

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF DECEMBER, 1974, AT 7:30 PM

On the 3rd day of December, 1974, 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:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

Pat Foley Commissioner, Ward No. 2

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

1. Meeting opened with prayer by Rev. Don Meador, Pastor of St. Paul Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in regard to items on the agenda or as observers.
3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes of regular meeting of November 19, 1974, be approved. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

4. Open Hearings-Annexation & Permanent Zoning of Property Located West of U. S. Highway 69 North and Property North and South of U. S. Highway 69 East

(a) Property Located West of U. S. Highway 69 North - Mayor Garrison opened hearing on the annexation and permanent zoning of property located West of U. S. Highway 69 North as requested by Joe C. Benton containing 5.91 acres. Mayor Garrison stated that the City Planning and Zoning Commission was represented by Mr. Raymond Moore, a member of this Commission, who was present.

Mr. Moore stated that the City Planning and Zoning Commission had unanimously recommended annexation and permanent zoning of this property as requested by Mr. Joe C. Benton of the East Texas Service Corporation. It was further determined that providing annexation was finally approved, permanent zoning would also be approved for an MH District to allow for the future construction of a mobile home park.

There were no persons present appearing for or in opposition to this annexation and permanent zoning and Mayor Garrison declared hearing closed.

(b) Property Located North & South of U. S. Highway 69 East - Mayor Garrison opened hearing on annexation and permanent zoning of property located North and South of U. S. Highway 69 East previously annexed by Ordinances 1479 and 1551. Mayor Garrison stated that the City of Lufkin had re-advertised hearing notices for this property based on a recent decision by the Supreme Court that proper advertisements were not initially made prior to previous annexations.

There were several citizens present from the City of Fuller Springs to include Fuller Springs Aldermen appearing in opposition to this proposed annexation and permanent zoning. These individuals objected to this annexation and permanent zoning stating that it did not provide an adequate distance between the existing Fuller Springs City Limit line and the City of Lufkin.

There were no persons present appearing in opposition to this annexation and permanent zoning who were residents of the City of Lufkin or who lived within the area being considered for annexation and permanent zoning. City Attorney Flournoy explained that this hearing was for citizens who lived within the City of Lufkin or within area being considered for annexation and permanent zoning and any question regarding the legality of this action as proposed by citizens in Fuller Springs area could not be determined by the City Commission.

Mayor Garrison then declared hearing formally closed.

Mayor Garrison stated that annexation and permanent zoning of these properties as described above on U. S. Highway 69 North and U. S. Highway 69 East would be considered for first reading of ordinances at next regular meeting.

5. Herty Water Company - Purchase Approved - L. H. Bridges

City Manager Westerholm stated that he had received a letter from Mr. W. D. Perkins, attorney for Mr. L. H. Bridges who was owner of Herty Water Company. City Manager Westerholm stated that Mr. Bridges had agreed to sell the City of Lufkin the Herty Water Supply Corporation for \$20,000 which would include water lines, meters, boxes and easements, with the exception of office building and real estate easements. City Manager Westerholm further stated that Mr. Bridges had agreed that this amount could be paid over a four-year period with no interest on the remaining balance.

Comm. W. O. Ricks, Jr., expressed his concern that \$20,000 was more than he desired to pay for this system, but was inclined to agree to this amount to avoid the inconvenience that would be caused to 200 families within this area. Comm. W. O. Ricks, Jr., then made motion that the City of Lufkin purchase the Herty Water Supply Corporation for the amount of \$20,000 with the stipulation that payments be made over a four-year period in the amount of \$5,000 a year with no interest to be accumulated on the remaining balance. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Joe E. Rich, E. C. Wareing,
W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Comm. R. A. Brookshire

Mayor Garrison declared motion approved by majority vote of five to one.

6. Garbage Ordinance Amended - Monthly Rates Increased

Mayor Garrison stated that an extensive garbage study had been prepared by the City regarding possible rate increases for residential and commercial customers and copies of same had been reviewed by members of Commission. City Manager Westerholm stated that the report submitted by the City was prepared under three basic plans and same would provide capital equipment for future use in the Sanitation Department. City Manager Westerholm recommended members of Commission consider new residential rates in the amount of \$2.50, commercial rates in the amount of \$3.50 and an additional charge of 75¢ per cubic yard in excess of the first four cubic yards.

Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that the following rates be approved and existing garbage and refuse ordinance be amended and approved on first reading:

GARBAGE RATE INCREASES

	<u>Present Charge</u>	<u>New Rate</u>
Private Residence	\$2.00	\$2.50
Commercial Establishments	\$2.67	\$3.50
Commercial Rate Per Cubic Yard In Ex- cess of First Four Cubic Yards	\$.50	\$.75

Motion was seconded by Comm. E. C. Wareing.

Prior to vote on motion, Comm. E. G. Pittman asked City Manager Westerholm to clarify the purpose of these proposed rate increases. It was determined that the increased cost of plastic trash liners and additional monies necessary for the joint agreement with the County for a landfill site were beyond the anticipated budget figure for the current budget year and increased rates would offset the cost of same.

7. Lufkin Fire Dept.-Proposed Salary Increases Deferred-Disc. of Increased Fire & Ambulance Rates for County

Mayor Garrison stated that representatives from the Lufkin Fire Department were present in behalf of their request for pay increases and members of the City Commission had been furnished a copy of this proposal for review, which has been attached to these minutes for permanent record. City Manager Westerholm reviewed the work program of the Fire Department regarding certification and it was determined that three basic programs would be involved: a base certification, intermediate certification and advanced certification.

Comm. E. C. Wareing asked members of the Fire Department several questions regarding the proposed certification program and it was determined that providing the certification phase of the proposal was approved, only one employee of the Fire Department would be qualified for an intermediate certificate with none being qualified for an advanced certificate. City Manager Westerholm stated that under this similar proposal in the Police Department, individuals receive an additional \$50 per month for each certification.

Considerable discussion developed regarding this proposal and Mayor Garrison asked Fire Chief Billy A. Stephens, who was present, for his recommendation regarding same. Chief Stephens stated that this proposal would involve some degree of risk inasmuch as each shift would be reduced by one man who would be responsible for both an ambulance and a pumper truck. Chief Stephens further stated that any reduction in manpower would involve a risk factor and he would not make the proposed change as presented unless pay scale was increased.

Mr. David Tankersley, a representative of the Fire Department, stated that the essence of their proposal was based on the fact that the City would only hire four ~~new~~ men in the present City budget instead of seven as proposed and the difference would allow a savings to the City of \$22,941. Mr. Tankersley further stated that the pay increase proposal would involve only \$21,729.76.

Mr. Tankersley also informed members of Commission that employees of the Fire Department did not desire to adopt this proposal unless pay increases were granted inasmuch as additional responsibilities would be experienced by Firemen. Mr. Tankersley explained that this proposal was not submitted by the Fire Chief and was not considered at any earlier date prior to budget consideration.

Comm. Joe E. Rich inquired as to any possible insurance rate to be experienced by the City as a result of adopting this proposal. It was determined that no insurance rate increases would be experienced.

Mayor Garrison stated that members of Commission must rely on recommendations from the City Manager and Fire Chief in behalf of this proposal as to whether or not a risk actually would be involved to the extent that same may not be favorable. Comm. R. A. Brookshire inquired as to the possibility of the City receiving more funds from the County and other areas receiving services from the Fire Department. City Attorney Flournoy stated that he had met with the County Commissioners regarding this matter and it was his opinion the County would soon make provisions for increasing their present supplement to the City of Lufkin.

Comm. E. C. Wareing expressed his personal concern that the certification section of the Firemen's proposal as presented was an advantage to the Firemen as well as the City of Lufkin and should be seriously considered.

Comm. Joe E. Rich stated that members of Commission should be provided additional time to consider this proposal in view of the fact that additional information had been presented and a more adequate recommendation should be made by the Fire Chief regarding proposal.

Comm. W. O. Ricks, Jr., requested that members of Commission be furnished more information regarding the amount of manpower necessary to operate the Fire Department.

Comm. Joe E. Rich made motion that further consideration of this proposal by the Fire Department for salary adjustments be deferred and placed on the agenda for next regular meeting. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

A brief discussion developed regarding a possible workshop prior to next regular meeting and Mayor Garrison stated that members of Commission would provide a workshop if necessary.

8. Curb & Gutter Paving Petition Approved - Shadybrook Street

Mayor Garrison stated that property owners on Copeland Street had presented a petition to approve curb and gutter paving project for Shadybrook Street from Copeland Street South to a dead end. Mayor Garrison called on Mr. Raymond Moore to explain recommendation of the City Planning and Zoning Commission regarding this proposal.

Mr. Moore stated that the City Planning and Zoning Commission had previously unanimously recommended approval of this curb and gutter paving petition in view of the fact that the City Commission had not altered the curb and gutter paving program by increasing the cost per linear foot to be paid by property owners. Mr. Moore further stated that he was of the opinion that the money appropriated for the construction of these projects was ill-balanced as to the portion being paid by the property owner and the City should establish guidelines to distinguish the curb and gutter paving program from the street improvement program and review all costs involved before determining increase in cost to property owners.

Mayor Garrison called on Mr. Karl E. Lemke who was present to represent petition by property owners. Mr. Lemke stated that he was in the process of constructing a home in this area and Shadybrook Street was a dedicated street which was not presently developed.

Considerable discussion developed regarding the curb and gutter paving program and members of Commission were of the opinion that guidelines should be established for the curb and gutter paving program. Comm. E. C. Wareing made motion that request by property owners to approve curb and gutter paving petition on Shadybrook Street from Copeland Street South to a dead end, be approved on first reading of ordinance inasmuch as same had been presented to members of Commission in good faith and that the City Planning and Zoning Commission establish guideline recommendations for the curb and gutter paving program as soon as possible. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing and E. G. Pittman
Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by a majority vote of five to one.

A brief discussion developed regarding cost of this particular project and it was determined that same would require approximately \$8,000.

Comm. E. G. Pittman expressed his concern that the City Planning and Zoning Commission would provide members of City Commission new recommendations and Comm. R. A. Brookshire made motion that the City Commission declare a moratorium on all new curb and gutter paving projects until new guidelines were established. Motion was seconded by Comm. E. G. Pittman and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing and E. G. Pittman
Voting Nay: Comm. W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of five to one.

9. Old Union Road-Pershing Avenue-Official Name Approved for Various Sections

Mayor Garrison stated that a petition had been circulated containing the names of approximately 25 individuals in favor of naming a portion of this road extending West of intersection with Loop 287, Old Union Road, due to its historical significance and decision by the Postmaster determining same as an official address. Considerable discussion developed and Comm. E. G. Pittman made motion that Old Union Road be designated as the official name from a point intersecting with Loop 287 extending West. Motion was seconded by Comm. Joe E. Rich.

Prior to vote on motion, Mayor Garrison called on Mr. Truman Largent, a resident within this immediate area appearing in opposition to name designation of this road to Old Union Road. Mr. Largent stated that he had experienced considerable difficulties with the Post Office regarding the official name of this road and the City of Lufkin had previously indicated the official name of this road as Pershing Avenue. Mr. Largent requested members of Commission consider designating the official name of Old Union Road West from intersection with Largent Street to clarify any possible future problem with receiving mail at his home address. Other property owners present were not in opposition to this proposal by Mr. Largent and Mayor Garrison called on Mr. Ben Newsom representing petition by property owners. Mr. Newsom briefly reviewed petition and personally indicated that he had no opposition to request by Mr. Largent.

Comm. E. G. Pittman then amended his previous motion to provide that this road be officially designated as Old Union Road extending West from Largent Street. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

10. City Court Report Reviewed

Comm. R. A. Brookshire stated that he was pleased with the report submitted by the Municipal Court Judge, David Cook, and expressed his concern that the work being completed be continued. Mayor Garrison requested that City Attorney Flournoy and City Judge David M. Cook continue to make every effort to require all individuals to comply with the proceedings of the Municipal Court.

11. Pre-Application for EDA Grant-Designation of Engineers-Extension of Water Mains-North Raguet Street and Loop 287

City Manager Westerholm reported that preparations had begun for the pre-application for the City's EDA grant to extend water mains on North Raguet Street and Loop 287 and Mr. Everett Griffith, Jr., had been named to represent the City rather than a consulting firm to be paid on a percentage basis. Mr. Westerholm further stated that Mr. Griffith had agreed to charge the City on a per-diem basis at a considerable savings.

Comm. Joe E. Rich made motion that Mr. Everett Griffith, Jr., of Everett Griffith Engineers, be designated as the official engineer for this project to be compensated on a per-diem basis in accordance with information explained by City Manager. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

12. Loop 287 & Highway 59 South-Speed Limit Reduced to 45 MPH

City Manager Westerholm stated that the State Highway Department recommended speed zones be lowered near the intersection of Loop 287 and Highway 59 South. Mr. Westerholm further stated that it was Texas Highway Department's recommendation the speed only be lowered 5 MPH at an earlier date, but a recent survey indicated the speed in this area should be reduced from 55 MPH to 45 MPH.

Comm. E. C. Wareing then made motion that ordinance be approved on first reading establishing a speed zone of 45 MPH near intersection of Loop 287 and Highway 59 South as further described by ordinance. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

13. Sanitation Dept.-Reconsideration of Bid for Purchase of Tilt-Cab Truck Chassis

City Manager Westerholm stated that the City Commission had previously awarded low bid to Angelina Chevrolet-Cadillac Company for the purchase of a tilt-cab truck chassis to be used by the Sanitation Department. City Manager Westerholm explained that Angelina Chevrolet-Cadillac Company had notified the City of Lufkin the manufacturer could not build this particular chassis in accordance with specifications as requested by the City. City Manager Westerholm recommended Tipton-Billingsley Ford be awarded bid in the amount of \$14,772.35 being the only other bid submitted and reconfirmed by Tipton-Billingsley Ford. Comm. W. O. Ricks, Jr., then made motion that Tipton-Billingsley Ford Company be awarded bid for a tilt-cab truck chassis in the amount of \$14,772.35 and previous action by the City Commission awarding low bid to Angelina Chevrolet-Cadillac Company for this same item be rescinded accordingly. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Fire Dept. - Bids on Van Vehicle Awarded

City Manager Westerholm reported that bids had been opened on November 27, 1974, for a van-type vehicle to be used by the Fire Department for conversion to an ambulance. City Manager Westerholm further stated that the following bids were sub-

mitted:

BIDS ON VAN VEHICLE FOR FIRE DEPARTMENT

<u>Name of Company</u>	<u>Amount</u>	<u>Delivery Date</u>
Angelina Chevrolet-Cadillac	\$ 5,236.14	90 Days
Roy D. Oglesby	\$ 3,850.00* \$ 4,400.00*	Non Specified
Doug Williamson Dodge, Inc.	\$ 5,377.95 (Alt) \$ 5,358.73	Immediate

*Does Not Meet Specifications

City Manager Westerholm stated that he had received a letter from Fire Chief Billy A. Stephens recommending bid be considered from Angelina Chevrolet-Cadillac Company in the amount of \$5,236.14 and recommended this bid as being the low bid meeting specifications. Comm. E. C. Wareing made motion that Angelina Chevrolet-Cadillac Company be awarded bid in the amount of \$5,236.14 for a van vehicle. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

15. Lufkin Independent School District-Commendation from City of Longview Police Chief

Mayor Garrison reported, for the interest of this Commission and the community, that the Lufkin Superintendent of Schools had recently received a letter from Police Chief Roy Stone of the City of Longview, Texas, commending the school body and fans from Lufkin who conducted themselves in a considerate and cooperative manner while in the City of Longview for a football game with the City of Lufkin.

16. Cablecom General - Disc. of Equipment Update

Comm. R. A. Brookshire inquired as to the status of new microwave equipment being installed by Cablecom and indicated that a few blackouts had been recently experienced in his immediate area.

City Manager Westerholm explained that all current reports he had received regarding installation of new equipment and picture quality had been favorable. Mayor Garrison explained that he had recently written Mr. Tom Lacey, District Manager, regarding recent outages and requested these delays be publicly explained and if possible, by posting these notices on the public service calendar of events for television viewers currently being used by Cablecom.

Mayor Garrison also reported that members of City Commission should soon be receiving a report from Mr. Merle Saxon regarding the overall update being conducted by Cablecom.

17. Bids on Tennis Courts - Disc. of Status

Comm. Joe E. Rich inquired as to the status of bids on tennis courts recently discussed by members of Commission. City Manager Westerholm explained that bids for four new tennis courts would be opened on December 10, 1974, for review by City Commission during regular meeting of December 17, 1974.

18. Adjournment

There being no further business for consideration, meeting adjourned at 9:57 p.m.

Peter H. Garrison

MAYOR - City of Lufkin, Texas

ATTEST:
[Signature]

CITY SECRETARY - City of Lufkin, Texas