

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF NOVEMBER, 1973, AT 4:00 PM

On the 20th day of November, 1973, 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
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
E. G. Pittman	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

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

1. Meeting opened with prayer by Lynn Durham, past City Secretary, City of Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with proposed hearing as advertised and with items on the agenda for regular business.
3. Open Hearing - Proposed Civic Center for Lufkin

Mayor Garrison stated that Mr. Jerry Hill of Hill, Weiner, Morgan & O'Neal Architect Firm, was present to speak in behalf of his proposal for the Lufkin Civic Center. Mayor Garrison then informed visitors present that hearing had been called for discussion of the Lufkin Civic Center in order to give all interested parties an opportunity to voice their opinions regarding same. Mayor Garrison called on Mr. Jerry Hill who stated that he had previously prepared a report on the proposed Lufkin Civic Center which had been furnished each member of the Commission for consideration. Mr. Hill briefly described the proposed location of the Lufkin Civic Center at the old Central School building site and explained that the Civic Center would be a multi-purpose type building of which he had prepared several designs for review. Interior features were discussed including seating capacities and parking space required for various sized buildings.

Various questions were asked by members of the Commission and it was determined that larger type facilities would require additional cost ranging from \$250,000 to \$500,000. It was also determined that the available motel rooms throughout the City should have a bearing on the design of the Civic Center. Mr. Hill informed members of the Commission that the largest single cost of enlargement of the proposed Civic Center design was the cost of structural members.

There were a number of individuals present to speak in behalf of proposed Civic Center design and Mayor Garrison called on Dr. Jack Pruitt representing the Community Concert Board. Dr. Pruitt stated that the proposed Civic Center as explained by Mr. Hill could not be used for Community Concerts to any significant advantage pointing out the following problems:

- (a) Stage too small;
- (b) Floors not elevated;
- (c) Seating capacity too small;
- (d) Dressing rooms not provided;
- (e) Inadequate parking; and
- (f) Floating scenery should be considered.

Considerable discussion developed and Mayor Garrison explained that members of the Commission were concerned that original intentions of the Civic Improvement Committee be upheld along with previous recommendations made by various groups in support of a Civic Center for Lufkin following approval of Bond Election in 1965. Mayor Garrison stated that the Civic Improvement Committee, during a meeting of June 3, 1965, had adopted an action in which the Committee offered its full support on an "all-purpose Civic and Convention Center".

Mayor Garrison then called on Mr. Herman Brown, Executive Director of the Chamber of Commerce. Mr. Brown expressed the full support of the Chamber of Commerce for the all-purpose type building as presented by Mr. Jerry Hill indicating that there was a definite need for this type building of which various other Civic organizations throughout the community were in full support.

Mayor Garrison stated that cost would be a problem in attempting to modify the proposed Civic Center to the desire of the Community Concert Board. Dr. Jack Pruitt stated that the proposed Civic Center could be utilized by way of compromise if special construction was made for future building expansions.

It was also estimated by Mr. Hill that the ideal facility desired by members of the Concert Board would cost approximately \$5,000,000 to \$6,000,000. Mayor Garrison then suggested that members of the Community Concert Board and other concerned individuals meet with Mr. Hill in regard to recommendations for amendment of proposal as submitted for the Lufkin Civic Center.

Comm. R. A. Brookshire expressed his concern that the entire community be able to use the Lufkin Civic Center before members of the Commission made a final determination toward its construction. Comm. E. C. Wareing expressed his opinion that this hearing had been most enlightening bringing to the attention of the public the needs of various civic groups throughout the City. Comm. E. C. Wareing expressed his concern that the Civic Center be constructed in order to later accommodate future needs for the City; and also, he was of the opinion that the proposed Civic Center should be larger, but did not know how the City could afford the extra cost involved for the construction of same. Comm. E. G. Pittman agreed with suggestion as presented by Mayor Garrison that members of the Community Concert Board and other groups meet with Mr. Hill as soon as possible. Other members of the Commission were in unanimous agreement with suggestion as presented by Mayor Garrison.

Dr. Jack Pruitt asked Mayor Garrison if members of the Commission were beyond the possibility of considering another location for the proposed Civic Center since available property could be sold and another location purchased providing more room for future growth. Mayor Garrison expressed his opinion that this idea could be considered by members of the Commission depending on the results of meeting scheduled with architect. Mayor Garrison also stated that members of the Commission would need more time to consider reports from various interest groups concerned with the proposed Civic Center after approval of Bond Election in 1965. Mayor Garrison explained that the construction of a Civic Center for Lufkin had been delayed for many years due to tax valuation which controls the sale of bonds for the City. Mayor Garrison then declared hearing closed on Civic Center until a later meeting when further information would be considered regarding same.

4. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of November 6, 1973, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

5. Appointment of Members - Board of Adjustment & Appeals and Civil Service Commission

Mayor Garrison stated that Mr. L. D. Barrett had recently been re-appointed as a member of the Civil Service Commission for a three-year term during regular City Commission meeting of October 2, 1973, and was present to be sworn in accordingly. Mayor Garrison also stated that Mr. Carl Lively was present and had agreed to serve a two-year term along with Rev. L. D. Bell as members of the Zoning Board of Adjustment & Appeals. Comm. E. C. Wareing then made motion that Carl Lively and Rev. L. D. Bell be appointed for two-year terms as members of the Zoning Board of Adjustment & Appeals. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

Rev. L. D. Bell could not be present and Mayor Garrison administered oaths of office to Carl Lively, a newly appointed member of the Zoning Board of Adjustment & Appeals, and L. D. Barrett, a newly appointed member of the Civil Service Commission.

6. Angelina County-Cities Health Unit-Proposed Ordinance for Control of Fruit Stands & Similar Food Establishments - Discussion

City Attorney Flournoy stated that this ordinance had not been approved at last regular meeting in order to consider new information received from the Angelina County-Cities Health Unit. City Attorney Flournoy further stated that since last regular meeting he had prepared a new ordinance for second and final reading and asked members of the Commission to consider changes as indicated prior to next regular meeting. Mayor Garrison stated that members of the Commission would review these changes for consideration at next regular meeting.

7. Zone Change Application-Maynard C. Campbell, Jr., from R-1 District to R-1 District & Special Use, Section 26(c), Radio Communication Repair

Mayor Garrison stated that zone change application by Maynard C. Campbell, Jr., from R-1 District to R-1 District & Special Use, Section 26(c), Radio Communication Repair covering property located between Pin Oak Lane and Red Bud Lane and immediately North of Red Bud Lane extending parallel with and immediately East of Loop 287, had been approved on first reading at last regular meeting. City Attorney Flournoy explained that first reading of ordinance at last regular meeting on this zone change application was approved from R-1 District to LB District & Special Use, but intent of application was to change zone from R-1 District to R-1 District & Special Use, Section 26(c), Radio Communication Repair. City Attorney Flournoy then recommended members of the Commission approve zone change application by Maynard C. Campbell, Jr., on second and final reading from R-1 District to R-1 District & Special Use, Section 26(c), Radio Communication Repair, accordingly. There were no persons present appearing in objection to zone change application. Comm. E. C. Wareing made motion that zone change application by Maynard C. Campbell, Jr., from R-1 District to R-1 District & Special Use, Section 26(c), Radio Communication Repair, be approved on second and final reading. Motion was seconded by Comm. R. A. Brookshire and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. R. A. Brookshire, Joe E. Rich, E. C. Wareing and W. O. Ricks, Jr.

Voting Nay: Comms. J. T. Hopson and E. G. Pittman

Mayor Garrison declared motion approved by majority vote of five to two.

8. Zone Change Application-W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair

Mayor Garrison stated that zone change application by W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair, covering property located South of Paul Avenue and East of Lubbock Street between Knight Street and Paul Avenue, had been approved on first reading of ordinance at last regular meeting. There were no persons present appearing in objection to zone change application. Comm. R. A. Brookshire made motion that zone change application by W. A. Wheeler & Wife, Helen, from R-3 District to R-3 District & Special Use, Section 26(c), Machine & Motorcycle Repair, be approved on second and final reading. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

9. Approval of Bids - 8 Police Units

City Manager Westerholm explained that bid consideration for 8 police units had been tabled from last regular meeting in order that members of the City staff could furnish members of the Commission more information regarding operation and management costs of various types of automobiles used by the Police Department. City Manager Westerholm read from an extensive report submitted by Royal Dunlap, Finance Director, concerning the use of various models of automobiles from 1970 to 1973. City Manager Westerholm stated that it would be extremely difficult to make a recommendation or justify acceptance of any bid other than low bid regarding the purchase of these vehicles based upon information available.

Comm. W. O. Ricks, Jr., expressed his concern that department heads should be provided an opportunity to select the type equipment necessary for the completion of their duties. Comm. R. A. Brookshire expressed his opinion that Gibbs Motor Company had not furnished the best service for his own personal use and that bid by Gibbs Motor Company may not have been from the local dealer. Mayor Garrison expressed his concern that the City had an obligation to accept low bid submitted by Gibbs Motor Company unless proof could be submitted that a higher bidder would be advantageous to the City indicating that failure to accept low bid may discourage future bidding.

Comm. E. G. Pittman stated that the City would have adequate staff to provide necessary information for making a better judgment on future purchases, but existing records could not be adequately accepted to make a justifiable higher bid acceptance.

Comm. R. A. Brookshire then made motion to accept the third lowest bid of Sewell Buick-Pontiac Company in the amount of \$24,600.00. Motion was seconded by Comm. W. O. Ricks, Jr. Comm. E. C. Wareing then read a statement from the City Charter regarding low bids indicating that the essential question was one of "quality" and asked City Attorney Flournoy if operating cost could be considered as a legal factor in regard to quality of a product. It was determined that operational cost could be considered to some degree but further concluded that State Statutes provided that lowest and best bid be accepted. The following vote was then recorded on motion previously stated:

Voting Aye: Comms. R. A. Brookshire and W. O. Ricks, Jr.

Voting Nay: Mayor Garrison, Comms. J. T. Hopson, Joe E. Rich, E. C. Wareing and E. G. Pittman

Mayor Garrison declared motion failed by majority vote of five to two. Comm. J. T. Hopson then made motion to accept low bid by Gibbs Motor Company in the amount of \$23,256.00. Motion was seconded by Comm. Joe E. Rich and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. J. T. Hopson, Joe E. Rich, E. C. Wareing and E. G. Pittman

Voting Nay: Comms. R. A. Brookshire and W. O. Ricks, Jr.

Mayor Garrison declared motion approved by majority vote of five to two.

10. Approval of Bid - 1/2-Ton Pickup Truck - Sanitation Department

City Manager Westerholm stated that following bids were opened November 9, 1973, for one 1/2-ton pickup truck to be used by the Sanitation Department:

ONE 1/2-TON PICKUP TRUCK

<u>Name of Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Angelina Chevrolet-Cadillac Co.	\$2,322.31	30-45 Days
Tipton-Billingsley Ford	\$2,616.00	30-45 Days
Angelina Truck & Tractor, Inc.	\$3,145.14	Not Stated
Doug Williamson Dodge	\$2,753.80	Not Stated

City Manager Westerholm further stated that Angelina Chevrolet-Cadillac Company had submitted low bid in the amount of \$2,322.31 and recommended this bid be accepted accordingly. Comm. Joe E. Rich made motion that bid by Angelina Chevrolet-Cadillac Company for one 1/2-ton pickup truck in the amount of \$2,322.31 be accepted. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

11. Zone Change Application-Youngblood Development Company from R-1 and LB Districts to C District

Mayor Garrison stated that zone change application by Youngblood Development Company from R-1 and LB Districts to C District covering property located East of U. S. Highway 59 and immediately South of and parallel with Loop 287 between Loop 287 and existing City Limits on East and West sides of Tulane Drive, had been recommended for approval by the City Planning and Zoning Commission during previous meeting. There were no persons present appearing in objection to zone change application. Comm. Joe E. Rich made motion that zone change application by Youngblood Development Company from R-1 and LB Districts to C District be approved on first reading. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. Angelina Jr.College Entrance-Installation of Safety Lighting

City Manager Westerholm explained that he had received a letter from Dr. Jack W. Hudgins requesting the City Commission consider one of two recommendations to control traffic problem currently existing at the entrance to the College off U. S. Highway 59. Mayor Garrison stated it had been requested that members of the Commission consider illumination of this hazardous area by placing six to eight lights to increase the visibility in the area entering and leaving the campus. City Manager Westerholm stated that as an alternative, Dr. Hudgins requested members of the Commission possibly consider a new study of the traffic flow in front of the campus with the purpose of making additional adjustments in the physical and regulatory control based on results of study. It was determined several accidents had previously occurred within this area and City Manager Westerholm stated that placement of lights would cost the City approximately \$30 per month.

Comm. E. G. Pittman expressed his concern that lights should be placed within this area and made motion that recommendation to locate these lights as explained by City Manager Westerholm be completed accordingly. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Closing of McCall Drive (Old U. S. Highway 59)

Mayor Garrison stated that he had received a letter from C. E. Brazil, an interested property owner near McCall Drive, requesting that members of the Commission not consider closing of McCall Drive or any portion thereof without first requesting a public hearing concerning same. Considerable discussion developed and Mayor Garrison called on Dr. Jack Hudgins who was present. Dr. Hudgins explained various meetings with the City Commission on November 24, 1970 and December 8, 1970 and the City Planning and Zoning Commission on December 10, 1970 and January 14, 1971. City Manager Westerholm stated that a detailed sequence of events regarding these meetings had been furnished members of the Commission for their review and a copy of County Commissioners' minutes could be made available by next regular meeting if members of the Commission requested. Mayor Garrison expressed his concern that a hearing date should be set for next regular meeting regarding the closing of this road. Mayor Garrison suggested that all information previously furnished by City Manager Westerholm, including other information that could be made available, be considered prior to next regular meeting at which time all concerned parties would be allowed to voice their opinions during a public hearing.

Comm. E. C. Wareing suggested that City Attorney Flournoy meet with the Angelina Junior College attorney in order to furnish members of the Commission a proposal at next regular meeting that would be acceptable to the City as well as the College. Comm. R. A. Brookshire then made motion that hearing date be set for next regular meeting announcing the closing of McCall Drive in accordance with information as presented. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing requested that members of the City staff provide a map of this area for review during next regular meeting.

14. Electrical Ordinance - Proposed Changes

City Attorney Flournoy stated that he had made final changes on the Electrical Ordinance for the City of Lufkin and asked that this item be placed on the agenda for first reading of ordinance at next regular meeting. Comm. E. G. Pittman asked City Attorney Flournoy if new National Electrical Code regulations would have any effect on new Electrical Ordinance being considered for the City. It was determined that the new National Electrical Code would not effect these proposed changes in the Electrical Ordinance and members of the Commission unanimously agreed that this item be considered at next regular meeting.

15. Telephone Franchise - Changes Proposed

City Attorney Flournoy stated that he had prepared a proposed telephone franchise for consideration and review by members of the Commission. Mayor Garrison requested that City Attorney Flournoy prepare a letter regarding changes involved between existing franchise and proposed franchise for consideration at a later meeting.

16. HDR - Approval of Invoices

City Manager Westerholm stated that the City had received several invoices from HDR in the following amounts and requested payment accordingly:

No. D-5654	\$1,320.52	No. D-5853	\$1,852.48
No. D-5690	2,280.23	No. D-5695	674.58
No. D-5757	3,355.33	No. D-5756	801.49
No. D-5901	1,422.23	No. D-5839	1,811.46
No. D-5833	565.30	No. D-5900	1,199.93
No. D-5854	580.40		

Comm. E. C. Wareing made motion that the City Manager be authorized to pay all outstanding HDR invoices as listed above less a retainage of \$10,000 beginning with the oldest invoice date. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

17. Energy Crisis-Mandatory & Voluntary Recommendations Submitted

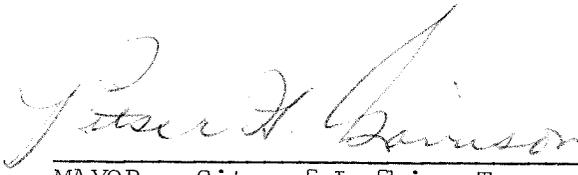
City Manager Westerholm stated that he had furnished members of the Commission a report concerning mandatory and voluntary recommendations for City staff to observe during the Energy Crisis. City Manager Westerholm further stated that this report was presented to members of the Commission for their review. Mayor Garrison commended City Manager Westerholm for his effort in this regard. A brief discussion developed regarding the Energy Crisis and City Manager Westerholm explained that street lights were serving a greater need for public safety and security unless a more severe crisis prevailed. Members of the Commission unanimously agreed with recommendations submitted by City Manager Westerholm.

18. Vumore Report - Discussion

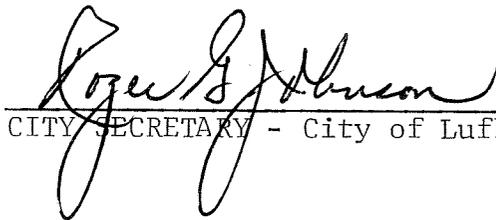
Comm. E. G. Pittman inquired as to the status of the monthly Vumore report since same had not been presented for the current month. City Manager Westerholm stated that he was not aware of any unusual problems, but would inquire as to the absence of this report prior to next regular meeting.

19. Adjournment

There being no further business for consideration, meeting was adjourned at 6:10 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas