

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF APRIL, 1971, AT 7:30 P. M.

On the 6th day of April, 1971, 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
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
B. 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

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. Quinton Payne, Pastor of First Presbyterian Church, Lufkin, Texas, who was thanked by the Mayor for his participation and was invited to remain for the entire meeting or to leave as he so desired.

2. Mayor Garrison welcomed a group of visitors and expressed the usual appreciation for their presence and interest in matters concerning the City's business. He particularly welcomed Mrs. Vernon (Pat) Berry and Mesdames R. L. (Genie) Flournoy, Beverly Kent, Sherry Roper, Janelle Crum, Jerry Price, Carla Elliott, Linda Coward, Patsy Head and Terry Shaw, members of Lufkin Service League, who were in attendance as observers, which is a project of their organization.

3. Approval of Minutes

Comm. Kenneth R. Crain made motion that minutes of regular meeting of March 16, 1971, be approved as written. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

4. Leash Law

City Attorney Flournoy stated that, per instructions from the City Commission at last meeting, present ordinance covering control of dogs had been amended by inclusion of Owner Responsibility Clause. At this point, Mayor Garrison stated that the City was trying to prepare and pass an ordinance that would control the dogs and which would be acceptable to the citizens. He opened the meeting for comments from visitors and there were several in attendance who spoke in favor of a Leash Law to completely control dogs within the City Limits. Mrs. Douglas C. McClary, along with Mr. & Mrs. F. E. Wilkins, Mrs. Edna L. Restivo, Mrs. K. L. Winterfield, and several others, spoke in favor of a dog leash law and urged the City Commission approval, each one citing instances of damage done by stray dogs. Mayor Garrison then closed the discussion from the floor and the ordinance was then discussed in considerable detail by the City Commission. City Attorney Flournoy stated the ordinance, as amended, was a Dog Leash Law that would control the dogs in the City Limits. City Attorney Flournoy then read caption of proposed leash ordinance and Comm. E. C. Wareing made motion that same be passed on first reading with correction in wording being made in Section 4 (a) to read "Fail to prevent any animal from running at large or causing damage or creating a nuisance to other individuals within the corporate limits of the City." Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Comm. E. C. Wareing also made motion that City Manager Westerholm be authorized to take such necessary steps to acquaint the public with provisions of this ordinance. Motion seconded by Comm. Kenneth R. Crain and a unanimous affirmative vote was recorded.

5. Electrical Code

City Attorney Flournoy read caption of ordinance for second reading adopting the proposed new Electrical Code. Comm. B. E. Atkinson, Jr., M.D., stated that according to his interpretation, this ordinance should cover only Commercial Electricians and not Industrial Electricians but did not see where this was clarified in the proposed ordinance. Considerable discussion developed regarding proper wording to use in the proposed ordinance to be certain that it covers only Commercial Electricians with study being given later to an ordinance covering Industrial Electricians. City Attorney Flournoy marked up proper wording in ordinance to bring out the point proposed by Comm. B. E. Atkinson, Jr., M.D. Comm. Kenneth R. Crain made motion that ordinance adopting the proposed new Electrical Code be passed on second reading as amended. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

6. Annexation of Property - Ordinance

City Attorney Flournoy read caption of ordinance for second reading annexing area shown as Tract #1 and Tract #2 on Loop 287 between U. S. Highway 59 North and Kurth Drive which covers 300 feet from R.O.W. line of Loop 287. Comm. Kenneth R. Crain made motion that ordinance be passed on second reading. Motion seconded by Comm. J. T. Hopson. Before vote was taken, Comm. E. C. Wareing stated he did not agree with this change in R.O.W. to 300 feet instead of 600 feet since in his opinion the City needed the extra area for control purposes. Mayor Garrison advised Comm. E. C. Wareing that this was taken into consideration at last meeting when R.O.W. distance was changed to 300 feet. The following vote was as follows:

Voting Aye: Mayor Garrison, Comms. B. E. Atkinson, Jr., M.D., J. T. Hopson, Kenneth R. Crain and W. O. Ricks, Jr.

Voting Nay: Comm. E. C. Wareing

Mayor declared motion carried by a vote of 5 to 1.

7. Election Returns

Mayor Garrison read results of election held this date for City Commissioner Ward #2 and City Commissioner at Large, Place A as follows, out of 2,339 votes cast:

<u>Commissioner, Ward No. 2</u>	
J. T. Hopson	1,036
W. M. Welch	270
James E. Walsh	760
<u>Commissioner at Large, Place A</u>	
J. H. Knight, Sr.	185
W. O. Ricks, Jr.	996
Inez Tims	1,094

Comm. Kenneth R. Crain made motion that the above election results be made official and that Comm. J. T. Hopson be declared winner as Commissioner Ward #2 for the three-year period beginning 4-6-71. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded. Mayor Garrison stated that since other candidate did not receive a clear majority in the Commissioner at Large, Place A race, that it would be necessary to set a date for Special Run-Off Election between Comm. W. O. Ricks, Jr., and Inez Tims. City Attorney Flournoy stated election date must be set not more that 20 days nor less than 10 days from this date. Comm. Kenneth R. Crain made motion that date for Special Run-Off Election for City Commissioner at Large, Place a be held on Tuesday, April 20, 1971, at the Baptist Church Annex, 202 Bremond, between the hours of 8:00 A. M. and that Claud Cook be named Judge and Falcor Perry,

Assistant Judge, and that Ordinance be passed accordingly. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Increase in Base Salary for Policemen

Mayor Garrison read results of Special Election held this date on proposed base salary increase for Policemen to \$600 per month as follows, out of a total of 2,334 votes cast:

For Base Salary Increase	882
Against Base Salary Increase	1,360

Comm. E. C. Wareing made motion that the above results be declared as official which showed the proposed increase failed to carry. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Increase in Base Salary for Firemen

Mayor Garrison read results of Special Election held this date on proposed base salary increase for Firemen to \$600 per month as follows, out of a total of 2,330 votes cast:

For Base Salary Increase	752
Against Base Salary Increase	1,444

Comm. B. E. Atkinson, Jr., M.D., made motion that the above results be declared as official which showed the proposed increase failed to carry. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

At this point, Comm. J. T. Hopson expressed his appreciation for the trust the citizens have placed in him by re-electing him to the position of Commissioner of Ward #2 and he would continue to do his best for the City of Lufkin. Mayor Garrison then proceeded to give the oath of office to Comm. J. T. Hopson covering new three-year term.

8. Quit-Claim Deed - Watford Avenue Property

Mr. Curtis W. Fenley, Attorney, appeared before the City Commission to request consideration of the City Commission to close Watford Avenue between Blocks 13 and 14 of the Singleton, Watford, McConnico, and Townsend Addition to the City of Lufkin, which had been considered previously by the City Planning and Zoning Commission in regular meeting of March 11, 1971, and recommended that request be granted. Comm. W. O. Ricks, Jr., made motion that request be granted and City issue quit-claim deed on the above mentioned property as recommended by the City Planning and Zoning Commission. Motion seconded by Comm. Kenneth R. Crain and a unanimous affirmative vote was recorded. City Attorney Flournoy stated that this action was covered by Resolution which he read to the City Commission. Comm. Kenneth R. Crain made motion that Resolution authorizing the issuance of above quit-claim deed be approved. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

9. Paving Standards

City Attorney Flournoy read caption of ordinance which amends present ordinances on street widths, paving specifications, curb & gutter construction as well as drive-way construction as recommended previously by the City Planning and Zoning Commission and reworded by City Attorney Flournoy. Some discussion developed on this ordinance and Mr. R. H. Duncan, Developer, was present and requested information on portion covering drive-way entrances. City Manager Westerholm was instructed to contact City Planning and Zoning Commission at next meeting regarding this portion of the ordinance and their reasons for recommending same. Comm. Kenneth R. Crain made motion that ordinance be passed on first reading. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

10. Zoning Ordinance Board of Adjustment - Membership

City Manager Westerholm asked the City Commission members to consider appointment of Alternate to the Zoning Ordinance Board of Adjustment in place of Mr. Alex Hall who recently moved from the City, which could be handled by next regular meeting.

11. Approval of Est. #5-Moore Bros. Const. Co.-Covering City Improvements

City Manager Westerholm requested authority to pay Est. #5 of Moore Bros. Const. Co. covering street paving work in the amount of \$13,667.81 plus 10% retainer of \$6,856.74, making a total of \$20,524.55. Comm. W. O. Ricks, Jr., made motion that authority be granted to pay the above Estimate plus retainer. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

12. Request for Water Service on Homer-Alto Road by R. H. Duncan

City Manager Westerholm requested decision on previous request of Mr. R. H. Duncan for permission to extend the City of Lufkin Water Line on the Homer-Alto Road to his proposed sub-division that is over one mile from the Lufkin City Limits, at his own expense. After some discussion, Comm. B. E. Atkinson, Jr., M.D., made motion that request of Mr. Duncan be denied. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

13. Retirement of City Employees

City Manager Westerholm requested City Commission consideration of changing policy of retiring employees to allow them to work to the end of the calendar year in which they retire rather than the end of the fiscal year and recommended City Commission approval of this change. Comm. W. O. Ricks, Jr., made motion that this change in City retirement policy be authorized. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

14. Vumore Operations

A short discussion was had by the City Commission on the progress being made by Vumore Company in up-grading their facilities in the City of Lufkin, and it was generally agreed by the City Commission that the scheduled progress was being made.

15. Railroad Crossings Within the City

Comm. Kenneth R. Crain called attention to the bad condition of railroad crossings within the City. Discussion brought out that the City has an ordinance covering railroad crossings within the City and City Manager Westerholm was instructed to check ordinance and call the condition of crossings to the attention of railroad companies involved.

16. Parking Area at Location Where Old Buildings Recently Demolished

Comm. B. E. Atkinson, Jr., M.D., called attention to parking in the area in which old buildings were recently demolished on Calder Square and thought some control should be had on parking in this area as was now being used free by the general public. Several methods of charge for parking was discussed and City Manager Westerholm was instructed to have recommendation on this item at next meeting.

17. Proposed Sewer Treatment Plant Site

Mayor Garrison reported that the Circuit Court of Appeals in New Orleans had ruled in favor of the City by staying the injunction previously issued by the Federal District Court in Tyler, and that we should now be able to proceed with our program. However, this would be discussed in executive meeting later.

18. New Parks Director

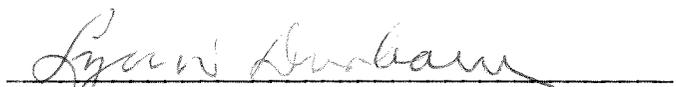
At this point, Mr. Max S. Griffin, Director of Parks and Recreation, was introduced to the City Commission and was officially welcomed by Mayor Garrison who stated the City was looking forward to his work.

19. Adjournment

Meeting was adjourned at 10:30 P. M. and the City Commission then went into an Executive Session for approximately 30 minutes.

  
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Mayor - City of Lufkin, Texas

ATTEST:

  
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City Secretary - City of Lufkin, Texas