

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 19th DAY OF NOVEMBER, 1968, AT 7:30 PM

On the 19th day of November, 1968, 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
William E. Wolff	City Manager
Lynn Durham	City Secretary
David Walker	City Attorney

being present, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Dr. Arthur DeLoach, Pastor of First Baptist Church, Lufkin, Texas. Mayor thanked Dr. DeLoach for his participation.
2. Mayor welcomed a number of visitors who were present in connection with items on the Agenda or as observers.
3. BMcN made motion that minutes of regular meeting of November 5, 1968, be approved as written after correcting Item 17 to show "BMcN seconded the motion and a unanimous affirmative vote was recorded". CL seconded the motion and a unanimous affirmative vote was recorded.
4. ECW stated that his committee had studied bids on construction of two new Fire Stations and found the bid of Thomas & Thompson of \$94,280.00 being in line and being low and recommended that this firm be awarded the contract for constructing these two Fire Stations without alternates and made motion to this effect. WEW stated the bid was in line with bond money allocated. BMcN seconded the motion. However, before vote was taken, Jerry D. Hill, Architect, stated he had received letter from Mr. J. R. Thompson of Thomas & Thompson, with regard to compacting the location before work was started which may take some time to accomplish. Mr. Thompson in his letter stated that he did not desire to be responsible for structures being placed on fill on which he had no control and requested that compaction test be made on each layer of fill placed. Mr. Thompson further stated in his letter that should the City desire to add this phase through contract, an amount of \$5,950.00 would have to be added and his firm would then assume full responsibility for the project.

WEW stated that the City could handle this work for less than half the amount quoted. BEA stated that this additional money would bring the cost to more than the bond money available and did not feel the City should do this work with streets in condition they were now in. CL was in agreement with BEA and his remarks.

Due to the above information on probable additional cost, ECW withdrew his motion and BMcN withdrew his second and ECW requested WEW to furnish accurate information on bond money available for the various items included in the Fire Station construction as well as equipment to determine whether or not this additional work would be handled under contract. WEW stated would have this information available by the end of the week at which time the City Commission could then make decision on awarding contract.

5. DVS stated he and his committee had checked bids for 14 pickup trucks and found Angelina Chevrolet Cadillac Co. low and made motion that the 14 trucks be purchased from Angelina Chevrolet Cadillac Co. with Alternate A for a total of \$27,882.71 after tradein allowance. WOR seconded the motion and a unanimous affirmative vote was recorded.
6. CL stated he and his committee had checked bids on two garbage bodies and made motion that 2 - 20 cu. yd. bodies be purchased from Hobbs Trailers, Houston, Texas, at a price of \$9,231.00. BEA seconded the motion and a unanimous affirmative vote was recorded.
7. WOR stated his committee had met, discussed and studied bids received on Two-Way Radio Communication Systems and made motion that this system be purchased from Motorola at a price of \$7,409.00, with deletion of alternate bid. BEA seconded the motion and a unanimous affirmative vote was recorded.
8. WEW presented maps showing areas in Lufkin that have not been served with sanitary sewer and stated a concerted effort would be made to extend services to as many of these areas as possible in the immediate future. EN inquired if Keltys would be included in this extension. WEW stated Keltys, Herty and some of the other annexed areas would have to be included in our contemplated sewer improvement program now under consideration.
9. WEW submitted the name of Robert L. Flournoy for the position of Judge, Corporation Court, and recommended Mr. Flournoy be confirmed by the City Commission for this position due to recent resignation of Jack Dies. CL made motion that WEW's recommendation be followed and that Robert L. Flournoy be appointed as Judge, Corporation Court. BEA seconded the motion and a unanimous affirmative vote was recorded.
10. WEW read letter addressed to Mayor and City Commission from Mr. Ray J. Terrell of Bernard Johnson Engineers, Inc. with reference to Angelina Street Improvements. This letter went into detail regarding conditions in connection with the contract with Pit Construction Co. especially in regard to request for time extensions. As a matter of record, this letter is quoted below.

"The purpose of this letter is to provide our comments concerning a request from Pit Construction Company for an extension of time to their construction contract and to your final acceptance of the project, as referenced above. The comments contained below are a result of a conference with your City Engineer, Mr. Coy O. Milligan, conducted in our offices on November 15, 1968. The total number of days of time extension requested and as contained in two letters from Pit Construction Company is 257, broken down as follows.

The first claim pertains to 73 days delay which they attribute to utility relocations, done by others. The data submitted by Pit Construction Company in support of this claim is neither specific nor detailed enough to substantiate their claim for delay. Your further investigation may indicate that they are entitled to some delay, however, we are unable to comment on the validity of the days claimed from the data supplied by Pit.

The second claim pertains to 146 days delay due to rain or inclement working conditions too wet for construction. We have reviewed the U.S. Weather Bureau data supplied to us and find that the total rainfall for the 180 day period

of the contract was only 0.23 inch more than the five year average for the same period of the year. Further analysis shows that the April, May and June following the contract expiration had a total of 10.72 inches more than the average. It is reasonable to assume that a prudent contractor would have allowed for normal rainfall during the term of his contract. Further, during the term of the contract, several meetings were held with the contractor wherein he was requested to add personnel and improve the progress of the work in order to complete the contract within the time schedule. Had the contractor pursued his work as scheduled, he would have completed the contract on time and prior to the period of unusual rainfall.

Pit Construction has indicated that they claim 38 days extension as requested by the City of Lufkin during the Christmas period, 1967. We are not familiar with this request and therefore, cannot comment on it.

Angelina Street was opened officially September 1, 1968, and from that time forward, the City has enjoyed the benefits of the improvements thereto. We recommend that beneficial acceptance be made effective September 1, 1968. The calendar days charged against the contractor should be charged to the date of beneficial acceptance. The contractor has been notified, in the presence of the City Engineer, that prior to final acceptance of this project and his being paid in full by the City of Lufkin, it will be necessary for him to provide a notarized affidavit that all claims against his contract have been satisfied and further, that he must provide a certificate from his surety company to this effect. In this regard, we are aware of a claim filed by one of his subcontractors and we have been notified of a damage claim against the City of Lufkin, Pit Construction Company and ourselves. Until these, and other claims which may be outstanding, are satisfied or provisions made for their satisfaction, we recommend that final payment be withheld.

As a matter of information, we would invite your attention to the provisions of the General Conditions and Special Conditions of the contract, specifically, Paragraphs GC- 1-28, 1-38, 1-39, 1-40, and 1-41, as well as SC-06 and SC-14, all pertaining to the general subject of claims and time extensions."

Mayor stated that the 38 days mentioned in letter regarding extensions requested by the City of Lufkin was erroneous in that the City had requested Pit Construction Co. not to close street during past Christmas Holiday period only at Ellis and Angelina intersection and was assured this would not be done since they had plenty of work to do and it would not delay progress on the Angelina Street Improvement Program.

Mayor also stated he was informed today that the City was going to be party to a suit filed by L. C. Sanches which would include Pit Construction Company and Bernard Johnson Engineers, Inc. and that it was his understanding from the City Attorney that this claim was going to be handled by Pit Construction Company.

WEW stated he had received Estimate No. 13 covering period from 7-20-68 thru 8-27-68 in the amount of \$16,982.58 which had been approved for payment by City Engineer as well as Bernard Johnson Engineers, Inc. and recommended same be paid since there would be \$39,647.35 retained from final payment to take care of any claims and unfinished details of the job that must be cleared up.

DVS made motion that Estimate No. 13 in the amount of \$16,982.58 be authorized for payment as recommended by WEW. ECW seconded the motion and a unanimous affirmative vote was recorded.

11. WEW presented final invoice from Bernard Johnson Engineers, Inc. in the amount of \$1,417.54 covering engineering fees in connection with the Angelina Street Improvement Program and recommended same be authorized for payment. DVS and WOR desired to know if Bernard Johnson Engineers, Inc. would be relieved of further responsibility on the above job if this item was paid. DW assured them this was not the case.

CL made motion that this final invoice in the amount of \$1,417.54 be authorized for payment. BEA seconded the motion and a unanimous affirmative vote was recorded.

12. DW stated needed approval by City Commission of Resolution authorizing Mayor to sign deed to State Highway Department for right-of-way for extension of Loop 287 near City Zoo for which the City will receive \$4,927.00. BEA made motion that Resolution be approved as recommended by DW. Motion was seconded by DVS and a unanimous affirmative vote was recorded.
13. DW stated had prepared Resolution commending George Henderson, Jr. for services rendered while a member of the City Planning and Zoning Commission since Mr. Henderson recently resigned from this body. CL stated that inasmuch as he was the one who recommended Mr. Henderson as a member of the City Planning and Zoning Commission would like to make the motion that this Resolution be passed and copy furnished to Mr. Henderson. BMCN seconded the motion and a unanimous affirmative vote was recorded.
14. DW stated that he had received Ordinance and Agreement from Mayor between the City of Lufkin and the State Highway Department covering maintenance of Highways within the City Limits of Lufkin. DW stated he had checked the Agreement and recommended approval by the City Commission. BEA made motion to this effect, seconded by ECW and a unanimous affirmative vote was recorded.
15. DW stated that he had prepared several ordinances recently amending a number of Ordinances and had furnished copy to each member of the City Commission which should be considered as soon as possible. City Secretary was instructed by Mayor to place these Ordinances on Agenda for next meeting.
16. DVS called attention to meeting of Texas Municipal League, Region 16, scheduled to be held at Port Arthur on Thursday, November 21, 1968 and urged all who could to be in attendance.
17. DVS called attention to a cut in paving on Oleta Street and stated paving had sunk in and needed attention. WEW stated would schedule this item for handling.
18. DVS called attention to Driveways cut through curb and gutter on Angelina Street near Lufkin Foundry property and understood this property was leased by the First Bank & Trust Co. This matter was discussed and City Engineer who was present was instructed by the City Manager to handle this item to conclusion.
19. Mayor inquired of WEW as to status of paving Chestnut Street from Railroad to Lufkin Ave. WEW stated this matter was being handled to conclusion and would be included in paving Ordinance to be handled at next regular meeting.

20. BEA asked Jerry D. Hill, Architect who was present, if the amount of money for compacting foundation on sites of two Fire Station locations would be included in his fee. He stated that it would.

21. BEA made motion that the City of Lufkin discontinue allowing City employees to attend Region meetings of the Texas Municipal League at City expense inasmuch as he did not think the programs were of sufficient interest to be of value to such employees and were more or less a "beer bust".

WEW stated that the expense incurred by the City did not include ingredients for the hospitality hour and only included expense of transportation and meals at such meetings. CL seconded the motion and suggested that City Manager, City Attorney and City Secretary be allowed to attend these meetings.

DVS stated he was President of Region 16 and agreed that the programs were not very good at times but if the City was to continue to be a member of the organization he thought that they should support it and he would do everything possible to see that the programs were improved.

ECW made a substitute motion that City be authorized to pay the expense to these meetings for the City Manager and other employees he designated might benefit from any programs scheduled for such meeting. BEA withdrew his previous motion and CL withdrew his second and then BEA seconded the motion ECW made and a unanimous affirmative vote was recorded.

22. BEA had the following items for WEW's attention:

(a) A resident on the West side of Loop 287 would like a study made at the crossing of Loop 287 and Turtle Creek Drive for a traffic light or walkway over the Loop. WEW will investigate this item with the Highway Department.

(b) Stated that railroad crossing at TSE Railroad on Ellis near Loop 287 was in very bad condition. WEW stated he would discuss this item with the Highway Department.

(c) Traffic light at Jefferson and Raguet not working properly as well as light at Raguet and railroad crossing near Lufkin Foundry was holding 5 minutes which created a serious traffic problem.

CL suggested that light be placed on blinker and Patrolman should be placed at the intersection at peak periods to handle traffic.

(d) Traffic light at Frank and South Bynum near Woodland Heights Hospital not working properly as it does not go through complete cycle. WEW will have light checked.

23. CL inquired if any progress was made on drainage condition in R. H. Duncan Addition near Copeland and if drain tile had been placed in rear of Parker McVicker's house. WEW stated nothing had been done yet due to getting right-of-ways established.

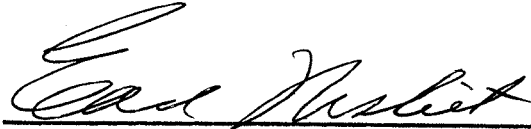
24. CL inquired if any steps had been taken for procuring bookkeeping machine. WEW stated was following through on this item.

25. ECW inquired about maps being placed in the City Council Room for use by City Commission and the City Planning and Zoning Commission. WEW stated this item was in the process of being handled by purchasing a rack in which maps could be rolled up and down.

26. Mayor called attention to letter received recently from Altrusa Club requesting City Commission consideration for granting or conveying enough area in the City Park on South Timberland Drive to their Club which would allow them to make arrangements for an adequate building and play ground for additional child care.

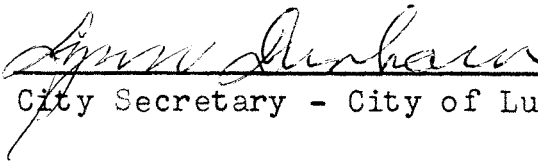
Some discussion was had and DVS stated he desired to see a map of all City owned property before making a decision on this request. CL made motion that this request be referred to the City Planning and Zoning Commission for study and recommendation. ECW seconded the motion and a unanimous affirmative vote was recorded.

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



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas