

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF FEBRUARY, 1973, AT 7:30 P.M.

On the 6th day of February, 1973, 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
Joe E. Rich	Commissioner, Ward No. 3
Edgar 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

R. A. Brookshire	Commissioner, Ward No. 1
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Larry Gaines, Pastor of O'Quinn Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present as observers or in connection with items on the agenda and expressed appreciation for their interest.

3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of January 16, 1973, be approved. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

4. Zone Change Application - Henry D. Harvey from R-3 District to LB District

Mayor Garrison explained a brief history of this application indicating that it had been reconsidered by the City Commission and amended from R-3 District to CB District, to R-3 District to LB District. There were no persons present appearing in opposition to this zone change request and City Attorney Flournoy read caption of ordinance for second and final reading. Comm. E. C. Wareing then made motion that zone change application by Henry D. Harvey from R-3 District to LB District be approved on second and final reading as read by City Attorney Flournoy and amended by the City Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Property Tax Exemption for Elderly-Passage of Ordinance

City Attorney Flournoy read caption of ordinance authorizing a \$3,000 tax exemption based on the assessed value of resident homesteads of all persons 65 years of age or over exempting them from ad valorem taxes and providing for registration and establishment of an effective date. Mayor Garrison asked City Attorney Flournoy if filing dates would be considered for this exemption. City Attorney Flournoy explained that individuals would be qualified to make application for this exemption from January 1 to April 1 of each year. Considerable discussion also developed regarding proof of age and what method would be used to establish proof of age. Mayor Garrison expressed his concern that many individuals presently over age 65 did not have birth certificates and suggested that Social Security verification and affidavits be permitted as adequate justification.

tion. Members of the Commission were in agreement with suggestion made by Mayor Garrison. Comm. E. C. Wareing then made motion that ordinance read by City Attorney Flournoy be approved on second and final reading by amending Section II, Page 2, Line 5 of ordinance and replacing the word "and" with the word "or". Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

6. Curb & Gutter Ordinance - Markus Avenue from Fairfield Street to Avondale - Approval of Ordinance

City Attorney Flournoy read caption of ordinance for second and final reading declaring the necessity for and ordering the construction of curb and gutter on Markus Avenue from Fairfield Street to Avondale at a cost not to exceed \$2.50 per linear foot per individual. Comm. W. O. Ricks, Jr., made motion that ordinance for curb and gutter covering area and conditions described by City Attorney Flournoy be approved on second and final reading. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

7. Zone Change Application - E. D. Johnson, et ux, as Joined By L. W. Knippers, et ux, from R-2 District to C District

Mayor Garrison explained the history of this application indicating that the City Planning and Zoning Commission had amended this application prior to recommendation to the City Commission allowing a 100-foot R-2 buffer zone East of Traylor Street. Mayor Garrison then called on Walter Borgfeld, Attorney who spoke in behalf of zone change application. Mr. Borgfeld described the location of this property and explained his understanding that with 100-foot buffer zone remaining R-2 East of Traylor Street, no opposition would exist. Mr. Borgfeld stated that providing zone change request was approved, this particular area would be used for an armature works building. Mayor Garrison then called on Mrs. J. B. O'Quinn, 605 Traylor Street, who stated that she had no objections to this zone change request providing the 100-foot buffer zone would remain R-2 District East of Traylor Street as explained by Mr. Borgfeld. Mayor Garrison explained this particular area would remain R-2 zone in accordance with previous amendments to applications. City Attorney Flournoy then read caption of ordinance for first reading changing zone from R-2 District to C District covering property located West of State Highway Loop 287 and East of Traylor Street between Greer Avenue and State Highway 103. Comm. W. O. Ricks, Jr., made motion that zone change application by E. D. Johnson, et ux, as joined by L. W. Knippers, et ux, from R-2 District to C District be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

8. Zone Change Application - Mrs. Erma M. Read from CB District to C District

Mayor Garrison explained a brief history of this application and further indicated that no opposition had been voiced when application was recommended for approval by members of the City Planning and Zoning Commission. Mayor Garrison also stated that the R. L. Davis Manufacturing Company proposed to use the old Brookshire Brothers building at this location for the purpose of manufacturing women's sports clothes. There were no persons present appearing in objection to this zone change application. City Attorney Flournoy read caption of ordinance for first reading changing zone from CB District to C District covering Lots 2 and 3, Block 3, Denman Addition, on the West side of South First Street and North of Denman Avenue. Comm. Joe E. Rich then made motion that zone change application by Mrs. Erma M. Read from CB District to C District be approved on first reading as read by City Attorney Flournoy and recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Election Order - Approval of Ordinance

City Attorney Flournoy read caption of ordinance for the calling and ordering of a regular City Election to be held at the First Baptist Church Annex, 202 Bremond Avenue, on April 3, 1973, for the purpose of electing Mayor, Commissioner of Ward #1 and Commissioner Ward #3. Considerable discussion developed regarding approval of this ordinance on one reading. Comm. E. G. Pittman suggested that Ernest Bartlett, Jr., be appointed election judge and Mrs. Elie Smith, Jr., be appointed as assistant election judge. Members of the Commission were in agreement with this suggestion as presented by Comm. E. G. Pittman. Following considerable discussion, Comm. J. T. Hopson made motion that election order be approved on first and final reading by means of emergency as read by City Attorney Flournoy, including the appointment of Ernest Bartlett, Jr., as Election Judge, and Mrs. Elie Smith, Jr., as Assistant Election Judge. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Texas Water Quality Board - Resolution

City Manager Westerholm stated that a resolution should be considered authorizing the Mayor to execute Component "S" for sale of sewer bonds to the Texas Water Quality Board. City Manager Westerholm stated that this letter would be an addendum to the City's original Component "S" filing. City Manager Westerholm further stated that this action would confirm City Commission action in regular meetings of November 2, 1971 and February 3, 1973 authorizing the Mayor as the official person to sign documents for Texas Water Quality Board applications, Environmental Protection Agency applications, and also authorizing the Mayor to appear before the Board or other proper agencies when necessary. City Manager Westerholm stated that this would be the legal action necessary to sell sewer bonds to the Texas Water Quality Board representing the State's 25% participation. Following discussion, Comm. Joe E. Rich made motion that resolution be approved appointing the Mayor the official person to sign documents for the Texas Water Quality Board applications and further duties described by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Hill, Weiner, Morgan & O'Neal - Civic Center Design - Agreement

City Manager Westerholm stated that Hill, Weiner, Morgan and O'Neal architects had prepared a standard form of agreement between owner and architect for design of the Civic Center to be considered by members of the City Commission. City Manager Westerholm stated that the Mayor should be authorized to execute contract with this firm for architectural services for the Civic Center. City Manager Westerholm further stated that this contract had been examined and recommended by City Attorney Flournoy. Considerable discussion developed and it was the unanimous opinion among members that this item be tabled until copies of this agreement could be made available to the City Commission.

12. Sanitation Dept.-Bid Tabulations on Refuse Collection Equipment

City Manager Westerholm stated that bids were received and opened on February 2, 1973, for the following equipment to be used in the Sanitation Department:

COMPANY	ITEM	AMOUNT
Pak-Mor Company 1123 SE Military Dr. P. O. Box 14147 San Antonio, Tx. 78214	(1) Front-End Loader Body for Garbage	\$10,494.00
Davis Truck & Equipment Company 6340 North Freeway Houston, Texas 77022	"	\$11,100.00
Tipton-Billingsley Ford Company 811 S. Timberland Drive Lufkin, Texas 75901	(1) Tilt-Cab Truck	\$11,302.39
Angelina Truck & Tractor Company Post Office Box 1585 Lufkin, Texas 75901	"	\$14,626.75
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Pak-Mor Company (See Above)	(2) Trailer Garbage Bodies	\$25,047.00
Hobbs Trailers 609 N. Main Street Ft. Worth, Tx. 76106	"	\$24,350.00
Tipton-Billingsley Ford Company (See Above)	(2) Tractor Trucks	\$ 7,608.94/ea.
Angelina Truck & Tractor Company (See Above)	"	\$ 7,833.00/ea.
Angelina Chevrolet- Cadillac Company 1710 South First St. Lufkin, Texas 75901	"	\$ 7,263.00/ea.

City Manager Westerholm stated that these bid tabulations had been prepared at the request of the City Commission and considerable discussion developed regarding this equipment. Mayor Garrison suggested that an over-all study be made from an independent point of view regarding the use of this equipment. Comm. W. O. Ricks, Jr., made motion that Pak-Mor Company with a bid of \$10,494.00 for one front end loader body for garbage, and Tipton-Billingsley Ford Company with a bid of \$11,302.39 for one tilt-cab truck be awarded low bids. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing expressed his concern that City customers were in need of at least one truck and trailer and that the City could expect additional revenue from a recent increase in commercial rates. Comm. W. O. Ricks, Jr., then made motion that Hobbs Trailers with a bid of \$24,350.00 for two trailer garbage bodies and Angelina Chevrolet-Cadillac Company with a bid of \$7,263.00 each for two tractor trucks be awarded low bids. Motion was seconded by Comm. J. T. Hopson and the following vote was recorded:

Voting Aye: Comms. J. T. Hopson, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Mayor Garrison and Comm. E. G. Pittman

Mayor Garrison declared motion carried by a majority vote of

4 to 2. Comm. E. C. Wareing asked City Manager Westerholm to examine the possibilities of conducting an independent study for City equipment use. Mr. Otis Burger of Hobbs Trailers was present and stated that he would furnish a similar type study regarding this subject that had been made from an independent point of view.

13. Denman Avenue & South First Street Intersection - Alteration of Traffic Channelization

City Manager Westerholm stated that the Texas Highway Department had conducted a study of the traffic flow at the intersection of Denman Avenue and South First Street. City Manager Westerholm stated that a drawing of this intersection had been furnished members of this Commission for consideration including proposed changes. City Manager Westerholm stated that proposal by the Texas Highway Department would be at no cost to the City and would improve the flow of traffic at this intersection. Following discussion, Comm. W. O. Ricks, Jr., made motion that the changes in channelization of traffic at this intersection be made in accordance with recommendations of the Texas Highway Department as recommended by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Henningson, Durham & Richardson - Work Order #3 Approval

City Manager Westerholm stated that Henningson, Durham and Richardson had submitted Work Order #3, General Review of Construction, which constituted the last phase of engineering services on sewer improvements and that a copy of all City payments to Henningson, Durham & Richardson had been made available to the City Commission for consideration. Following considerable discussion, Comm. W. O. Ricks, Jr., made motion that Work Order #3 be approved as described by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded. City Manager Westerholm furnished members of the City Commission a complete expenditure report of Henningson, Durham & Richardson giving remaining balance as previously requested by members of the Commission.

15. Water Pollution Control Plant-Authorization of Change Order #1

City Manager Westerholm stated that Henningson, Durham and Richardson had submitted Change Order #1 on contract with Carrothers Construction Company to correct an error in the bid proposal. City Manager Westerholm further stated that this change order would not increase the cost of this project and submitted it for approval on the recommendation of Mr. Bobby Scalf of Henningson, Durham & Richardson. City Manager Westerholm further stated that a copy of letter from Henningson, Durham & Richardson explaining the change of work order had been furnished for consideration by members of the City Commission. Comm. W. O. Ricks, Jr., then made motion that Change Order #1 be approved in accordance with recommendation provided. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

16. Park Development Priorities - Discussion of Application for Matching Funds

City Manager Westerholm stated that a complete report of Park Development Priorities had been furnished members of the City Commission for consideration as requested in last regular meeting. City Manager Westerholm further stated that the City could apply for matching funds on these projects since funds were available and the City should be eligible for matching fund grant approval. City Manager Westerholm stated that remaining park monies could match funds on first eight (8) priorities of list submitted by Parks & Recreation Director, Max Griffin:

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|--------------------------|-------------------|
| (1) Restroom | (5) Tennis Courts |
| (2) Maintenance Building | (6) Nature Area |
| (3) Lakefront Project | (7) Parking Lots |
| (4) Amphitheater | (8) Pavilions |

Mayor Garrison suggested that plans be considered on these priorities before final conclusions were made. Members of the Commission were in agreement with this suggestion by Mayor Garrison and agreed that the first eight (8) priorities as listed above be considered for review by engineers and Parks & Recreation Director, Max Griffin, be authorized to spend approximately \$2,000 from available funds for this official study. Comm. E. C. Wareing then made motion that Parks & Recreation Director, Max Griffin, be authorized to use approximately \$2,000 of Park Bond money to conduct a study on these top eight (8) priorities. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mayor Garrison commended the Parks & Recreation program and explained his appreciation for the good efforts of this Department. Parks & Recreation Director, Max Griffin, was present and expressed his appreciation to members of the City Commission for their continued support.

17. Vumore Progress Report - Discussion

City Manager Westerholm stated that the monthly progress report had been submitted by Vumore and had been furnished members of the City Commission for consideration. Mayor Garrison asked City Manager Westerholm if the City should be receiving improved services by March 1, 1973. City Manager Westerholm stated that since the report did not indicate a definite completion date, March 1, 1973, would only be an estimated completion date. City Manager Westerholm stated that new equipment had been distributed to various microwave locations and Vumore planned to proceed with assembly and installation.

18. Henningson, Durham & Richardson - Payment of Invoice

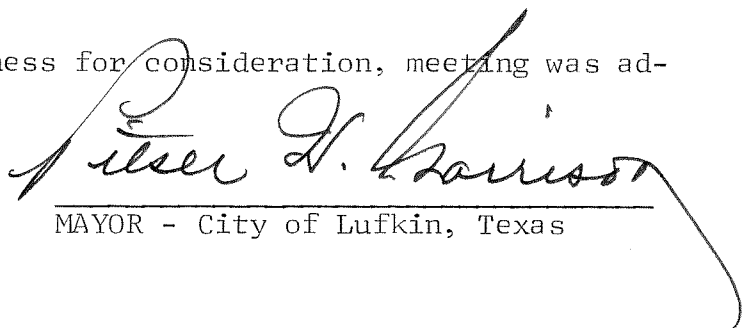
City Manager Westerholm stated that the City had received invoice #D-5269 in the amount of \$1,219.83 for performing engineering services while attending conferences during Gibson Vs EPA, Civil Action #5255, for the City of Lufkin. City Manager Westerholm recommended that invoice be paid as submitted by Henningson, Durham & Richardson. Comm. J. T. Hopson made motion that invoice #D-5269 from Henningson, Durham & Richardson in the amount of \$1,219.83 be paid as recommended by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

19. Pinewood Park - Street Maintenance - Discussion

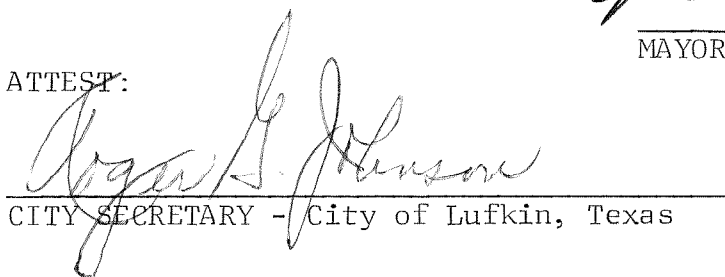
Comm. E. C. Wareing stated that the City had not acquired R.O.W. easements when Pinewood Park was developed and as a result, a developer had installed streets and curbs. Comm. E. C. Wareing further stated that this area was in need of street improvements and that he would support the City's acceptance for street maintenance in this area and further suggested that these streets be dedicated. City Manager Westerholm stated that he had made observations of the streets in this area which indicated need for considerable base and topping maintenance. Mayor Garrison indicated his concern for the cost of this maintenance. Comm. E. C. Wareing suggested that the City conduct a survey of the street maintenance in this area for a report at next regular City Commission meeting.

20. Adjournment

There being no further business for consideration, meeting was adjourned at 9:10 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas