

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 24TH DAY OF NOVEMBER, 1970, AT 7:30 P. M.

On the 24th day of November, 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:

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| Pitser H. Garrison        | Mayor                          |
| Roy L. Leamon, M.D.       | Commissioner, Ward No. 1       |
| 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 |
| Hayne Stokes              | Public Works Director          |
| Robert L. Flournoy        | City Attorney                  |
| Lynn Durham               | City Secretary                 |

being present, and

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| Harvey Westerholm | City Manager |
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Edwin McDaniel, Pastor of Keltys Methodist Church, Lufkin, Texas, who was thanked by Mayor Garrison for his participation and was invited to remain as long as he desired.
2. Mayor welcomed several visitors who were present as observers or in connection with items on the agenda and expressed appreciation to the visitors for their interest in the City's affairs.

3. Approval of Minutes

Comm. Kenneth R. Crain made motion that minutes of regular meeting of November 10, 1970, be approved as written. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

4. Ordinance Adopting Plumbing Code

City Attorney Flournoy read caption of ordinance for first reading covering the adoption of Plumbing Code for the City of Lufkin as recommended by Study Committee headed by Comm. W. O. Ricks, Jr. Comm. B. E. Atkinson, Jr., M.D., stated he has not had time to study the proposed code and thought certain aspects should be looked into thoroughly before action was taken by the City Commission. He read from an article in a national magazine wherein it stated plastic pipe was used for home construction in California and Washington, D. C. at a savings in cost and with 20% less time to install over conventional pipe. Comm. B. E. Atkinson, Jr., M.D., further stated would like to procure copy of Ordinances now in effect in other Texas Cities covering use of plastic pipe in Plumbing Code. Hayne Stokes, Public Works Director, stated he would obtain copies of such Ordinances from The Texas Municipal League. Comm. W. O. Ricks, Jr., stated that plastic pipe was used in some areas at a savings of \$25.00 to \$30.00 per house but the life of such pipe was not good and the picture was not as rosy as the sales pitch would indicate on such use. Comm. W. O. Ricks, Jr., called attention to an installation of some 4,000 feet of plastic pipe in Louisiana which was installed under the supervision of our Consulting Engineering firm of Henningson, Durham & Richardson, which had already collapsed. He further stated that since he was in the Plumbing business, it was his only desire to consider the public interest and agreed that no action should be taken at this time on the Ordinance. Comm. E. C. Wareing stated that he had finally read through the entire ordinance and had a number of questions that were not clear and certain information referred to was missing. He stated the City Commission should schedule a work session on this proposed ordinance before action was taken. Other Commissioners had questions to ask but it was decided that a work session would be scheduled later as suggested by Comm. E. C. Wareing. Comm. B. E. Atkinson, Jr., M.D., made motion that no action be taken on adoption of Plumbing Code at this meeting. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

5. Zone Change Application - J. L. Franklin

City Attorney Flournoy read caption of ordinance for second reading covering zone change from R-1 District to LB District covering property located approximately 1½ miles South of downtown Lufkin, one side fronting on South First Street and the opposite side fronting on South Raguet Street. Mr. Ele Baggett was present to answer any questions the City Commission members might have since his Insurance Agency, Bartlett, Baggett & Shands, had an option to purchase the property and construct an office building if zone change was approved by the City Commission. There were no persons present to object to the zone change. Comm. B. E. Atkinson, Jr., M.D., made motion that ordinance be passed on second reading per recommendation of City Planning and Zoning Commission subject to 25 feet being retained in R-1 District on South Raguet Street side of property as a buffer zone. Motion seconded by Comm. Kenneth R. Crain and a unanimous affirmative vote was recorded.

6. Proposed Bids For Three Police Patrol Units

Mayor Garrison stated that request of City Manager Westerholm at previous meeting for authority to advertise for bids on three replacement units for 1967 Chevrolet, 1968 Oldsmobile, and 1969 Pontiac in the Police Department, which was held up until this meeting, should be acted upon. City Secretary Durham stated that information had been received that delivery date from receipt of order would be from six to eight weeks covering all makes. Comm. Kenneth R. Crain made motion that authority be granted to advertise for bids on these three replacement units in the Police Department for delivery at the earliest possible date. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous affirmative vote was recorded.

7. Request of Angelina College for Control of Street (Old U. S. Highway 59) Through Campus Area

Mr. Jack Hudgens, President of Angelina College, and Mr. Oscar Brookshire, Member of the Board of Trustees at College, were present and requested consideration be given the request of the College for control of Old U. S. Highway 59 that runs through the College Campus due to the traffic hazards involved and due to area now being in City Limits, etc. He stated that the County in 1967 had ceded to Angelina College the right to control this street passing through the College property subject to completion of road from Old U. S. Highway 59 to New U. S. Highway 59 and the College in return gave Right-of-Way for the Farm-to-Market Road across South side of College property. County Judge, O. L. Hubbard, was present and presented copy of minutes of the Angelina County Commissioners' Court which recorded the above transaction. After considerable discussion and at the suggestion of Mayor Garrison, City Commission directed that this request be considered by the City Planning and Zoning Commission in open hearing and recommendation made to the City Commission on action to take on the above request. Comm. E. C. Wareing made motion that this request of the Angelina College for control of Old U. S. Highway 59 through the campus area be referred to the City Planning and Zoning Commission for public hearing and recommendation made to the City Commission for action. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

8. Lufkin Telephone Exchange Co. Application for Local Rate Adjustment

Comm. B. E. Atkinson, Jr., M.D., inquired about financial statement that local telephone company was supposed to furnish which he had not received. It was brought out in discussion that this information would be furnished after audit of the Telephone Company records in December.

9. News Item on Sewer Plants

Comm. B. E. Atkinson, Jr., M.D., stated for the records that he desired the Lufkin News to correct a statement attributed to him stating that he was "opposed to the Poultry Plants". He stated records would reflect that he never made such a statement, that he was only opposed to Sewer rates being charged.

10. Ambulance Operations

Comm. Kenneth R. Crain inquired as to the practices of the City in repairing and operating the Ambulance System. Hayne Stokes, Public Works Director, stated that Ambulances got priority for repairs at the City Warehouse (Garage) and if could not be repaired by the City forces were sent immediately to local automotive agencies for repairs. Comm. Kenneth R. Crain stated he was not critical of the way the Ambulance operations were being handled and all members of the City Commission were in agreement that the Fire Department was doing an excellent job in operating the Ambulances.

11. Status of Case of City of Lufkin Vs Dr. B. H. McVicker on Construction of Garage

Comm. Kenneth R. Crain requested information on status of the City's case against Dr. B. H. McVicker who constructed a garage at his residence on Southwood Drive which was not in accordance with provisions of City's Zoning Ordinance. City Attorney Flournoy stated that the above case was heard by local District Court Judge who ruled that the City's Motion for Declaratory Judgment was an appeal from the local Board of Adjustment and Appeals and was not timely filed and was appealing the decision of the local District Court Judge to the Court of Civil Appeals in Beaumont at a cost to the City of approximately \$150. Mayor Garrison stated this action on the part of the City was necessary if the City was ever to enforce any of our Zoning Ordinances.

12. Estimate #5 (Final) - Moore Bros. Const. Co.

Mayor Garrison presented Estimate #5 (Final) from the above concern covering street improvements on Reen and Roseneath in the amount of \$17,330.76 on which authority to pay was requested. Mayor Garrison stated that he had been advised by Hayne Stokes, Public Works Director, that the contract was \$2,057.58 less than the original Estimate. Comm. W. O. Ricks, Jr., made motion that authority be granted for payment of this final Estimate. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded. At this point Mayor Garrison stated City Manager Westerholm was absent due to his wife being hospitalized in Houston.

13. Downtown Area Improvements

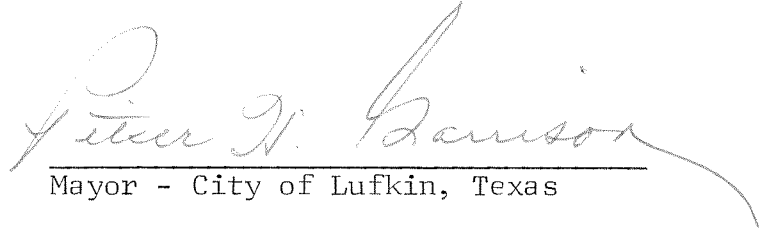
Mayor Garrison presented each City Commission member with a plat of proposed improvements in downtown area between Angelina and First Streets and Frank and Shepherd Avenues, which showed new Library site, additional parking spaces in Calder Square and proposed intersection of Lufkin Avenue with Ellis Avenue. He stated this item had been generally discussed with local downtown merchants and Garden Clubs and desired the City Commission members to study and make recommendations later.

14. Proposed Sewer Plant Site

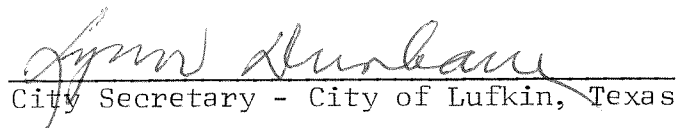
Mayor Garrison advised that three members of the Federal Water Quality Administration visited with he, Comms. Roy L. Leamon, M.D., E. C. Wareing, Kenneth R. Crain, and City Attorney Flournoy as well as Mr. Dick Phelps, of Henningson, Durham & Richardson, to discuss the proposed Sewer Treatment Plant site. He stated further that owners of the property which the City desired to acquire for such site were trying to block the City's application for Federal Funds and did not know when the City would get a decision but there might be a delay of such funds. Mayor Garrison further stated he thought the City would come out alright in this matter but thought should start condemnation proceedings. City Attorney Flournoy advised was preparing legal papers for filing which would be ready at next meeting scheduled for December 8. Comm. B. E. Atkinson, Jr., M.D., made motion that the City authorize Consulting Engineering firm of Henningson, Durham & Richardson, not to do any further work on the proposed Sewer site until definite information is received on procuring the site without further instructions from the City Commission. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

15. Adjournment

There being no further business for consideration, meeting was adjourned at 9:30 P. M.

  
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Mayor - City of Lufkin, Texas

ATTEST:

  
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City Secretary - City of Lufkin, Texas