

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 22ND DAY OF SEPTEMBER, 1970, AT 7:30 PM

On the 22nd day of September, 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:

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
Basil 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

Pitser H. Garrison	Mayor
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God Church, Lufkin, Texas, who was thanked by Mayor Pro Tem B. E. Atkinson, Jr., M.D., for his participation and was invited to remain as long as he desired.
2. Mayor Pro Tem B. E. Atkinson, Jr., M.D., welcomed a number of visitors who were present as observers or in connection with items on the agenda.
3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of meeting of September 1, 1970, be approved as written. Motion seconded by Comm. Kenneth R. Crain and a unanimous affirmative vote was recorded.

4. Proposed Water Rate Increase

City Attorney Flournoy read ordinance increasing water rates inside and outside the City of Lufkin, which was passed on first reading at meeting of September 1, 1970. Comm. E. C. Wareing made motion that ordinance be passed on second reading. Comm. Kenneth R. Crain seconded the motion. However, before vote was taken, Comm. W. O. Ricks, Jr., stated he did not think the rates, as set out in this ordinance, were equitable and did not go far enough and thought they should be revised to be more suitable for the people. Vote on the above motion and second was then taken, which is recorded below:

Voting Aye: E. C. Wareing, R. L. Leamon, M.D., J. T. Hopson and Kenneth R. Crain

Voting Nay: B. E. Atkinson, Jr., M.D., and W. O. Ricks, Jr.

Mayor Pro Tem, B. E. Atkinson, Jr., M.D., declared motion carried by affirmative vote of four to two.

5. Proposed Sewer Rate Increase

City Attorney Flournoy read caption of ordinance covering increase in sewer rates which was passed on first reading at meeting of September 1, 1970. Comm. Roy L. Leamon, M.D., made motion that ordinance be passed on second reading. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

6. Zoning Board of Adjustment and Appeals

City Attorney Flournoy read caption of ordinance amending Zoning Ordinance No. 1146 on Board of Adjustment and Appeals and providing for the appointment of two alternate members. Comm. Kenneth R. Crain made motion that ordinance be passed on second reading. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

7. Budget Hearing

Mayor Pro Tem, B. E. Atkinson, Jr., M.D., stated the 1970-71 Budget which had been prepared by City Manager Westerholm, and studied by all concerned, should now be considered for approval and asked for any comments from the City Commission members and any citizen in attendance at the meeting. City Manager Westerholm submitted items amounting to \$11,265.96 covering increase in hospitalization and insurance costs, salary adjustments and repairs to automotive equipment, etc., and also recommended that two additional school crossing guards be employed effective October 1, at the Denman & Cunningham Street crossing and Chestnut & York Street crossing and that the figures previously presented in the proposed Budget be adjusted accordingly. He also called attention to additional revenues received for the last quarter from City Sales Tax which, if continued at this rate, would more than offset the additional items mentioned above. Several questions were asked by the City Commission members and Mrs. Dowling, a visitor, inquired as to cross-walks for school children. Comm. W. O. Ricks, Jr., made motion that ordinance be passed approving the Budget for the period beginning October 1, 1970, and ending September 30, 1971, as amended by figures presented above by City Manager Westerholm. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

8. Tax Levy Ordinance Providing for General Fund & Interest & Sinking Fund

Comm. E. C. Wareing made motion that ordinance be passed setting a tax levy on property, real and personal, of \$.145 per \$100 valuation to be apportioned for the specific purpose of -

- (1) For the maintenance and support of the general government (General Fund), One and 1.2567 on each One Hundred Dollar (\$100.00) valuation of property.
- (2) For the Interest and Sinking Fund, .1933, (\$.1933) on each One Hundred Dollar (\$100.00) valuation of property to be apportioned as follows:

Refunding,	1936-A
Street Improvements	1947
General Obligation,	1959
General Obligation	
Refunding Bond	1963
Park Bond	1965
General Obligation	
Bond,	1965
Total	\$0.1933

Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

9. Proposed Human Relations Council

Rev. Sidney Spain, Pastor of First Christian Church and President of the Angelina County Ministerial Alliance, along with several members of his group appeared before the City Commission with regard to the establishment of a City of Lufkin Human Relations Council. Rev. Spain, acting as spokesman, went into detail on the working mechanics, membership, etc., of such a council and submitted a suggested list of possible members. No action was taken by the City Commission and City Manager Westerholm was instructed to investigate and secure information from other Cities regarding the workings of such a council and report at next regular meeting.

10. Zone Change Request - Mrs. Ralph Horton

City Attorney Flournoy read ordinance covering zone change from R-1 District to R-3 District on an area 250' x 250' covering property located on Henderson Street as covered in amended application and stated this zone change had been recommended by the City Planning and Zoning Commission. Mr. William Sheehy, Attorney, along with Mr. & Mrs. Ralph Horton were in attendance and answered a number of questions asked of

them by the City Commission members. Mr. & Mrs. Joe Lowe and a Mrs. Durham, property owners in the area, were present to inquire as to the area covered by the zone change. After some further discussion, Comm. Kenneth R. Crain made motion that ordinance covering this zone change application be approved on first reading. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

11. Zone Change Application - Gordon Reily

City Attorney Flournoy read ordinance covering zone change from R-1 District to R-2 District on 44.8789 acres of land located approximately two miles West of downtown Lufkin and fronting on Hill Street and Lotus Lane. City Attorney Flournoy stated this request had been recommended by majority vote of City Planning and Zoning Commission. Sumner Williams, Attorney, representing the applicant, was present and stated that Sabine Investment Co. of Diboll had an option to purchase this land, and would sub-divide same, if zone change was approved, and construct residences. Several persons were in attendance and objected to the change since they thought it would devalue their property. These property owners were Mrs. C. H. Harrell, Mr. J. H. Chastain, and Mr. W. W. Talbert. Some discussion developed and no motion was made by any member of the City Commission to take action on the zone change request and Mayor Pro Tem, B. E. Atkinson, Jr., M.D., proceeded to the next item on the agenda.

12. Zone Change Application - J. Neal and Stella Frances Naranjo

City Attorney Flournoy read ordinance covering zone change request by J. Neal and Stella Frances Naranjo from LB District to CB District on approximately one acre located on the North side of Atkinson Drive at the intersection of Atkinson Drive and Traylor Street. Mr. William Sheehy, Attorney, and Mrs. Naranjo were present to answer any questions regarding the proposed zone change. There were no persons present to object to the change. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on first reading. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

13. Sale of 1 Second-Hand Seaman Multi-Mixer

City Manager Westerholm stated had advertised the above listed second-hand equipment for sale and had received two bids as follows:

City of Pearland, Texas	\$526.59
O. B. Rice, Lufkin, Texas	125.00

City Manager Westerholm recommended that the equipment be sold to the City of Pearland, since their bid was the highest. Comm. Kenneth R. Crain made motion that the multi-mixer be sold to the City of Pearland, Texas, as recommended by City Manager Westerholm. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

14. Revision - Building Permit Fees

City Attorney Flournoy read ordinance for second reading amending present ordinance no. 1164 by deleting Section 1 (5) of ordinance and adopting Section 107.4 (a) of the Southern Standard Building Code concerning schedule of permit fees. Comm. E. C. Wareing made motion that City Attorney Flournoy be instructed to prepare an ordinance in place of the above for consideration at next meeting combining all the pertinent information contained in previous ordinances on proposed fees. No second was given to his motion and he withdrew same. Comm. W. O. Ricks, Jr., made motion that the ordinance as read by City Attorney Flournoy be approved on second reading. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

15. Contributions to Texas Municipal Retirement System

City Attorney Flournoy read ordinance prescribing the maximum earnings to be considered in calculating deposits and contributions by employees of the City who are members of the Texas Municipal Retirement System. City Manager Westerholm stated this was desired by the employees of the City and that previous contributions were 5% of \$300.00 salary per month.

Comm. Kenneth R. Crain made motion that ordinance be approved allowing employees to pay on their maximum earnings for retirement purposes. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

16. Federal Grant - Sewer Improvement Program

City Attorney Flournoy read resolution granting authority to Mayor to sign application for Federal Grant under applicable laws. Comm. W. O. Ricks, Jr., made motion that the Mayor be authorized to sign such applications for Federal Grants. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

17. Resolutions Commending City Employees Retiring From the Service

(a) City Attorney Flournoy read resolution commending D. C. McPherson who retires September 30, 1970, after 42 years service in the Fire Department, City of Lufkin, 15 of which he served as Fire Chief. Comm. Kenneth R. Crain made motion that this resolution be passed and that Mr. McPherson be furnished copy. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

(b) City Attorney Flournoy read resolution commending Paul C. McWilliams who is retiring on September 30, 1970, after serving approximately 18 years as Health Inspector and Parks Superintendent for the City of Lufkin. Comm. W. O. Ricks, Jr., made motion that resolution be passed and that Mr. McWilliams be furnished copy of same. Comm. R. L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

(c) City Attorney Flournoy read resolution commending Perry L. Stanley who will retire on September 30, 1970, after serving a period of approximately 21 years in the Parks Department of the City of Lufkin. Comm. J. T. Hopson made motion that resolution be passed and that Mr. Stanley be furnished copy of same. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

18. Honorary Citizenship - Miss Denise Burnup

City Attorney Flournoy read resolution to be presented to Miss Denise Burnup, Eastbourne, Sussex, England, who has been a guest of the Lufkin Rotary Club as a Rotary Exchange Scholar for a period of seven weeks and declaring her to be, among other things, an honorary citizen of the City of Lufkin. Comm. Kenneth R. Crain made motion that resolution be passed and that Miss Burnup, as well as the Rotary Club, be furnished copy of same. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

19. Audit of City Records

City Manager Westerholm stated had been in touch with representatives of three local Certified Public Accounting firms and was unable to receive an estimate of cost on audit of City records for the fiscal year ending September 30, 1970, as such firms could not bid on this work for ethical reasons. It was noted the Certified Public Accounting firm of Smith & Allred had never audited the City records and Comm. Kenneth R. Crain made motion that City Manager Westerholm be authorized to contact this firm and get an estimate of cost on the proposed audit work and advise the City Commission thereafter of the results. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

20. VFW Carnival

City Manager Westerholm stated that representatives of the local VFW had requested authority to sponsor a carnival on their grounds off Ford Chapel Road, from October 5 through October 10, 1970, with proceeds going to their charities. City Manager Westerholm stated this request had been granted during the past several years. Comm. W. O. Ricks, Jr., made motion that the VFW be granted the authority to operate the carnival per request, subject to restrictions covering insurance, etc. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

21. Street Resurfacing Program

City Manager Westerholm furnished list of a number of streets which City proposes to resurface, amounting to 3.25 miles and requested authority to advertise for bids for this resurfacing work. Comm. E. C. Wareing made motion that City Manager Westerholm be authorized to advertise for bids as requested. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

22. Utility Agreement at Texas Highway Department - Water Line Crossing Loop 287 Near Zoo

City Manager Westerholm read letter from local R.O.W. Engineer of the Texas Highway Department regarding billing by the City for adjustment of water lines crossing Loop 287 near the Zoo in the amount of \$8,379.55. The Texas Highway Department attached Utility Joint-Use Agreement and requested City Commission approve this agreement and approve a resolution authorizing the Mayor to sign the agreement. Comm. W. O. Ricks, Jr., made motion that resolution be passed authorizing Mayor to sign the Utility Joint-Use Agreement with the Texas Highway Department per their request. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

23. Force Main Sewer Line

City Manager Westerholm stated, for information of City Commission, that new force main sewer line had been completed at the mouth of Ellen Trout Lake at a total cost to the City of \$6,638.28, which eliminated the necessity to bore this crossing later at a cost of approximately \$21,000.00.

24. Cleanliness - Zoo Area

Comm. Roy L. Leamon, M.D., called attention to high grass on the Zoo grounds and probably should be mowed more often. City Manager Westerholm stated Zoo Director had been on vacation for a few days, which probably accounted for this condition but would follow through on the item.

25. Grass Growing in Streets

Comm. R. L. Leamon, M.D., called attention to grass growing in streets between pavement and curbs. Public Works Director Stokes stated this condition could only be corrected by poisoning.

26. Speed Limits - Atkinson Drive

Comm. Roy L. Leamon, M.D., called attention to recent letter from State Highway Department regarding speed limits on Atkinson Drive wherein City recommendations was not allowed. Discussion brought out that the City generally follows recommendation of the Highway Department on speed limit on thorough-fares through the City.

27. Possible Annexation of Property - Ellen Trout Lake Park Area

Comm. W. O. Ricks, Jr., called attention to recommendation by City Planning and Zoning Commission of possible annexation of property by the City in the Ellen Trout Lake Park area. This matter was discussed in detail and Comm. W. O. Ricks, Jr., made motion that hearing date of October 6, 1970, be set on proposed annexation of property in Ellen Trout Lake Park area to cover 300' on each side of Lake Street R.O.W. from present City Limits north to City property. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

28. Junk Car Ordinance

Comm. E. C. Wareing inquired as to results being obtained on ordinance recently passed on prohibiting the keeping of abandoned or junk vehicles on private property. City Attorney Flournoy stated the ordinance was being enforced and the City was getting a number of junk cars removed as a result thereof.

29. Proposed Widening of North Raguet From Abney to Frank

Comm. W. O. Ricks, Jr., inquired as to the status of the above project.

City Manager Westerholm stated the Texas Highway Department was going forward with this work under TOPICS Program, which would be at no expense to the City, unless utility lines needed to be relocated. City Manager Westerholm also reported on progress of work on Bynum Street from Ellis to Frank. This improvement will be borne mostly by the Highway Department and the property owners.

30. Right Turn on Red Signal Light

Mayor Pro Tem, B. E. Atkinson, Jr., M.D., inquired again regarding turning right on red light after coming to a stop. City Attorney Flournoy stated right turn could be made if provided by City Ordinance.

31. Executive Session

At this time, 10:30 P. M., Mayor Pro Tem, B. E. Atkinson, Jr., M.D., called the City Commission into an Executive Session and City Attorney Flournoy gave a progress report on acquisition of proposed site for the new Sewer Plant. He stated the price for this property asked for by owners was entirely out of line as compared to value suggested by the City's Appraiser. City Attorney Flournoy requested and received authority from the City Commission to begin condemnation proceedings to acquire this property.

The question of membership in the Board of Adjustment and Appeals was discussed and it was the decision of the City Commission that before new members were appointed, that City Attorney Flournoy should brief them on their duties as members. There were eight names submitted by City Commission members as possible appointees.

The meeting was called back to regular session.

32. Adjournment

There being no further business for consideration, meeting was adjourned at 11:00 P. M.

Bain (E. Atkinson) M.D.
Mayor Pro Tem, City of Lufkin, Texas

ATTEST:

Lynn Durban
City Secretary, City of Lufkin, Texas