MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18th DAY OF FEBRUARY, 1969, AT 7:30 PM

On the 18th day of February, 1969, 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
David Walker	City Attorney
Lynn Durham	City Secretary

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

1. Meeting opened with prayer by Rev. Bill Hines, Pastor of the Parkview Baptist Church. Mayor thanked Rev. Hines for his participation in the meeting.

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 meeting of February 4, 1969, be approved as written and distributed. BEA seconded the motion and a unanimous affirmative vote was recorded.

4. DW read caption of Ordinance for second reading amending Ordinance covering speed limits at certain school crossings within the city limits. CL made motion that Ordinance be passed on second reading. BMcN seconded the motion. However, before vote was taken, BEA inquired as to whether or not it was a State Law that speed limits at school areas be 20 MPH instead of 30 MPH as called for in above amendment to Ordinance. WEW stated had discussed this matter with local State Highway Department officials and was advised that the proposed speed limit of 30 MPH was more realistic. A unanimous affirmative vote was then recorded on passage of the above ordinance on second reading.

5. DW and City Engineer who was present, presented drawing of layout in area covering water and sewer lines on which request for reimbursement of cost for such water and sewer lines installed by Mr. Bruce Cunningham and Mr. W. W. Blackburn to serve Youngbloods Restaurant and Enco Service Station on area recently annexed was made at previous meeting of City Commission by Mr. Jim Cornelius, Attorney.

   After some discussion, DVS made motion that this request for reimbursement for cost of water and sewer line by Mr. Cunningham and Mr. Blackburn be refused on the advice of WEW, DW and City Engineer. CL seconded the motion and a unanimous affirmative vote was recorded.

6. Mr. H. L. Stegall appeared before the City Commission to request consideration be given to amending present Paving Ordinance to allow for 27 foot streets in proposed subdivision near Jones Lake Park. City Secretary read recommendation of the City Planning and Zoning Commission that Paving Ordinance remain as is unless the City Commission feels the City Planning and Zoning Commission should recommend proposed changes in all street widths but that no exception should be made to the ordinance and if any changes are necessary, should be amendments to such ordinance.

EN stated he thought an amendment should be made to the Ordinance to allow 27 foot streets in certain areas of the City. However, it was the general feeling of the other members of the City Commission that no changes be made in the present Paving Ordinance, and CL made motion that the request by Mr. Stegall and Mr. R. H. Duncan not be allowed and that they be required to conform with the present Paving Ordinance. WOR seconded the motion and the following vote was recorded.

Voting Aye: CL, DVS, BMcN, ECW, WOR and BEA.

Voting Nay: EN.

Mayor declared motion carried by majority vote.

7. A discussion was had on water and sewer rates for industrial users and CL presented information on blackboard on actual revenues and expenses covering the first four months of present budget year and projecting anticipated figures by the end of the budget year. The projected figures showed that revenues would be $93,000.00 under the budget but that expenses would be under-expended approximately $114,000.00 leaving net increase at the end of the fiscal year of $21,000.00 and it was his thought that a reduction in industrial water rates for users over 1,000,000 gallons could be set at 22½¢ per 1,000 gallons retroactive to October 1, or an alternate reduction to 21¢ per 1,000 gallons for users over 1,000,000 gallons for the remainder of the year.

BEA complimented CL for his efforts in compiling the statistical information and manner of reporting same to City Commission and made motion that the rate of 21¢ per 1,000 gallons for users over 1,000,000 be adopted to be effective with February meter readings and March billings. WOR seconded the motion and a unanimous affirmative vote was recorded.

Mayor stated he voted in the affirmative on this motion since he was glad to see industries get a reduction.

8. WEW read letter addressed to the City of Lufkin from Dr. R. E. Read, Acting Director, Angelina County & Cities Health District which is quoted below:

"At the recent meeting of the Angelina County Cities Health Board November 13, 1969, Judge O. L. Hubbard mentioned that the Health Unit was in need of additional money amounting to $1200.00 yearly. The additional money is necessary to bring R.N. salary up to equal basis and to give the Sanitarian a $50.00 raise in salary per month.

The Board makes formal request that this money be allocated to the Unit and your proportionate share will be $400.00 per year."

DVS stated he was at the meeting referred to in the letter but did not vote on the recommendation. However, he recommended that the proposal in Dr. Read's letter be accepted by the City and made motion to this effect. WOR seconded the motion and a unanimous affirmative vote was recorded.

9. WEW presented statement from Henningson, Durham and Richardson, Consulting Engineers, covering preliminary phase service on major trunk sewer mains and treatment facilities of the sanitary sewer system for the City of Lufkin during the month of January in the amount of $1,117.99 which was in accord with the contract with this firm and recommended same be paid. DVS made motion that this statement in the amount of $1,117.99 be authorized for payment. BEA seconded the motion and a unanimous affirmative vote was recorded.

10. DVS called attention to a newspaper item in the Houston Post stating that the Deep East Texas Development Council in Diboll had been awarded a grant of $50,120.00 by the Farmers Home Administration to conduct a water and sewer study in seven of the thirteen counties involved and was wondering if such study might include duplication of work now being done by our Consulting Engineers. No one was conversant with the grand and no information was available thereon.

11. DVS stated that a number of citizens were present at this meeting regarding Card Drive and asked a representative of the group to state their views on the condition of this street.

Mr. Lynn S. Hill and Chester Neal, acting as spokesmen for the group, presented the following printed statement:

"We the undersigned property owners, being a majority of the owners of properties fronting on Card Drive in Lufkin, Texas, and which properties are valued by the City of Lufkin in excess of $439,000.00, do hereby make the following statements:

WHEREAS, the undersigned property owners are proud owners of their respective properties and desire to maintain the value of their properties which have been seriously affected by the deplorable condition of the said Card Drive, a City street, and desiring to bring these values back to normal, make the following request and statements:

1. We would prefer a permanent first class street constructed to City specifications, but emergency measures are needed <u>now</u> due to:

    a. Time required to align all resident and absentee property owners for sharing of our costs. (Assessments would be necessary in some cases.)

    b. Time involved for City to budget and fund its portion.

    c. Present condition of street coupled with expectation of normal Spring rains constitute grave urgency.

2. We agree to share amongst ourselves the cost of the oil for topping this street if it can be applied as soon as weather permits.

3. We request that the City use its equipment and labor for application of oil.

We earnestly request the City to act upon this request immediately.

Lynn S. Hill	Russell Cummings
Clifford Trevathan	C. E. Higgins
Guy Carlton	M. J. Harris
Dr. H. L. Hughey	Chester Neal
Selman D. Griffith	E. L. Gipson
Robert Poland	Ed Parish
J. W. Liles	

BMcN made motion that a Class C street be accepted by the City for Card Drive and a portion of Courtney Street and that payment of 50% of the footage also be accepted by the City. BEA seconded the motion and a unanimous affirmative vote was recorded.

12. BEA called attention to disbursement item of $215.00 to Alexander and Rogers, Auditors, covering a water study requested by the City. The City Commission members felt this was entirely too high and requested WEW to check with the Auditors and get a break down on the charges.

13. BMcN stated that York Drive was in need of repair. WEW stated he was familiar with this street and that it was fast approaching the condition of Card Drive which was recently torn up and regraded as a dirt street and that this street repair work would be given special attention not only for York Drive but other streets as to the best method of maintenance.

14. WOR inquired as to the number of frontend loaders the City had since he had noted considerable amount of repair work to such equipment. WEW stated two or three of these loaders and repair work was very expensive.

15. WOR called attention to action taken by WEW to eliminate a condition that has been existing for a number of years on vacant property located near Groesbeck Street on railroad property wherein workmen build fires to keep warm during cold weather awaiting invitations for employment.

WEW stated a complaint had been filed regarding the open fires and that this location was in a fire zone which prohibited such fires. Discussion was had as to what measures might be taken to restore these citizens the right for having sufficient fire for warming themselves while awaiting employment invitations. WEW was instructed to check into type of equipment that might be used to enclose such fires that would meet requirements by the Fire Marshall and advise WOR of cost.

16. WOR read the following statement with regard to statements made to the newspaper by the Mayor:

"We note that our Mayor continues to make statements on various issues and topics.

This is his privilege and we would be the last to deny it to him.

In many instances he has made it quite clear that he was speaking as an individual and not as a spokesman for the Commission.

Unfortunately, confusion does arise in distinguishing between official and individual statements when made over the signature of the office of Mayor.

In the interest of eliminating such confusion and for purposes of clarification, we deem it advisable to make the following a matter of record at this time."

WOR made motion that the following Resolution be passed by the City Commission, the last sentence being altered to include Mayor and City Commission before vote was taken.

"As our City Charter is written, the seven members of the Council have equal status and authority, each having one vote, The Mayor, in addition to his regular duties as a Commissioner, has certain administrative duties. He has no authority to speak for the Commission unless expressly directed to do so by vote of the Commission.

We wish to go on record that without the consent of the Commission, the Mayor or Commissioners in their statements and letters to the newspaper, speaks only for themselves and as an individual member of the Commission."

BEA seconded the motion and before vote was taken, some discussion was had then a unanimous affirmative vote was recorded.

17. ECW inquired as to the status of the City's machine accounting with National Cash Register equipment. WEW stated was being worked out at the present time.

18. ECW inquired if State Highway Department would have control over signal lights on Frank Avenue after underpass was completed and street opened. WEW stated the Highway Department would have control over type and designation of such traffic signal lights.

19. ECW requested WEW to have City Engineer work up information on the number of miles of dirt streets and the number of miles of Class C streets in the City.

20. DW stated had received letter from State Highway Department requesting release of easement for water line purposes on Loop 287 between U.S. Highways 59 and 69 and recommended such release be granted by the City Commission. DVS made motion that this release be granted by the City Commission. Motion seconded by BMcN and a unanimous affirmative vote was recorded.

    DW stated would prepare proper Resolution to cover.

21. Mayor called attention to meeting of the Central East Texas Water Works Assn. scheduled to be held at the Angelina Hotel tomorrow evening at 7:30 PM and that members of the City Commission were extended an invitation to be in attendance by the organization.

22. EN stated he had received letter from Rev. Sidney Spain, Pastor of First Christian Church, Lufkin, Texas listing names and addresses of wives or families of servicemen who have lost their lives in Viet Nam and would like to set date to honor these servicemen by presenting Resolution to their families which was authorized by the City Commission several months ago. The date of Thursday evening, February 27, 1969, at 7:30 was set and EN will advise the families involved by letter and will also invite the heads of the V.F.W. and American Legion to be in attendance as well as Mr. H. L. (Red) Woods, Veteran's Officer for Angelina County to be in attendance.

23. The meeting was then called into an executive session to study a proposed contractural agreement for right-of-way procurment by the Texas Highway Department in connection with a planned grade separation at the intersection of Loop 287 and FM 58 in the City of Lufkin which would necessitate the purchase of additional right-of-way.

    This matter was discussed in considerable detail and the Mayor then called the session back to regular session and DVS made motion that the City enter into an agreement with the Texas Highway Department as requested covering the purchase of additional right-of-way for such grade separation at the intersection of Loop 287 and FM 58 in the City of Lufkin. BEA seconded the motion and a unanimous affirmative vote was recorded.

24. There being no further business for consideration, meeting was adjourned at 10:30 P.M.

Ezay Nisbet

Mayor - City of Lufkin, Texas

ATTEST:

Lynn Arbaus

City Secretary - City of Lufkin, Texas