift station would only serve Herty School and would have to be abandoned if and when the overall sewer improvement program was put into effect in the area.

WOR made motion that City proceed with the work on the sewer situation in Herty School as proposed by HW. BMcN seconded the motion and a unanimous affirmative vote was recorded.

15. HW reported had proceeded with installing original type lights in the Fire Stations Nos. 4 and 5 instead of recommendation in Change Order that was presented at last meeting.

16. HW called attention to traffic problem at Lufkin High School where cars enter Denman Avenue from parking lots creating a traffic hazard and stated a blinking light showing speed zones at certain times of the day could be installed at a total price of \$950.00. HW was instructed to check with officials of the High School and Highway Department and report back at later meeting on recommendation.
17. HW stated had no report to make on proposed sewer contract with Mr. L. F. McKinney to cover his Briar Meadow Addition since Mr. McKinney was not ready as yet to make a final request for such contract.
18. HW gave a report on comparative costs for ambulance services operating from the old City Hall as compared to present operations and stated his findings developed that to set up an ambulance department at the old city hall would cost \$111,169.34 as compared to present cost of \$98,566.91. No action was taken by the City Commission on this matter.
19. HW stated had developed cost of signalizing the intersection of U.S.59 South and Loop 287 which was estimated to be \$5,573.00. No action was taken other than CL stated that in his opinion this intersection would have to be signalized in the future and requested HW to research the Budget and see if an expenditure could be made for such signal lights.
20. HW stated that members of the Firemen's Relief and Pension Fund Board have made a request that City Commission approve City paying for an actuarial study of the present firemen pension fund at a cost of approximately \$750.00 to ascertain if additional retirement benefits might be available. It was the decision of the City Commission without motion that the City not pay for this expense and that same be paid for out of firemens pension plan.
21. HW requested authority to advertise for bids on the following items now covered in the Budget.
 - a. Two rear end loader garbage collection units and with chassis for same.
 - b. One front end loader for Street Department.
 - c. One self-propelled pneumatic roller for Street Department.

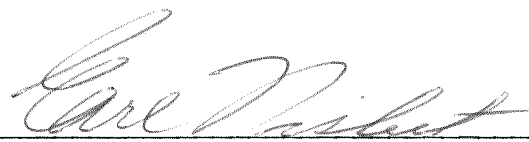
CL made motion that HW be authorized to advertise for bids as requested on the above equipment. WOR seconded the motion and a unanimous affirmative vote was recorded.

22. HW presented final estimate from Shull Construction Co. covering sewer line installations to Slack Elementary School in the amount of \$7,924.73 and stated same had been approved for payment by the Public Works Director and Sewer Superintendent and requested authorization to pay this bill after funds had been received from Lufkin Independent School District.

WOR stated that there were several driveways in the area that had sunk in and made motion that payment be withheld until all driveways had been placed in proper repair. BEA seconded the motion and a unanimous affirmative vote was recorded.

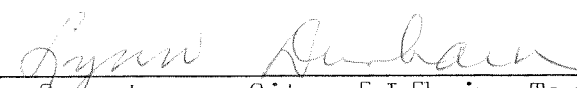
23. HW stated that he had made a survey of street lamps and recommended that present incandescent lights be replaced by 75 watt mercury vapor lights as the former become unusable with a cost amounting to \$300.00 to \$400.00 per year. HW was instructed by the City Commission to proceed as requested.

24. HW stated that the Janitor Service for the City Hall and Jail had been discontinued and our present janitor with additional equipment was handling this work.
25. HW gave a report on street improvements from October 21, 1969 covering resurfacing, oiling and other general information pertaining thereto.
26. CL inquired as to whether Trout Street was on the schedule for repairs and he was advised that it was.
27. HW stated that American Legion Representative had requested free parking to sell poppies in commemoration of Veterans Day. HW was instructed to handle.
28. BEA stated he had not had an opportunity to meet with committee to study the bids on group life and hospitalization insurance for the City of Lufkin and that such meeting would be held shortly. However, from his personal observation, he thought the present carrier would be low.
29. BEA called attention to a washed out place on Turtle Creek Drive on the East side of Loop 287. HW stated this item would be handled.
30. CL requested HW to check Performance Bond covering Angelina Street repairs to see if same had expired.
31. CL inquired of HW if local telephone company had presented information requested on proposed rate increase. HW stated information had been furnished but was not exactly what the City had requested and that additional information had been requested.
32. CL asked the City Commission to consider changing schedule for closing Agenda from Thursday to Wednesday and HW to write the City Commission a letter explaining in detail items in order that there would be more familiarity with same before meeting was held. No action was taken by the City Commission.
33. CL stated that in his opinion the Auditors who are now working on the City records should check for improvements in our accounting system and up-date same since it was hard to determine exactly what our present financial reports reflect since the methods of accounting seem to be antiquated. HW will discuss with auditors.
34. There being no further business for consideration, meeting was adjourned at 11:00 P.M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas