

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE 18TH DAY OF AUGUST, 1970, AT 7:30 PM

On the 18th day of August, 1970, 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:

J. T. Hopson	Commissioner, Ward No. 2
Kenneth R. Crain	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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Lynn Durham	City Secretary

being present, and

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1

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

1. Meeting opened with prayer by Rev. John Caskey, Pastor of St. Cyprian's Episcopal Church, Lufkin, Texas, who was thanked by Mayor Pro Tem, Basil E. Atkinson, Jr., M.D., for his participation.
2. In absence of Mayor Pitser H. Garrison, Mayor Pro Tem, B. E. Atkinson, Jr., M.D., welcomed a number of visitors who were present as observers or in connection with items on the agenda. He also called to the attention of the City Commission members that it would take four (4) affirmative votes to pass any item requiring a vote of approval.
3. Approval of Minutes
 - (a) Comm. W. O. Ricks, Jr., made motion that minutes of public hearing on annexation of property east of City Limits between U. S. Highway 69 (east) and U. S. Highway 59 (north) on extension of Loop 287, covering Tracts No. 1 and No. 2, held on August 4, 1970, be approved as written. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.
 - (b) Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of August 4, 1970, be approved as written. Motion seconded by Comm. Edgar C. Wareing and a unanimous affirmative vote was recorded.
4. Annexation of Property Between U.S. Highway 69 (east) and U.S. Highway 59 (north) on Extension of Loop 287
 - (a) City Attorney, Robert L. Flournoy, read caption of ordinance for second and final reading covering annexation of property shown as Tract No. 1 and lying North and Northwest of State Highway 103 and East of existing City Limits between U. S. Highway 69 (east) and U. S. Highway 59 (north) on extension of Loop 287 and extending 300 feet east of east Right-of-Way of said extension. Comm. W. O. Ricks, Jr., made motion that ordinance covering Tract No. 1 described above be passed on second and final reading. Motion seconded by Comm. Edgar C. Wareing. Before vote was taken, Mayor Pro Tem B. E. Atkinson, Jr., M.D., inquired if any persons were present to object to this annexation. Mrs. Minnie Morgan, who was present, stated she was against the annexation of this property as she did not think the City of Lufkin could afford to give the necessary services that the citizens were entitled to and requested special consideration be given when undeveloped land in this area was being considered by the City for tax assessment. City Manager, Harvey Westerholm, stated that undeveloped land in the area would have to be assessed for tax purposes by the City of Lufkin in accordance with state statutes governing values, and Tax Department would be so instructed when assessments were made. The vote on the above motion and second was unanimous in the affirmative.

(b) City Attorney, Robert L. Flournoy, read caption of ordinance for second and final reading covering annexation of Tract No. 2 lying South of State Highway 103 and East of existing City Limits between U. S. Highway 69 (east) and U. S. Highway 59 (north) on extension of Loop 287 and extending 300 feet east of east Right-of-Way of said extension. Comm. W. O. Ricks, Jr., made motion that ordinance covering Tract No. 2 described above be passed on second and final reading. Comm. Edgar C. Wareing seconded the motion and a unanimous affirmative vote was recorded. No persons were present to object to passage of ordinance.

5. Proposed Rate Increase for United Gas Co., Inc.

City Attorney, Robert L. Flournoy, read caption of ordinance for second and final reading granting rate increase to United Gas Co., Inc. Some discussion developed and Comm. W. O. Ricks, Jr., suggested that no action be taken on this item as well as the items of second reading of ordinance on increasing water rates and first reading of ordinance setting new sewer rates in the City of Lufkin, due to the fact that Mayor Garrison and City Comm. Roy L. Leamon, M.D., were absent. Comm. Kenneth R. Crain objected to this suggestion and stated he thought the City Commission should take action on the second reading of ordinance granting rate increase to United Gas Co., Inc. Comm. Kenneth R. Crain made motion that ordinance granting rate increase to United Gas Co., Inc., not be passed on second and final reading. Comm. J. T. Hopson seconded the motion and the following vote was recorded:

Voting Aye - Kenneth R. Crain and J. T. Hopson

Voting Nay - B. E. Atkinson, Jr., M.D., W. O. Ricks, Jr., and Edgar C. Wareing

Mayor Pro Tem, B. E. Atkinson, Jr., M.D., stated that motion failed to carry due to not receiving four (4) affirmative votes. City Attorney, Robert L. Flournoy, stated he would check out legal aspects as to whether ordinance would be on the agenda for first or second reading at next regular meeting and also regarding the time limit involved since United Gas Co., Inc., filed their formal request for rate increase.

6. Proposed Water & Sewer Rate Increases

City Manager, Harvey Westerholm, passed out data showing present water rates, proposed water rates as included in ordinance passed on first reading at previous meeting and alternate rates for consideration by the City Commission. Considerable discussion developed and Comm. W. O. Ricks, Jr., stated he would be in favor of reducing the beginning rates for water users but still felt the entire City Commission membership should be present when final action was taken. Other City Commission members were in agreement and Comm. Kenneth R. Crain made motion that no action be taken on ordinances covering increases in water and sewer rates in the City of Lufkin until next regular meeting. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

7. Zoning Board of Adjustment Membership

Discussion was had on the present membership of the Zoning Board of Adjustment. Comm. Edgar C. Wareing suggested that each City Commission member be thinking of persons whom they would like to have appointed to this Board. Comm. Kenneth R. Crain thought the Board should be increased to seven (7) members or five (5) members with two (2) alternates. Comm. Edgar C. Wareing made motion that City Attorney be instructed to prepare an amendment to present Zoning Ordinance to provide for five members and two alternate members to the Zoning Board of Adjustment and providing for staggered terms for the members and providing that, failure to vote on any item for other than personal interest, be considered a positive vote. Comm. Kenneth R. Crain seconded the motion. Further discussion developed

and no vote was taken on the above motion. However, City Attorney was instructed by Mayor Pro Tem, B. E. Atkinson, Jr., M.D., and concurred in by the members of the City Commission, to prepare the above amendment to the Zoning Ordinance and furnish copy to each City Commission member for study before next regular meeting.

8. Holes in Street Next to Curb On Lufkin Avenue

Comm. Kenneth R. Crain called attention to a number of holes in street next to curb on Lufkin Avenue, between First and Second Streets, where parallel parking is allowed. City Manager, Harvey Westerholm, will schedule item for handling.

9. Paving - Reen & Roseneath Streets

Comm. W. O. Ricks, Jr., stated there were visitors present in connection with above paving project and requested they be heard in connection therewith. Messrs. Billy Mack Anderson and Bill Temple were present and Mayor Pro Tem, B. E. Atkinson, Jr., M.D., invited them to express their views. Mr. Anderson, acting as spokesman, stated they were concerned with paving of Reen Street, particularly with regard to elevation of curbs. He stated he thought the street should be lowered, which would bring the curb line down consistent with elevation of their property. He also called attention to the fact that water lines were laid under the new paving instead of being laid between street and property line as they thought would be the case. Hayne Stokes, Public Works Director, gave a complete background on the above project from its inception until contract was signed with Moore Brothers Const. Co. covering the paving work and to deviate from the present contract would cost additional money and would also open up areas for complaints by other citizens living on the street. Comm. W. O. Ricks, Jr., asked if paving work was being done in accordance with plans and specifications set out in contract, and Mr. Stokes stated it was. City Manager, Harvey Westerholm, stated that every effort would be made to satisfy Mr. Anderson and Mr. Temple but stated did not think City could deviate from the contract since the job had been laid out by Professional Engineers and bids advertised and accepted accordingly.

10. Adjournment

There being no further business for consideration, meeting was adjourned at 9:05 P. M.

Basil E. Atkinson, Jr., M.D.

Mayor Pro Tem, City of Lufkin, Texas

ATTEST:

Lynn L. Burham

City Secretary, City of Lufkin, Texas