

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF APRIL, 1974, AT 7:00 P. M.

On the 2nd day of April, 1974, the City Commission of the City of Lufkin, Texas, convened in regular meeting in the Council Room at City Hall with the following members thereof, to-wit:

Pitser H. Garrison	Mayor
R. A. Brookshire	Commissioner, Ward No. 1
J. T. Hopson	Commissioner, Ward No. 2
Joe E. Rich	Commissioner, Ward No. 3
E. C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

E. G. Pittman	Commissioner at Large, Place B
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being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. John Wilkins, Educational Director, First Methodist Church, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors, to include women from the Lufkin Service League, who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes from meeting of March 19, 1974, be approved. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

4. Forest Hills Subdivision - Annexation Approved

Mayor Garrison stated that previous hearing had been held for the annexation of Forest Hills Subdivision and ordinance had been approved on first reading during last regular meeting. There were no persons present appearing in opposition to annexation request.

Comm. W. O. Ricks, Jr., asked City Manager Westerholm to comment on the amount of time required by the City to provide sewer service to the Forest Hills area. City Manager Westerholm stated that citizens already living within the City must first be furnished this service in keeping with the action by City Commission during a previous meeting. Comm. E. C. Wareing then made motion that ordinance be approved on second and final reading annexing Forest Hills Subdivision in accordance with request as presented and recommendation of the City Planning and Zoning Commission. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

5. Lufkin Telephone Exchange - Franchise Request

Mayor Garrison explained that the City Attorney had completed extensive research toward preparation of a model ordinance for recommendation of telephone franchise to the City Commission which had been distributed to members of the Commission for consideration. Mayor Garrison further stated that it was his understanding ordinance, as prepared by City Attorney, had been reviewed and accepted by the Lufkin Telephone Exchange with the exception of the term of franchise and amount of gross receipt payments. It was further determined, however, that the 20-year franchise request as desired by the Lufkin Telephone Exchange had been compromised to allow the City Commission an opportunity to subject franchise to cancella-

tion or review for any reason by either party at the expiration of every five, ten and fifteen years through proper notice as stated in franchise. It was further determined that previous problems with gross receipts had been resolved as indicated in franchise proposal.

City Attorney Flournoy stated that he had an opportunity to review franchise proposal with most Commission members who had expressed their approval of same as submitted, to include Lufkin Telephone Exchange representatives.

Mayor Garrison called on Mr. Larry Ross, representing Lufkin Telephone Exchange, appearing in behalf of franchise request. Mr. Ross stated that there was no opposition to proposal as submitted. Mayor Garrison stated that Texas Power & Light Company paid a street rental of three-percent of annual gross receipts. In order to envoke the same fee for the Lufkin Telephone Exchange, it was suggested that the City be provided free telephone service. This service is equivalent to one percent, plus an increase from  $1\frac{1}{2}$  percent to 2 percent on the gross receipts tax. Mayor Garrison stated that these two separate amounts should be adequate and in line with the three-percent being paid by Texas Power & Light Company. Mr. Ross agreed with suggestion as proposed by members of the Commission.

Comm. R. A. Brookshire asked City Attorney Flournoy the reason for omitting revenues derived from 2-6 systems as indicated under Section 7-A. It was determined that this figure would only amount to approximately \$1,000 per year and was optional depending on various cities, being a negotiable item. City Attorney Flournoy then read the caption to franchise proposal. Comm. W. O. Ricks, Jr., made motion that ordinance be approved on first reading confirming franchise as proposed by City Attorney Flournoy and recommended by City Manager Westerholm. Motion was seconded by Comm. Joe E. Rich.

Prior to vote on motion, Comm. R. A. Brookshire stated that he would like to see a copy of the Lufkin Telephone Exchange service agreement for newcomers and service installation policy. Comm. R. A. Brookshire expressed concern that the Commission should have authority to make changes in this policy when complaints were justifiable. Mr. Ross stated that telephone installation service could fluctuate from two days to one week and if the telephone company received prior notice, faster service would be available.

Mayor Garrison explained that proposed terms of contract as previously discussed would allow the Commission authority to take action in this regard. A unanimous affirmative vote was then recorded to previous motion and second to approve ordinance granting franchise on first reading.

6. Zone Change Application-Memorial Hospital from R-1 and LB Districts to R-1 District & Special Use, Section 18, Parking Lots

Mayor Garrison stated that zone change application by Memorial Hospital from R-1 and LB Districts to R-1 District & Special Use, Section 18, Parking Lots, covering property located immediately West of Franklin Street at intersection with Frank Avenue, had been approved on first reading of ordinance during last regular meeting of Commission. There were no persons present appearing in objection to zone change as presented. Comm. J. T. Hopson made motion that zone change application by Memorial Hospital from R-1 and LB Districts to R-1 District & Special Use, Section 18, Parking Lots, be approved on second and final reading. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

7. Beautify Lufkin Council-Request to Allow City Street Sweeping Equipment for Use on Privately Owned Public Parking Areas

Mayor Garrison stated that the Beautify Lufkin Council had recently requested the City Commission consider the allowance of

City street sweepers to sweep privately owned public parking areas. Mayor Garrison further stated that this item had been tabled during last regular meeting and called on City Manager Westerholm to comment regarding same. City Manager Westerholm recommended that City street sweeping equipment be made available, providing a fee was charged and service was rendered only when no other sweeping service was available. City Manager Westerholm stated that this would prevent the City from becoming involved in private competition. Comm. W. O. Ricks, Jr., then made motion that the City be permitted to allow City street sweeping equipment to sweep certain privately owned public parking areas providing adequate fees for this service. Comm. E. C. Wareing requested that Comm. W. O. Ricks, Jr., amend his motion to add "public need". Comm. W. O. Ricks, Jr., was in agreement with suggestion as presented by Comm. E. C. Wareing and amended motion accordingly, which was then seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. City Treasurer Appointed-Replacement of Dale Anderson by Duncan Garner

Mayor Garrison explained that Dale Anderson, present City Treasurer, had accepted a position with another employer and could no longer continue in the capacity as City Treasurer. City Manager Westerholm explained that the City of Lufkin had received a letter of resignation from Mr. Anderson and that Duncan Garner, an employee of the City Depository Bank, had been recommended by Mr. Anderson as his replacement. City Manager Westerholm further stated that this action had been brought to the attention of the City Commission as a matter of record. Comm. W. O. Ricks, Jr., then made motion that Duncan Garner be confirmed as City Treasurer in accordance with appointment of City Depository Bank. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

9. Hill, Weiner, Morgan & O'Neal-Authority to Advertise for Bids-Civic Center

Mayor Garrison called on Mr. Jerry Hill, a representative of Hill, Weiner, Morgan & O'Neal Architect Firm, who presented proposed Civic Center plans for review by members of Commission. Mr. Hill stated that plans as presented had been prepared for release to bidders pending suggestions from the Commission for bid date, which had been tentatively set for May 2, 1974, at 4:00 P. M., which would be on a Thursday prior to City Commission meeting scheduled for May 7, 1974.

Comm. W. O. Ricks, Jr., inquired as to whether or not the Commission would have an opportunity to review plans as submitted. It was determined that members of the Commission would have an opportunity to review plans and Comm. E. C. Wareing made motion that Mr. Hill be authorized to advertise for bids and City Commission have authority to make addendums no later than Friday of this week. Mr. Hill stated that revisions could be made during next regular meeting, if necessary. Comm. E. C. Wareing then amended his motion to authorize Mr. Hill to advertise for bids with the City Commission having authority to make any necessary addendums no later than two weeks from this date. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

10. Texas Power & Light Company-Annexation & Permanent Zoning Request - Hearing Date Set

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended annexation and permanent zoning of Texas Power & Light Company property and other property located immediately North of FM 1194 and West of Loop 287 (North John Redditt Drive). Mayor Garrison further stated that members of the Commission should consider a proposed hearing date for this property in accordance with previous recommendation of the

City Planning and Zoning Commission. Comm. W. O. Ricks, Jr., made motion that property owned by Texas Power & Light Company and others concerning proposed annexation and permanent zoning be considered in an open hearing to be set for next regular meeting of April 16, 1974. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

Mayor Garrison recognized the presence of Mr. J. E. Christopher, who owned property within this area. Mayor Garrison asked Mr. Christopher to be present during next regular meeting at which time he would be provided an opportunity to voice any opinion regarding proposed annexation and permanent zoning of this area as recommended by the City Planning and Zoning Commission.

11. Election Returns-Regular City Election April 2, 1974 - Official Canvass

Mayor Garrison stated that at the present time election returns from only two City Boxes had been completed involving City Boxes 2 and 3. Mayor Garrison read election returns and revealed totals for each candidate involved. Mayor Garrison then excused himself from meeting to attend another meeting and called on Mayor Pro Tem Wareing to chair in his absence. Mayor Pro Tem Wareing temporarily adjourned meeting in order to allow remaining two City Election Judges an opportunity to complete returns.

Meeting was later re-convened to reveal results from two remaining City Boxes 1 and 4. Following reading of all election results, official canvass of returns was made by remaining members of Commission and Mayor Pro Tem Wareing read official results of election which was recorded as follows from a total of 882 votes cast:

<u>Candidate for Comm.Ward #2</u>	<u>Box 1</u>	<u>Box 2</u>	<u>Box 3</u>	<u>Box 4</u>	<u>Cand. Total</u>
J. T. Hopson	180	97	102	26	405
Pat Foley	178	95	125	62	460
J. T. Rice, Jr. (Write In)		1			1
Rev. L. D. Bell (Write In)				1	1
Louis Parise (Write In)				1	1
<u>Cand.for Comm.AtLarge,Place A</u>					
W. O. Ricks, Jr.	250	147	153	47	597
John M. Daniel, Jr.	106	46	75	48	275
Joe F. Leediker (Write In)		1			1
Inez Tims (Write In)	—	—	—	<u>1</u>	1
TOTALS EACH BOX	360	194	229	99	

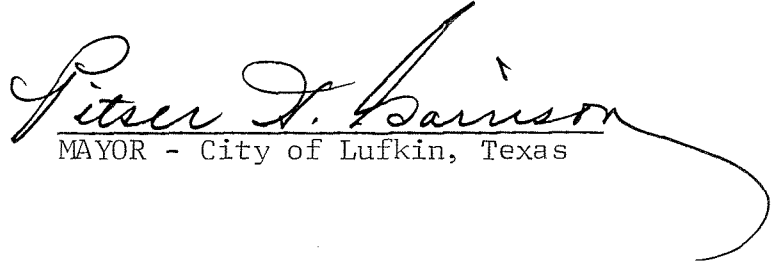
GRAND TOTAL VOTES CAST - 882

Comm. J. T. Hopson made motion that above election results be made official declaring Pat Foley winner for the position of Commissioner Ward #2, and W. O. Ricks, Jr., winner for position of Commissioner at Large, Place A, each being appointed for three-year terms effective April 2, 1974. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

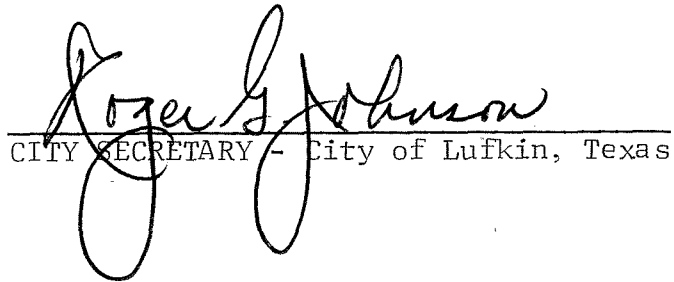
Newly elected Commissioner Ward #2, Pat Foley, and Commissioner at Large, Place A, W. O. Ricks, Jr., were sworn in by Mayor Pro Tem Wareing.

12. Adjournment

There being no further business for consideration, meeting was adjourned at 8:55 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas