

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 10TH DAY OF NOVEMBER, 1970, AT 7:30 PM

On the 10th day of November, 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:

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

1. Meeting opened with prayer by Rev. J. A. Russell, Pastor of the Calvary Baptist Church, Lufkin, Texas, who was thanked by Mayor Garrison for his participation and was invited to remain as long as he desired.
2. Mayor welcomed visitors who were present as observers or in connection with items on the agenda and expressed appreciation to the visitors for their interest in the pros and cons of City business.

3. Approval of Minutes

Comm. B. E. Atkinson, Jr., M.D., made motion that minutes of regular meeting of October 20, 1970, be approved as written. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

4. Annexation of Property in Zoo Area

City Attorney Flournoy read caption of ordinance covering annexation of property of Lufkin Zoo and surrounding area which was passed on first reading in meeting of October 20, 1970. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on second reading. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

5. Ordinance Adopting Plumbing Code

City Attorney Flournoy read caption of ordinance for first reading covering the adoption of Plumbing Code for the City of Lufkin as recommended by a Study Committee headed by Comm. W. O. Ricks, Jr. Comm. Kenneth R. Crain stated he had been contacted by a number of interested people regarding the elimination of the use of plastic pipe in certain instances and thought that it might be a mistake if further consideration was not given to inclusion of the use of such plastic pipe. Comm. W. O. Ricks, Jr., stated that he and his committee had studied this matter carefully with the sole interest of the public being considered and cited instances where plastic pipe did not hold up in certain construction projects. Mayor Garrison and other City Commissioners were also of the opinion that further study should be given to the inclusion of certain uses of plastic pipe in the Plumbing Code and Hayne Stokes, Public Works Director, was instructed to develop all the information possible for availability at next meeting of City Commission. This item will be on the agenda for first reading of ordinance at next regular meeting of the City Commission.

6. Ordinance Amending TMRS Ordinance To Include Office of Fire Marshal

City Attorney Flournoy read caption of ordinance for second reading to include the Fire Marshal under provision of the Texas Municipal Retirement System. Discussion brought out that the Fire Marshal was not included in any Retirement System of the City of Lufkin employees, and that the Fire Department employees were covered by their own retirement system. Comm. B. E. Atkinson, Jr., M.D.,

stated that ordinance should state specifically that the Fire Department was not included under TMRS initially at their own request. Comm. Kenneth R. Crain made motion that ordinance be passed on second reading with the above clarification shown therein. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

7. Letter of Commendation of Lufkin Fire Department

Mayor Garrison read letter from Mr. Murphy George of William George Produce Co. of Lufkin to City Manager Westerholm dated November 6, 1970, regarding a fire at their warehouse and the fine manner in which the Lufkin Fire Department handled the situation. This letter is quoted below:

"Just recently we had a fire at our warehouse and the Lufkin Fire Department was called to the scene.

Due to carelessness on part of one of our drivers, the electrical wiring in our gas pump ignited the gasoline and caused quiet an explosion and fire that blew the pump off a concrete slab.

Believe it or not, our entire organization has just come back to earth and settled down!

The reason I am writing you is because I've just realized how many people take the services of our city for granted. I would like to convey to you and the personnel of the Lufkin Fire Department, our appreciation and recognition of a tremendous job well done. There was absolutely no lapse of time after our call, until three trucks and their crews were on the scene. Our entire organization and our neighbors commented strongly on the bravery and devotion these men displayed to their job and to others.

We're proud to be a part of Lufkin!!!!!"

Mayor Garrison stated he wished to express thanks of the City Commission to the Lufkin Fire Department for such splendid service.

8. Awarding of Bid on Garbage Refuse Bags

City Manager Westerholm stated only two bids were received on above bags, from Mobil Chemical Co., Macedon, New York, and St. Regis Paper Co., Houston, Texas, and presented copy of tabulation to the City Commission members. He stated that St. Regis' bid on two types of refuse bags where as Mobil Chemical Co. bid on all types of bags per City specifications mailed them. City Manager Westerholm recommended that alternate #4 of Mobil Chemical Co. bid covering 700,000 refuse bags of 1.75 mil gauge at a price of \$37.99 per thousand or a total price of \$26,593.00 be accepted. City Manager Westerholm passed out to the City Commission members samples of bags furnished by Mobil Chemical Co. A considerable amount of discussion was had on the use of these bags as well as the durability of the type recommended for purchase by City Manager Westerholm. Comm. B. E. Atkinson, Jr., M.D., stated he did not think enough bids were received and Comm. J. T. Hopson thought the bags were too thin. Comm. Roy L. Leamon, M.D., made motion that City Manager Westerholm's recommendation of purchasing the 1.75 mil gauge bags from Mobil Chemical Co. be accepted on a six-month trial basis. Comm. W. O. Ricks, Jr., seconded the motion and the following vote was recorded:

Voting Aye: Mayor Garrison, Roy L. Leamon, M.D.,
W. O. Ricks, Jr., Edgar C. Wareing,
Kenneth R. Crain

Voting Nay: Basil E. Atkinson, Jr., M.D., and
J. T. Hopson

Mayor declared motion carried by majority vote. Commissioners B. E. Atkinson, Jr., M.D., and J. T. Hopson stated they desired the minutes to reflect their voting negative was due to reasons given previous to vote.

9. Zone Change Application - J. L. Franklin

City Attorney Flournoy read ordinance for first reading covering zone change from R-1 District to LB District covering property located approximately 1½ miles South of Lufkin, one side fronting on South First Street and opposite side fronting on South Raguet Street. City Secretary, Lynn Durham, stated this application was considered by the City Planning and Zoning Commission in regular meeting of October 8, 1970, who recommended that same be approved by City Commission subject to 25 feet being retained in R-1 District on South Raguet Street side of the property as a buffer zone. Mr. Ernest L. Bartlett, Jr., stated his Insurance Agency had an option on the property to construct an office building if zone change was approved by the City Commission. There were no persons present to object to the change. Comm. B. E. Atkinson, Jr., M.D., made motion that ordinance be passed on first reading per recommendation of the City Planning and Zoning Commission with the 25 feet being retained in R-1 District on South Raguet Street side of the property as a buffer zone. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

10. Sewer Rates - Poultry Plants

City Attorney Flournoy called attention to letter from William D. Perkins, Attorney for Pluss-Tex Poultry and Poultry Packers, Inc., Lufkin, Texas, dated November 3, 1970, to City Manager Westerholm, wherein he stated his clients propose to pay Sewer Rates under the latest existing ordinance as they become due. He also stated that he had advised his clients not to pay Sewer Charges against them under previous ordinances passed by the City which he stated in his opinion were not equitable, valid, nor enforceable. It was the recommendation of City Manager Westerholm and City Attorney Flournoy that the recommendation of Mr. Perkins be accepted for his clients mentioned above. This brought on considerable discussion and it was the thought of Comm. W. O. Ricks, Jr., that these past-due accounts should be collected. Mayor Garrison called attention to the hard work in bringing about a Sewer Charge that could be enforced by ordinance and congratulated the City Commission for the work done in this connection. It was his recommendation that the City should accept provisions contained in Mr. Perkins letter. It was the general thinking of the entire City Commission that if this provision was accepted that all services should be cut off to these concerns if sewer charges were not paid promptly and in accordance with the latest ordinance. Comm. Kenneth R. Crain made motion that the City Commission accept the provisions contained in Mr. Perkins' letter covering payment of charges by his clients Pluss-Tex Poultry and Poultry Packers, Inc., under the latest existing ordinance and if they do not that the City would then take the necessary action to enforce this ordinance immediately. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded. Comm. W. O. Ricks, Jr., stated he was voting for the motion only with provision that these concerns would pay their sewer bills immediately or services would be discontinued.

11. Proposed Bids for Three Police Patrol Units

City Manager Westerholm requested authority to advertise for bids on three replacement units for 1967 Chevrolet, 1968 Oldsmobile, and 1969 Pontiac in the Police Department. Mayor Garrison suggested that possibly we should withhold such advertisement until dealers for General Motors would be able to bid due to the strike in General Motors plants at the present time which, according to news releases, are in the process of being settled. After some discussion, Comm. Edgar C. Wareing made motion that no action be taken on this request until the next regular meeting. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

12. Meeting Dates

Discussion was had on next regular meeting date for November, which ordinarily would be the 17th. It was the decision of the City Commission that the next regular meeting date for November would be set for the 24th and discussion was then had on possibly only one meeting

in December and it was the decision also that the date for regular meeting of Dec. 1st be cancelled and December 8 be set as the first and possibly only meeting in December.

13. Library Budget Allowance

City Manager Westerholm requested authority to amend Budget for Library allowance for an additional \$2,500 for operations in order to qualify it for State Matching Construction Funds. Comm. Kenneth R. Crain made motion that this request be granted to amend the Budget for the Library in the amount of \$2,500. Motion seconded by Comm. Roy L. Leamon, M.D. Before vote was taken, discussion was led by Comm. Edgar C. Wareing as to location, etc., for a new Library Building. Mayor Garrison stated he was a member of the Library Board and this matter had been and was being given consideration. Vote on the above motion and second was unanimous in the affirmative.

14. Purchase - Galion Self-Propelled Pneumatic Roller

City Manager Westerholm requested authority to purchase the above piece of equipment which was included in the Budget. He stated that under a present leasing agreement in excess of \$5,000 had been paid on this roller and the City's additional expense for purchase would be a little in excess of \$6,000. Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be granted authority to purchase this pneumatic roller as requested and as provided for in the Budget. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

15. Moore Bros. Const. Co. Estimates

City Manager Westerholm requested authority to pay estimates from Moore Bros. Const. Co., Inc., as follows:

Est. #4	Roseneath & Reen St. Paving	\$18,111.75
Est. #1	Street Resurfacing Contract	2,792.56

Comm. Kenneth R. Crain made motion that authority be granted to pay these estimates to Moore Bros. Const. Co., Inc. Motion seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

16. Invoice - W. S. Dickey Clay Mfg. Co.

City Manager Westerholm requested authority to pay invoice in the amount of \$2,612.64 for pipe from W. S. Dickey Clay Mfg. Co. Comm. Kenneth R. Crain made motion that this authority be granted to pay this invoice. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

17. Herty Water Line Note

City Manager Westerholm stated that City has a note at Lufkin National Bank in the amount of \$4,036.04 which is now due and requested authority to renew until December since repayment of this is scheduled for December in the Budget. Comm. Kenneth R. Crain made motion that authority be granted to renew City note at Lufkin National Bank in the amount of \$4,036.04 for payment in December. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

18. Budget Information

City Manager Westerholm stated figures had been worked up on the 1970-71 Budget showing income and expenses to date and projection of such figures for the balance of the fiscal year. He stated this information was not available when the copies of the Budget were furnished City Commission members. He stated actual income and expenses would be furnished each month to the City Commissioners in order that a complete picture would be had on the City's financial condition at any given month. Mayor Garrison complimented the City Manager for this data but stated that in his opinion the City should

employ a fiscal officer who could keep close watch on the financial affairs of the City as well as possibly the purchasing of material and supplies for the City. The City Commission members were in agreement with this thought and City Manager Westerholm was instructed to proceed with trying to employ a man as fiscal officer and possibly purchasing agent.

19. Bedding Equipment - Two Fire Stations

City Manager Westerholm requested authority to sell old beds in Central Fire Station and Westside Fire Station for \$20 each since had now procured inner spring mattresses for use on new bed-stands that were built by the firemen. Comm. Kenneth R. Crain made motion that this authority be granted to sell the old beds for \$20 each. Comm. B. E. Atkinson, Jr., M.D., seconded the motion and a unanimous affirmative vote was recorded.

20. Downtown Traffic Flow

Comm. Roy L. Leamon, M.D., called attention to statement by City Manager Westerholm to Mayor and members of City Commission in letter dated November 2, 1970, that "the City Planning and Zoning Commission feels that the existing traffic flow in downtown Lufkin has problems and the Commission would suggest that the City Commission, or whomever they would appoint, make a further study. The City Planning and Zoning Commission would be willing to under take the study if the City Commission desires." No action was taken on assigning this study to the City Planning and Zoning Commission in that it was the decision that new arrangements be tried out on First Street between Lufkin Avenue and Frank Avenue on parking spaces proposed by the City's Property Maintenance Superintendent.

21. Traffic Flow - Angelina Street

Comm. B. E. Atkinson, Jr., M.D., called attention to stop signs on Angelina Street which he thought should be removed in order to not impede the flow of thru-traffic on this street. Considerable amount of discussion developed but no decision was reached on removing present stop signs on this street.

22. Census - 1970

Comm. Kenneth R. Crain inquired if the Census recently completed was official. If it was official, then the population signs on various highways entering the City Limits should be changed accordingly. City Manager Westerholm will check into.

23. Private Garbage Pick-Ups

Comm. Roy L. Leamon, M.D., called attention to a private concern who was picking up garbage in the City Limits. This matter was discussed in considerable detail and no action was taken other than City Attorney Flournoy was instructed to look into all legal aspects on private garbage pick-ups in City Limits and have recommendation for study at next regular meeting.

24. Proposed Human Relations Council

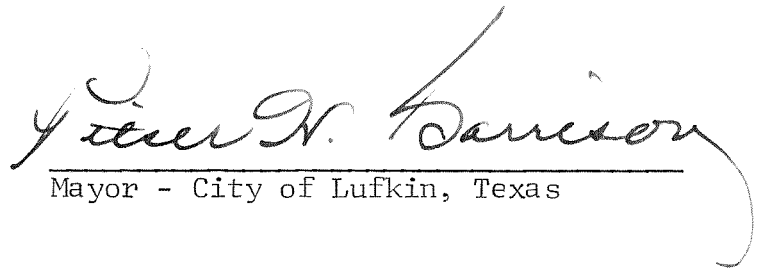
Comm. Roy L. Leamon, M.D., inquired if anything further had been done with regard to formation of the above council. He was advised by Mayor Garrison that this matter was still under study and no action had been taken.

25. Executive Session

At this point, 9:45 P. M., Mayor Garrison called the City Commission into an Executive Session wherein the discussion of land acquisition for new Sewer Plant and personnel matters was had. The meeting was called back to regular session at 10:30 P. M.

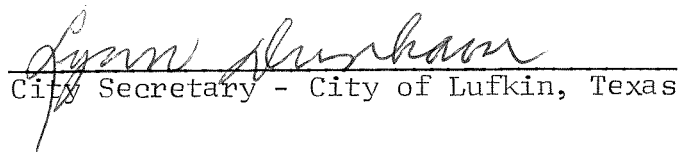
26. Adjournment

There being no further business for consideration, meeting was adjourned at 10:35 P. M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas