

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF NOVEMBER, 1973, AT 7:30 PM

On the 6th day of November, 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:

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|--------------------|--------------------------------|
| 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

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| J. T. Hopson | Commissioner, Ward No. 2 |
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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 small group of visitors who were present in connection with items on the agenda or as observers and invited Mr. Jerry E. Hill, a member of the City Planning and Zoning Commission, to sit with members of the City Commission.

3. Approval of Minutes

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

4. Annexation & Permanent Zoning - R. L. Cunningham

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting annexing and permanently zoning property located between existing City Limits and Tulane Drive and North of Kentwood Street as requested by R. L. Cunningham. There were no persons present appearing in objection to annexation and permanent zoning of this property. Comm. E. C. Wareing made motion that request for annexation by R. L. Cunningham be approved on second and final reading of ordinance as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing also made motion that ordinance covering areas as previously described on permanent zoning request by R. L. Cunningham be approved on second and final reading and zoned R-1 and C Districts as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

5. Angelina County-Cities Health Unit-Control of Fruit Stands & Other Similar Food Establishments-Discussion

City Attorney Flournoy reported that ordinance had been approved on first reading at last regular meeting amending Section 12 of the Lufkin Code. City Attorney Flournoy further requested, however, that members of the City Commission postpone approval of this ordinance on second reading until next regular meeting to allow an opportunity to review new information presented by the Angelina County-Cities Health Unit. Members of the City Commission were in agreement with this request and item was tabled accordingly.

6. Zone Change Application - Glenn E. Herron and Larry Strand from R-1 District to C District

Mayor Garrison stated that zone change application by Glenn E. Herron and Larry Strand from R-1 District to C District covering property located North of Teer Street and West of and extending parallel to Loop 287 had been approved on first reading at last regular City Commission meeting. There were no persons present appearing in objection to zone change application as presented. Comm. E. C. Wareing made motion that zone change application by Glenn E. Herron and Larry Strand from R-1 District to C District be approved on second and final reading as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

7. Zone Change Application-William W. Dawson from R-1 to C District

Mayor Garrison explained that zone change application by William W. Dawson from R-1 District to C District covering property located immediately South of and extending parallel to Loop 287 between FM 58 and U. S. Highway 69 had been approved on first reading at last regular meeting. There were no persons present appearing in objection to zone change application. Comm. E. C. Wareing made motion that zone change application by William W. Dawson from R-1 District to C District be approved on second and final reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Zone Change Application - Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c)

Mayor Garrison explained that zone change application by Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c), covering property located between Pin Oak Lane and Red Bud Lane and immediately North of Red Bud Lane extending parallel to and immediately East of Loop 287 had been tabled at last regular meeting to allow Mr. Campbell an opportunity to present names of individuals in support of his application. Mayor Garrison called on Mr. Campbell who presented members of the City Commission two petitions concerning his proposed zone change application. Mr. Campbell's petitions represented property owners living within 200 feet who had no objection to zone change application and property owners living outside 200 feet who had no objections to zone change application. Mr. Campbell explained that previous property owner objections had been made by particular individuals who lived within 200 feet of proposed zone change request due to fears that zone change request by Travis Carrington may also be allowed.

Mayor Garrison also called on various individuals appearing in objection to zone change application who were present. Individuals present appearing in objection to zone change application were Lee Harvell, Jimmy Shirley and Donald Kuehl. Individuals present objecting to zone change application stated that they did not desire any type business activity in this area since it would devalue their properties. Mr. Donald Kuehl presented members of the City Commission with a signed petition containing names of individuals who were present objecting to this zone change application and one property owner, Robert Hall, who also objected, but could not be present at this meeting.

Considerable discussion developed regarding zone change and Mayor Garrison called on Mr. Jerry Hill, a member of the City Planning and Zoning Commission, who answered several questions from members of the City Commission regarding the Campbell application. Mr. Hill explained that no one had previously appeared in opposition to this zone change application during meetings of the City Planning and Zoning Commission and also that applicants Travis Carrington and Richard A. Willey did not desire a Special Use consideration as did Mr. Campbell.

Comm. W. O. Ricks, Jr., made motion that zone change application by Maynard C. Campbell, Jr., from R-1 District to LB District & Special Use, Section 26(c), be approved on first reading. Motion was seconded by Comm. R. A. Brookshire. Prior to vote on motion, Comm. E. C. Wareing asked if individuals directly adjoining property being considered for zone change application had agreed to request by Mr. Campbell. Comm. Wareing was informed by Mr. Campbell that adjacent property owners did not object to his proposed application.

Comm. E. G. Pittman expressed his concern for any type commercial activity within this immediate area and expressed his opinion that property owners within this area should be protected from same. Having previously received a motion and second to approve zone change application on first reading, the following vote was recorded:

Voting Yea: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comm. E. G. Pittman

Mayor Garrison declared motion approved by a majority vote of 5 to 1.

9. City Commission Meeting Hour Temporarily Changed - Disc.

Mayor Garrison requested that members of the City Commission consider meeting at 4:00 P.M. instead of 5:00 P.M. on November 20, 1973, to allow an extra hour for open hearing on Lufkin Civic Center. Mayor Garrison stated that Mr. Jerry Hill, architect with Hill, Weiner, Morgan & O'Neal firm, would be present to review his proposal for the Lufkin Civic Center. Following a brief discussion, Comm. E. G. Pittman made motion that next regular meeting of the City Commission scheduled for November 20, 1973, be held at 4:00 P.M. instead of 5:00 P.M. in accordance with suggestion as presented by Mayor Garrison. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

10. Gulf Oil Company Pipeline Property - Neighborhood Park Development

City Manager Westerholm explained that members of the City Commission had requested further information regarding development of Neighborhood Park on Gulf Oil Company pipeline at last regular meeting. City Manager Westerholm further reported that a copy of this report had been distributed among members of the Commission for review and consideration as prepared by Max Griffin, Recreation & Parks Director. In review of report, City Manager Westerholm stated that individual project cost had been listed and total project was within figure previously budgeted for this development. Considerable discussion developed and members of the City Commission asked several questions regarding proposal. Comm. E. C. Wareing then made motion that the Recreation & Parks Department be authorized to proceed with their Neighborhood Park Development Plan as presented. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

11. Jordan Apartments - Discussion of Report

Mayor Garrison stated that members of the City staff had prepared various reports on the Jordan Apartments as requested by the City Commission at last regular meeting. City Manager Westerholm stated that copies of these reports from City Attorney, Building Inspector, Fire Marshal and Angelina County-Cities Health Unit had been available to members of the Commission for their review. City Manager Westerholm further reported that several deficiencies were found upon investigations that could be corrected under the Southern Standard Building Code, but some problems could only be improved by passage of a Housing Code for the City.

Mayor Garrison called on Mr. O. C. Hanks, Building Inspector, who was present regarding reports made by his office. Mr. Hanks read from an extensive list of deficiencies which he had discussed with Mr. Clyde Jordan. Mr. Hanks reported that current repairs were being made and many improvements had already been completed. Mr. Hanks further stated that every effort was being made to bring these apartments up to standards as soon as possible and the City had already moved old junk cars from this area.

Comm. E. G. Pittman indicated his concern that another report be made regarding improvements within this area as soon as possible. Mayor Garrison suggested that Mr. Hanks report to the City Commission on a monthly basis in this regard.

Comm. E. C. Wareing expressed his opinion that the City had made a fine accomplishment within the Jordan Apartment area and asked City Manager Westerholm if the City could, in any way, complete clean-up activities of this nature in other similar areas throughout the City. Mayor Garrison agreed with desire of Comm. E. C. Wareing as presented and City Manager Westerholm stated that the City would attempt to correct similar areas throughout the City to the best of its ability.

12. Zone Change Application-W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair Shop

Mayor Garrison stated that zone change application by W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair Shop, covering property located South of Paul Avenue and East of Lubbock Street between Knight Street and Paul Avenue had been recommended by the City Planning and Zoning Commission. There were no persons present appearing in objection to zone change application as presented. Comm. R. A. Brookshire made motion that zone change application by W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair Shop, be approved on first reading of ordinance. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Awarding of Bids-Discussion of Tabulations on Bids Received for Vehicles & Equipment To Be Used By Various City Departments

City Manager Westerholm reported that bids on the following equipment for various City departments had been opened and tabulated November 1, 1973:

BIDS ON 8 POLICE UNITS

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---------------------------------|----------------------------|----------------------|
| Tipton-Billingsley Ford | \$23,736.72 | 60-90 Days |
| Angelina Chevrolet-Cadillac Co. | \$28,415.20 | 45-60 Days |
| Gibbs Motor Company | \$23,256.00 | Approx. 90 Days |
| Sewell Buick-Pontiac, Inc. | \$25,400.00 \$24,600.00 | N/A |

City Manager Westerholm stated that Gibbs Motor Company of Lufkin had submitted low bid for 8 police units in the amount of \$23,256.00. Mayor Garrison then called on Police Chief A. J. Schamerhorn who reviewed a list of operational costs for various models of cars throughout the past year. Police Chief Schamerhorn requested that members of the City Commission consider these operational expenses prior to making a final determination upon bids as submitted. Police Chief Schamerhorn further stated that he would recommend the Pontiac automobile due to the low cost of operational expenses incurred during

the past year. Considerable discussion developed among members of the Commission and Comm. W. O. Ricks, Jr., made motion that Sewell Buick-Pontiac, Inc., be awarded bid in accordance with recommendation as submitted by Police Chief A. J. Schamerhorn. Motion was seconded by Comm. R. A. Brookshire. Prior to vote on motion as presented, Mayor Garrison suggested that members secure more information prior to final vote on motion in order to justify any exclusion of a low bid. Considerable discussion developed and Comm. W. O. Ricks, Jr., withdrew his previous motion and members unanimously agreed to investigate material as presented by Police Chief Schamerhorn and additional information prior to final decision on bids submitted for 8 police units. Mayor Garrison also suggested that future Notices to Bidders request delivery dates not to be accepted beyond a certain time period. City Manager Westerholm stated that more information regarding operational cost, gasoline mileage, etc., would be provided members of the Commission for review prior to next regular meeting. Bid consideration on 8 police units as submitted was then tabled for consideration at next regular meeting.

2 PASSENGER CARS - CITY MANAGER & CITY BUILDING INSPECTOR

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|-----------------------------|---|----------------------|
| Tipton-Billingsley Ford | \$ 3,662.00(Mgr.) \$ 3,482.00(Insp.) | 45 Days |
| Gibbs Motor Company | \$ 3,673.48(Mgr.) \$ 3,615.63(Insp.) | 60-90 Days |
| Angelina Chevrolet-Cadillac | \$ 3,619.44(Mgr.) \$ 3,443.64(Insp.) | 30-45 Days |

City Manager Westerholm stated that above listed bids had been submitted for two passenger cars, one to be used by the City Building Inspector and one for the City Manager's use. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Angelina Chevrolet-Cadillac Company be awarded low bids for two passenger cars in accordance with bid tabulation as listed above. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

ONE BUCKET TRUCK CHASSIS

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---|---|----------------------|
| Gibbs Motor Company | \$ 3,747.73 | 90-120 Days |
| Angelina Chevrolet-Cadillac Co. | \$ 3,571.27 | 45-60 Days |
| Commercial Body Corporation San Antonio, Texas 78294 | \$ 3,701.00(Chassis) \$11,434.00(Equip.) | Approx. 120 Days |
| Tipton-Billingsley Ford | \$ 3,561.22 | 60-75 Days |

City Manager Westerholm stated that bids for one bucket truck chassis had been received and Tipton-Billingsley Ford was low bidder in accordance with amount as listed above. City Manager Westerholm further explained that only bid received for equipment was from Commercial Body Corporation, San Antonio, Texas. Comm. E. C. Wareing made motion that Tipton-Billingsley Ford be awarded low bid for one bucket truck chassis in accordance with low bid as submitted above. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Mayor Garrison expressed his concern that members not accept bid on equipment from Commercial Body Corporation until City officials had made a further inquiry to locate another company. Mayor Garrison further indicated his concern that more than one bid be submitted if possible.

Considerable discussion developed among members of the Commission and City Manager Westerholm stated that he would work with Public Works Director to locate another manufacturer prior to next regular meeting. Comm. R. A. Brookshire then made motion that awarding of bid for equipment to be used with the bucket truck chassis be postponed until next regular meeting in accordance with report to be submitted by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

THREE ½-TON PICKUP TRUCKS

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---------------------------------|-------------------|----------------------|
| Angelina Chevrolet-Cadillac Co. | \$ 9,545.79 | 45-60 Days |
| Gibbs Motor Company | \$10,247.16 | 60-90 Days |
| Tipton-Billingsley Ford | \$ 9,981.00 | 30-45 Days |

City Manager Westerholm reported that bids on three ½-ton pickup trucks had been received and Angelina Chevrolet-Cadillac Company was low bidder in accordance with above listed bids as submitted. Comm. W. O. Ricks, Jr., then made motion that Angelina Chevrolet-Cadillac Company be awarded low bid in the amount of \$9,545.79 for three ½-ton pickup trucks. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

ONE 3/4-TON PICKUP

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---------------------------------|-------------------|----------------------|
| Angelina Chevrolet-Cadillac Co. | \$ 3,912.93 | 60-70 Days |
| Gibbs Motor Company | \$ 4,173.88 | 90-120 Days |
| Tipton-Billingsley Ford | \$ 4,108.00 | 45-60 Days |

City Manager Westerholm reported that Angelina Chevrolet-Cadillac Company had submitted low bid for one 3/4-ton pickup in accordance with bid as listed above. Comm. R. A. Brookshire made motion that Angelina Chevrolet-Cadillac Company be awarded low bid in accordance with bid in the amount of \$3,912.93. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

ONE DUMP TRUCK

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---------------------------------|-------------------|----------------------|
| Angelina Chevrolet-Cadillac Co. | \$ 6,150.03 | 150-180 Days |
| Tipton-Billingsley Ford | \$ 5,792.94 | 60-90 Days |

City Manager Westerholm informed members of the Commission that Tipton-Billingsley Ford had submitted low bid for one dump truck as indicated by above listed bid tabulation. Following a brief discussion, Comm. E. G. Pittman made motion that Tipton-Billingsley Ford be awarded bid for one dump truck in the amount of \$5,792.94 to include rear auxiliary springs as recommended. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

ONE SIGN MACHINE

City Manager Westerholm reported that 3M Center, St. Paul, Minnesota, had submitted only bid for one sign machine in the amount of \$1,564.87. City Manager Westerholm further reported that 3M Center was the only company who made this type sign machine and was therefore only company to submit bid. Following a brief discussion, Comm. E. G. Pittman made motion that 3M Center be awarded bid for one sign machine in the amount of \$1,564.87 in accordance with information presented. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

ONE BACKHOE

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|--------------------------------|-------------------|----------------------|
| W. A. DuBose & Son Company | \$13,990.00 | 90 Days or Less |
| Heins Industrial Equip., Inc. | \$11,662.19 | N/A |
| Piney Woods Tractor & Imp.Inc. | \$18,200.00 | N/A |

City Manager Westerholm explained that Heins Industrial Equipment, Inc., had submitted low bid for one backhoe in accordance with bid tabulation as listed above. Comm. W. O. Ricks, Jr., expressed his personal recommendation that members of the Commission consider bid from Piney Woods Tractor & Implement, Inc. Comm. W. O. Ricks, Jr., stated that this Company manufactured a Case machine which he would personally recommend even though Piney Woods Tractor & Implement, Inc., was the highest bid submitted.

City Manager Westerholm reviewed operational and maintenance cost of various backhoe equipment already owned and operated by the City. Following a review of information as prepared by Public Works Director, Comm. W. O. Ricks, Jr., made motion that bid from Piney Woods Tractor & Implement, Inc., in the amount of \$18,200.00 be accepted due to reasons as previously discussed. Motion died for lack of second and Comm. E. G. Pittman made motion to accept low bid by Heins Industrial Equipment, Inc., in the amount of \$11,662.19. 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 majority vote of 5 to 1.

ONE STEAM CLEANER

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|---|-------------------|----------------------|
| Whitton Sales & Service Nacogdoches, Texas | \$ 1,325.00 | N/A |
| Lufkin Industries, Inc. | \$ 1,375.00 | N/A |

City Manager Westerholm stated that two bids had been received for one steam cleaner as advertised and he would personally recommend that the bid by Lufkin Industries, Inc., be accepted even though \$50 higher due to local service which would be available. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that Lufkin Industries, Inc., with a bid amount of \$1,375.00 be awarded bid for one steam cleaner in accordance with recommendation as submitted by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich. Prior to vote on motion, Comm. E. G. Pittman recused himself from vote on this issue. A unanimous affirmative vote was then recorded on motion as previously presented.

SOFTBALL FENCING EQUIPMENT

| <u>Name of Company</u> | <u>Bid Amount</u> | <u>Delivery Date</u> |
|--|----------------------------|---|
| Southwestern Fence Company Houston, Texas | \$ 3,174.60 | Approx. 10 Days from Receipt of Order |
| Southland Fence Company Lufkin, Texas | \$ 2,670.00 \$ 2,020.00 | Approx. 2 to 3 Weeks |
| Gale Fence Company Houston, Texas | \$ 3,185.00 | 15 Days |

Fencing bids were reviewed and City Manager Westerholm reported that Southland Fence Company was low bidder. A brief discussion prevailed and Comm. R. A. Brookshire asked Max Griffin, Recreation & Parks Director, who was present, to explain the difference between two bids as submitted by Southland Fence Company. Mr. Griffin stated that the only difference between the two bids as submitted was that the highest bid submitted by Southland Fence Company would include heavier pipe which did not bend as easily. Comm. W. O. Ricks, Jr., then made motion that Southland Fence Company be awarded bid in the amount of \$2,670.00 in order to receive the best grade of pipe. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

14. Railroad Crossing - North Raguet Street

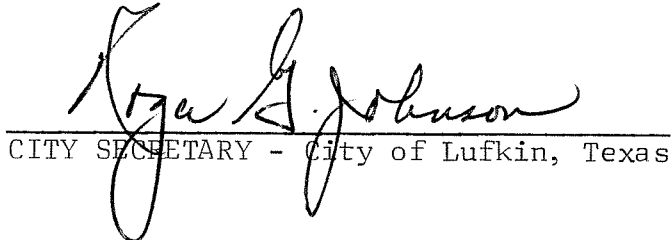
Comm. E. G. Pittman expressed his concern for the rough condition of the railroad crossing located on North Raguet Street. City Manager Westerholm reported that he would discuss repair of this crossing with the Southern Pacific Railroad in order to correct conditions within this area as soon as possible.

15. Adjournment

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


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas