MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 3RD DAY OF FEBRUARY, 1970, AT 7:30 PM

On the 3rd day of February, 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:

Earl Nisbet	Mayor
Carl Liese	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
Byron McNeil	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, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. J. A. Russell, Pastor of Calvary Baptist Church, who was thanked by the Mayor for his participation.

2. Mayor welcomed a number of visitors who were present as observers or in connection with items on the agenda. He particularly welcomed two young High School students, Misses Ellen Rode and Carol Petty.

3. State Senator Charles Wilson along with Mr. Neal Pickett were present. Mayor called on Senator Wilson for any remarks he would like to make. Senator Wilson stated he was present at the invitation of the Mayor to try and clarify any differences in thinking with regard to the Deep East Texas Development Council operations and its assistance to cities with regard to obtaining grants. Senator Wilson was asked questions by members of the City Commission regarding grant for the Sewer Improvement Program proposed by the City. Senator Wilson stated he thought the plan submitted by the City of Lufkin to the Texas Water Quality Board was sufficient; however, if it was not, they would assist the City of Lufkin in any way possible on any additional report that might be necessary. He further stated that it was not necessary for the City to belong to the Deep East Texas Development Council to be eligible for a grant. He stated that there were 23 towns and cities in East Texas that were members of the Deep East Texas Development Council. He assured the City Commission that he would assist in any way possible to receive full grant for the proposed Sewer Improvement Program regardless of whether the City joined the Council or not. He stated that the City had been invited to join the Council and produced copy of letter to this effect addressed to the Mayor. Several members of the City Commission stated they were not aware of this invitation. Senator Wilson and Mr. Pickett were thanked by the Mayor for their presence and for the information furnished.

4. The proposed contract between the City of Lufkin and Angelina Fresh Water District No. 1 for Water and Sewer services in Cedar Grove Community was discussed in some detail. Curtis W. Fenley, Jr., Attorney for the District, was present to answer any questions by the City Commission. Mr. Joe P. Teller, Deputy Director of Texas Water Quality Board, Austin, Texas, was also present and recommended that the City take favorable action on the contract since the District had made an application for a grant for a Water and Sewer System in the Cedar Grove Community. After some discussion, WOR made motion that contract be approved by City Commission with revisions in same as follows:

   (a) That tap charges would not be in conflict with future ordinances.

   (b) That if City took over ownership of any portion of the lines, that it would not have to pay an equity therefor.

   (c) That a paragraph be included to void the 1968 Water Contract between the City of Lufkin and Angelina Fresh Water District No. 1.

   (d) That new contract showing above revisions to be furnished City Commission members for study and approval at next meeting.

   BMcN seconded the motion and a unanimous affirmative vote was recorded.

5. HW stated had received two bids on one used asphalt distributor truck, one pneumatic roller, and one tow-type broom as follows:

   City of Pearland, Texas, $1,950 for Ford Asphalt Distributor truck, no bid on pneumatic roller, and $150 for tow-type broom making a total of $2,100.

   D & H Construction Company of Lufkin, Texas, $1,975 for all three items.

   HW recommended that bid of City of Pearland, Texas, in the amount of $2,100 be accepted. DVS made motion that bid be awarded to City of Pearland, Texas. BMcN seconded the motion and a unanimous affirmative vote was recorded.

6. RLF stated had checked on date ordinance could be considered for City Election on April 7, 1970, and would prepare ordinance for consideration at meeting of February 17th setting the date and place. DVS stated that since this item was on the agenda and had been advertised in the newspaper and on TV, thought this matter should be handled at this meeting since in the past it had been handled in the first meeting in February. BMcN concurred with DVS. Some discussion developed and ECW made motion that City Secretary be instructed to immediately contact National Guard Armory on Tulane Drive to see if this location would be available as an additional site. WOR seconded the motion and a unanimous affirmative vote was recorded. City Secretary advised later on in the meeting that the National Guard Armory would be available as an additional site for election purposes. BMcN made motion that election ordinance be passed setting the election date for City officials on April 7, 1970, with the Central Fire Station and National Guard Armory being designated as the two polling places and that Claud Cook and Falcor Perry be named judges and John W. Duke and Ray Henson be named assistant judges. ECW seconded the motion and a unanimous affirmative vote was recorded.

7. RLF read ordinance fixing, determining, and regulating the rates to be charged by Lufkin Telephone Exchange for local telephone exchange transmission service or rental and for other services rendered to persons, firms, or corporations, within the corporate limits of the City of Lufkin, Texas; and requiring the "test" year for rate request be the same as the fiscal year of the Lufkin Telephone Exchange; and requiring the Lufkin Telephone Exchange to furnish certain records; and repealing all ordinances and parts of ordinances in conflict herewith, and explained the contents of same. Several representatives of the Lufkin Telephone Exchange were present and Kester Denman, Attorney for the Telephone Company, stated that his company had furnished all the information necessary for a rate increase request and questioned the necessity of his company furnishing the City a yearly audit and Federal Income Tax Returns. After some discussion, ECW made motion that the 4th paragraph be deleted from the ordinance and Section III be deleted and that present Section IV be shown as Section III. This motion died for lack of second. CL made motion that the 4th paragraph be amended to read as follows:

   "WHEREAS, it is the opinion of the City Commission of the City of Lufkin, Texas that for the purpose of considering future rate increase requests and for purpose of determining legal rate of return on yearly basis, that the Lufkin Telephone Exchange annually furnish the City of Lufkin with a copy of the company's annual financial statement including balance sheet and operating statement with all supporting schedules, and any and all contracts entered into between Lufkin Telephone Exchange and any other utility company;"

   and that Section III be amended to read as follows:

   "That the Lufkin Telephone Exchange annually furnish the City with a copy of the company's annual financial statement including balance sheet and operating statement with all supporting schedules, and any and all contracts entered into between Lufkin Telephone Exchange and any other utility company.",

   with authority being authorized for publication for consideration at next meeting of March 3, 1970. WOR seconded the motion and a unanimous affirmative vote was recorded.

8. RLF stated he had prepared an ordinance at the request of City Manager to include the Tax Department under Texas Municipal Retirement System by amending the present ordinance and requested authority to publish ordinance for passage by the City Commission at later meeting. WOR made motion that RLF recommendation be followed. ECW seconded the motion and a unanimous affirmative vote was recorded.

9. RLF stated that proposed contract for industries who discharge waste in our sewer system had been delivered to five companies and Sullivan Packing Company had signed their contract and that B. M. E. Smith, President of Land O'Pines, had stated that he did not contemplate any problem but had to get approval of his Board of Directors before definite signing of contract could be had. William D. Perkins, Attorney representing the three Poultry Processing Plants, was present and stated his clients had not signed the contract and did not have definite information as to whether or not such contract would ever be signed. RLF stated that if contracts were not signed, would recommend an ordinance be passed setting Sewer rates for these companies. WOR made motion that ordinance or ordinances be prepared to cover such rates for action to be considered at next regular meeting of the City Commission. BEA seconded the motion and a unanimous affirmative vote was recorded.

10. HW called attention to copy of proposed resolution which had been passed out to City Commission members authorizing the Mayor, Chief Administrative Officer, Chief of Police or Marshal to make provision for its law enforcement officers to assist any other County or municipality in a state of emergency. DVS made motion that resolution be passed. BEA seconded the motion. Before vote was taken discussion was had on the number of other towns and cities adopting such resolution and the matter of reciprocity. ECW suggested that a provision be added to the effect that such assistance would not impair or endanger the effectiveness of the Police protection in the City of Lufkin and that Section III be re-written for clarification. The following vote was unanimous in the affirmative.

11. HW called attention to the State Health Department recommendation on measures to be taken by the City with regard to Herty Water Company in that the connection between the City of Lufkin and the Herty Water System had not been approved by the State Department of Health. HW stated it was the recommendation of the Texas State Department of Health that (1) either the City of Lufkin should have sanitary control of the Herty Water Company's system or, (2) the water supplied to Herty Water Company by the City of Lufkin should discharge through a 6-inch air-gap to a storage reservoir from which Herty Water Company would be supplied. It was brought out in discussion that 235 families were involved in the Herty area. After some discussion, BEA made motion that the City of Lufkin obtain water samples first and follow Item (1) and charge the Herty Water Company in accordance with actual cost. DVS seconded the motion and a unanimous affirmative vote was recorded.

12. HW requested approval of the City Commission of an agreement between the City and St. Louis Southwestern Railroad Company to cover sewer line crossing under the railroad at MP E-634.896 and advised the line had already been laid. CL made motion that Mayor be authorized to execute the agreement as requested by HW. ECW seconded the motion and a unanimous affirmative vote was recorded.

13. HW presented plat of area showing the defective sewer line near Markus and Jordan Streets and stated to relocate the line would cost approximately $7,000 which included labor, machinery, etc. HW stated this item was not in budget but could be included in next year's budget. The City Commission members thought the situation should be corrected as soon as possible and BEA made motion that HW be instructed to study and include the expenditure in next year's budget if funds were not available by that time. Motion seconded by DVS and a unanimous affirmative vote was recorded.

14. HW stated had been offered funds from outside source to provide facilities for a bear and racoons at City Zoo and recommended he be given

authority to accept such funds. DVS made motion that HW be authorized to accept funds to provide facilities for a bear and racoons at City Zoo. BEA seconded the motion and a unanimous affirmative vote was recorded.

15. BEA inquired as to whether or not the master plan was being followed at the City Zoo when new facilities are constructed. HW will check on this matter.

16. BEA inquired if had any definite information covering Workmen's Compensation and other insurance due to the passage of the Tort Claims Act. RLF stated should have this information available at next regular City Commission meeting.

17. EN stated that at last regular City Commission meeting that Mr. Oscar Allen was appointed a member of the Housing Authority representing labor and had received word from Mr. Allen that he would be unable to serve as a member of this Housing Authority and would like to appoint Mr. Robert L. Hall as a member of this Housing Authority in place of Mr. Allen. CL made motion that Mr. Hall be appointed a member of the Housing Authority to represent labor in place of Mr. Oscar Allen as recommended by EN. BEA seconded the motion and a unanimous affirmative vote was recorded.

18. There being no further business for consideration, meeting was adjourned at 11:30 P.M.

Mayor - City of Lufkin, Texas

ATTEST:

City Secretary - City of Lufkin, Texas