

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 4TH DAY OF JANUARY, 1972, AT 7:30 P. M.

On the 4th day of January, 1972, 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:

Pitser H. Garrison	Mayor
Roy L. Leamon, M.D.	Commissioner, Ward No. 1
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Lynn Durham	City Secretary

being present, and

J. T. Hopson	Commissioner, Ward No. 2
B. E. Atkinson, Jr., M.D.	Commissioner at Large, Place B

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

1. Meeting opened with prayer by Rev. L. D. Bell, Pastor of New Zion Baptist Church, Lufkin, Texas.
2. Mayor Garrison welcomed visitors.
3. Approval of Minutes

Comm. Roy L. Leamon, M.D., made motion that minutes of regular meeting of December 7, 1971, be approved. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

4. Ordinances on Proposed Annexations

Mayor Garrison opened hearing on proposed annexation of areas as advertised in Lufkin News on December 20, 1971:

Tract #1 - Lufkin Independent School District & Others, property lying South of State FM No. 325 and 300 feet East of State Highway Loop No. 287.

Tract #2 - Miller Enterprises, Inc., property lying South of Angelina College along the West right-of-way line of U. S. Highway No. 59 South.

Tract #3 - Brookhollow #5 Addition, property lying Southwest of Live Oak along each side of Copeland Street.

There were no persons present to speak in behalf of or against annexation of above tracts and Mayor Garrison called the hearing to a close and requested action on Ordinances for first reading covering each tract.

Comm. E. C. Wareing made motion that Ordinance covering annexation of Tract #1, as recommended by the City Planning and Zoning Commission, be passed on first reading. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., made motion that Ordinance covering annexation of Tract #2, as recommended by the City Planning and Zoning Commission, be passed on first reading. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

Comm. Joe E. Rich made motion that Ordinance covering annexation of Tract #3, as recommended by the City Planning and Zoning Commission, be passed on first reading. Comm. W. O. Ricks, Jr., inquired as to whether or not this Addition meets the City's specifications covering streets, etc. Hayne Stokes, Public Works Director, stated that after same was brought into the City it would have to meet such specifications. Comm. W. O. Ricks, Jr., then seconded the motion and a unanimous affirmative vote was recorded.

5. Zone Change Application - Morgan & Gann from R-3 to LB District

City Attorney Flournoy read caption of Ordinance covering zone change by above applicants from R-3 District to LB District located at Northwest corner of intersection of Grant Avenue and Church Street. Comm. W. O. Ricks, Jr., made motion that Ordinance be passed on second reading. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

6. Zone Change Application - L. W. Adkison from R-1 to C District

City Attorney Flournoy read caption of Ordinance covering zone change application of L. W. Adkison from R-1 District to C District covering property located on North side of 1900 Block of Lufkin Avenue (FM 325). Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on second reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Zone Change Application - M. C. Powell from R-1 to A District

City Attorney Flournoy read caption of Ordinance covering zone change application of M. C. Powell from R-1 District to A District covering .566 acre of land located South of R. H. Duncan's office on East side of Loop 287 and Pin Oak Lane. Comm. Joe E. Rich made motion that Ordinance be passed on second reading. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

8. Texas Power & Light Company - Application for Rate Increase

Mayor Garrison called attention to a 6% rate increase application that had been presented to the City by Texas Power & Light Company. Mr. James B. Manning, District Manager of Texas Power & Light Company in Lufkin, was present and was called on by Mayor Garrison to speak in behalf of the application. Mr. Manning read a prepared statement which gave a brief history of Texas Power & Light Company's earnings for the past 20 years and stated that the last rate increase requested by his company was made in 1951. He displayed eight charts giving a visual description toward justification of the proposed 6% rate increase. He stated that inflationary costs, labor, fuel, interest rates and operations over the past years were responsible for this request. Mayor Garrison questioned Mr. Manning as to fair value figures and asked if same had been broken down by Cities whereby a study could be made by the City Commission on the Company's Lufkin investment. Mr. Manning stated that it was not, but he would probably be able to secure such information. Comm. E. C. Wareing asked if this rate increase was being requested of Cities throughout Texas Power & Light Company's entire system in Texas and Mr. Manning stated it was. Comm. E. C. Wareing also had several other questions regarding this proposed increase. Mayor Garrison thanked Mr. Manning for his presence and presentation of Texas Power & Light Company's rate increase request and stated that the City Commission would give consideration to same and a decision made later thereon.

9. Zone Change Application - Jimmy F. Ainsworth from R-1 & C Districts to C District and Special Use

City Attorney Flournoy read Ordinance changing zone from R-1 District and C District to C District and Special Use, (Art. XV, Section 16, Zoning Ordinance, Private Clubs, etc.), covering property located at 1905 South First Street known as Milton Motel owned by Jimmy F. Ainsworth. There were no persons present to object to the zone change and Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Zone Change Application - Temple Industries, Inc., from LB to CB District

City Attorney Flournoy read Ordinance changing zone from LB District to CB District covering portion of property across U. S. Highway 59 South from Angelina College owned by Temple Industries, Inc. There were no persons present to object to this zone change and Comm. E. C. Wareing made motion that Ordinance be passed on first reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

11. Zone Change Application - Arthur Bresie from R-1 to A District

City Attorney Flournoy read Ordinance changing zone from R-1 District to A District covering property located on the South side of California Boulevard between Bynum Street and Lotus Lane by Arthur Bresie. Jerry Hill, George L. Shotwell, A. C. Childs, Ed Winston and H. T. Bowers were present and voiced objection to this zone change. Each of these gentlemen spoke in opposition to the proposed zone change giving the following reasons for their objections:

- (a) Did not want apartments in an R-1 zoned area;
- (b) Would create additional traffic hazards in the area;
- (c) Too many apartments for the allotted acreage;
- (d) Would cause an additional drainage problem for the area; and
- (e) Would promote vandalism.

Mayor Garrison then called upon Mr. Herman E. Bate, Attorney for the applicant, for any remarks he desired to make with regard to the zone change application. Mr. Bate went into detail on all the objections raised and, in particular, stated that the problem of drainage was Mr. Bresie's and that no apartment units would be constructed or maintained that would be an eyesore to the area. At this point, Comm. E. C. Wareing stated that he would like to recuse himself from a vote on the zone change due to living within 200' of the area. Mayor Garrison stated that the Zoning Ordinance requires a 4/5 vote of the City Commission members to pass a zone change ordinance if 20% of the property owners within 200 feet presented a formal signed statement to the City Secretary objecting to the change and recommended that no action be taken due to the absence of two members, and the fact that Comm. E. C. Wareing had recused himself from voting, until next regular meeting. He assured the visitors who were present and objecting to the change that their objections would be taken into consideration when action was taken on this zone change application at next regular meeting. Comm. W. O. Ricks, Jr., made motion that action on this zone change application be withheld until next regular meeting. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

12. Speed Limits on Highway 59 North

City Attorney Flournoy read caption of Ordinance amending Ordinance No. 193 providing maximum speed limits on certain portions of Timberland Drive (U. S. Highway 59) as recommended by the State Highway Department and discussed in previous City Commission meeting. Comm. Roy L. Leamon, M.D., made motion that Ordinance be passed on first reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

13. Assistant to City Attorney-Traffic Violations-Herman E. Bate

City Attorney Flournoy stated that an amount of \$4,000.00 annually had been placed in the budget to hire an assistant in the Legal Department to help with traffic violation prosecutions, and stated that Herman E. Bate of the law firm of Fenley & Fenley had agreed to handle this work. Mayor Garrison then stated that it was his opinion that this appointment should be more carefully considered since Fenley & Fenley handled other legal matters with the City and the City Commission members were in agreement to consider this at a later meeting.

14. Audit Report - Fiscal Year 1970-71

City Manager Westerholm stated that audit report for the fiscal year 1970-71 had been completed by Mr. Ken Smith, Certified Public Accountant, copies of which had been furnished members of the City Commission. Mr. Smith was present and stated that he would answer any questions the City Commission members might have with regard to this audit report. Comm. E. C. Wareing inquired as to why a letter section recommending changes in any of the accounting procedures had not been included in the audit report; since previous audits contained such letter of recommendations and, since this letter was not included, he assumed the audit reflected generally satisfactory conditions in the City's accounts. Mr. Smith stated that with the exception of a few minor changes, which had been recommended to City officials, the audit revealed a fair picture of the assets, liabilities,

reserves and surplus resulting from accounting transactions by the City of Lufkin. Comm. W. O. Ricks, Jr., stated that he thought the audit was a fine report. City Manager Westerholm stated that since Mr. Smith's invoice for the audit report was for \$2,450.00, approval by the City Commission was necessary to pay same. Comm. E. C. Wareing made motion that authorization be granted to pay the invoice in the amount of \$2,450.00 to Mr. Smith. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Front End Loader & Truck Chassis - 6 Cubic Yard Bed

City Manager Westerholm stated that bids had been received as follows for front end loader and truck chassis with a 6 cubic yard bed:

Name of Company	Front End Loader	Truck Chassis 6 Cu. Yd. Bed
George P. Bane, Inc. Tyler, Texas	\$21,950.00	
Nichols Machinery Co. Dallas, Texas	\$26,350.00	
Mustang Tractor & Equipment Co. Houston, Texas	\$24,637.00	
South Texas Equipment Co., Inc. Houston, Texas	\$21,675.00	
Gardner Machinery Corp. Houston, Texas	\$21,244.00	
Browning-Ferris Machinery Co. Houston, Texas	\$24,255.00	
Tipton-Billingsley Ford, Inc. Lufkin, Texas		\$6,445.42
Angelina Truck & Tractor, Inc. Lufkin, Texas		\$6,294.87

City Manager Westerholm recommended that Mustang Tractor & Equipment Company be awarded the bid for the front end loader in the amount of \$24,637.00. He further stated that although this was not the lowest bid, Mustang Tractor & Equipment Company had the best service since they had a local shop and met all specifications. Comm. W. O. Ricks, Jr., made motion that Mustang Tractor & Equipment Company be awarded the bid for the front end loader of \$24,637.00. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

City Manager Westerholm recommended that Tipton-Billingsley Ford, Inc., be awarded the bid for the truck chassis with a 6 cubic yard bed, in the amount of \$6,445.42 in that it met specifications. Comm. Roy L. Leamon, M.D., made motion that the City accept bid of Tipton-Billingsley Ford, Inc., in the amount of \$6,445.42 for the truck chassis with a 6 cubic yard bed. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

16. 1972 Truck Tractor, 1972 Tilt Cab Truck Chassis & Garbage Trailer

City Manager Westerholm stated that bids had been received as follows for a 1972 truck tractor, 1972 tilt cab truck chassis and a garbage trailer:

Name of Company	1972 Truck Tractor	1972 Tilt Cab Truck Chassis	Garbage Trailer (28 c.y.)
Pak-Mor Mfg. Co. Sam Antonio, Texas			\$12,900.00 (32 c.y.)
Hobbs Trailers, Ft. Worth, Texas			\$13,500.00 (33 c.y.)
Tipton-Billingsley Ford	\$6,441.90	\$10,357.84	
Angelina Truck & Tractor	\$6,551.60	\$10,345.34	

City Manager Westerholm recommended that Hobbs Trailers be awarded the bid for the garbage trailer in the amount of \$13,750.00 since delivery could be consummated within one week and the City had been using their demonstration trailer which exactly fitted our needs. He also stated that this trailer had a 33 cubic yard capacity instead of a 32 cubic yard capacity shown in the other bid. Comm. W. O. Ricks, Jr., made motion that bid be awarded to Hobbs Trailers in the amount of \$13,750.00 for the garbage trailer. Comm. E. C. Wareing seconded the motion and a unanimous affirmative vote was recorded.

City Manager Westerholm recommended that Tipton-Billingsley Ford be awarded the bid for the 1972 truck tractor in the amount of \$6,441.90. Comm. W. O. Ricks, Jr., made motion that the bid of Tipton-Billingsley Ford of Lufkin, Texas, be accepted. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

City Manager Westerholm recommended that Tipton-Billingsley Ford be awarded the bid for the 1972 tilt cab truck chassis in the amount of \$10,357.84. Comm. Roy L. Leamon, M.D., made motion that City Manager's recommendation be accepted. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Comm. Joe E. Rich called attention to the fact that few bids had been received on automotive equipment. Discussion brought out that some local firms did not desire to bid or could not meet specifications set up by the City. City Manager Westerholm was instructed by the City Commission to prepare specifications, if possible, that could be met by all concerned.

17. Dragline for Sanitary Landfill

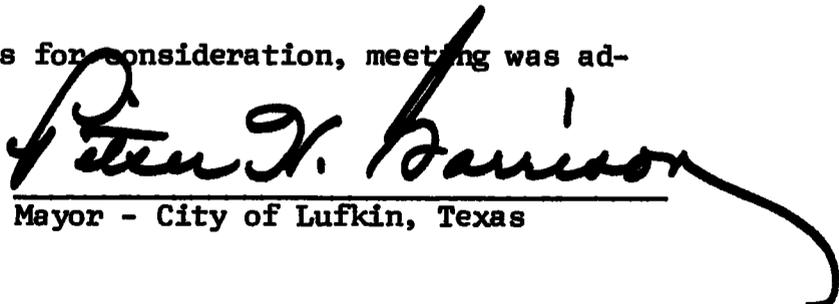
City Manager Westerholm stated that the City was in need of a dragline in order to dig deeper at the new sanitary landfill location and desired City Commission approval to advertise for a used dragline. Comm. E. C. Wareing asked the City Manager if this purchase would require the City to hire a new operator. City Manager Westerholm stated that a new operator would not be required and Comm. E. C. Wareing made motion that the City be authorized to advertise for bids for a used dragline. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

18. Proposed Civic Center Site - Central Ward School

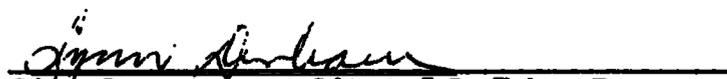
Mayor Garrison stated that in 1965 the citizens of Lufkin voted to issue \$1,500,000.00 in general obligation bonds to construct a civic center. Mayor Garrison stated that Central Ward School site on Second Street of approximately four acres might be suitable as a civic center site, which the City might be able to acquire from Lufkin Independent School District, and recommended that City Manager Westerholm be given authority to investigate this possibility, and report to the City Commission at a later meeting. Comm. Roy L. Leamon, M.D., made motion that City Manager Westerholm research this proposal. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

19. Adjournment

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


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas