

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 17TH DAY OF DECEMBER, 1974, AT 5:00 PM

On the 17th day of December, 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
Pat Foley	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 Rev. Quentin Payne, Pastor of First Presbyterian Church, Lufkin, Texas.
2. Mayor Garrison welcomed a small group of visitors who were present in connection with items on the agenda or as observers, and expressed his appreciation for their interest.

3. Approval of Minutes

Comm. E. G. Pittman made motion that minutes of regular meeting of December 3, 1974, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Fire Department-Approval of Increments for Intermediate & Advanced Certificates

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Mayor Garrison briefly reviewed recent proposal by the Fire Department for a pay increase which included consideration for a certification program. Mayor Garrison asked Firemen who were present if they had any additional information to add to their request which had not been previously presented.

Members of the Fire Department made no additional requests, but invited any questions members of Commission may have regarding same.

Comm. W. O. Ricks, Jr., made motion that intermediate and advanced certificates, as proposed by the Fire Department, be approved and individuals obtaining these certificates receive an additional \$50 per month for each individual certificate obtained. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

A brief discussion developed regarding basic pay increases in addition to these certificates and Comm. W. O. Ricks, Jr., expressed his opinion that approval of these certificates was adequate and would now compare more evenly with the Police Department Certification Program.

Comm. Joe E. Rich stated that he was of the opinion that the recent 10 percent across-the-board pay increase was adequate and Comm. E. G. Pittman stated that the Fire Department should be commended for their efforts to propose a program that would save the City money, but expressed his personal concern that the Fire Department manpower should not be reduced at this time. Comm. E. G. Pittman also invited any further suggestions members of the Fire Department may have in this regard.

Comm. W. O. Ricks, Jr., then made motion that the basic pay of the Firemen remain at the present rate inasmuch as the certification program had now been approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mayor Garrison commended members of the Fire Department on behalf of their proposal and invited further comments that would assist their Department in an overall effort to reduce operational costs.

5. Annexation & Permanent Zoning to MH District-Approval of Ordinance-Area West of U. S. Highway 69 North

Mayor Garrison stated that an open hearing had been held during last regular meeting regarding annexation and permanent zoning to MH District covering property located West of U. S. Highway 69 North. Mayor Garrison asked City Attorney Flournoy if this property met minimum area requirements for annexation and City Attorney Flournoy stated that this requirement was waived due to the fact that property was being requested for annexation. There were no persons present appearing in opposition to annexation and permanent zoning request.

A brief discussion developed regarding whether or not this proposal met all requirements of a mobile home zone. Comm. E. C. Wareing made motion that this area as requested by Mr. Joe C. Benton containing 5.91 acres be annexed and approved on first reading of ordinance with the stipulation that sufficient information would be made available for review prior to second reading of ordinance confirming that this request met all requirements of a mobile home zone. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

City Attorney Flournoy then read caption of ordinance permanently zoning property located West of U. S. Highway 69 North to MH District. Comm. E. C. Wareing made motion that area located West of U. S. Highway 69 North, as previously described, be permanently zoned to MH District and approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Annexation & Permanent Zoning of Property As Advertised Located North & South of U. S. Highway 69 East

Mayor Garrison stated that an open hearing had been held during last regular meeting regarding annexation and permanent zoning of property located North and South of U. S. Highway 69 East as previously annexed and permanently zoned. There were no persons present appearing in opposition to this annexation and permanent zoning who were citizens of the City of Lufkin.

Mayor Garrison recognized Mr. Charles Neel, a resident within area being considered for annexation and permanent zoning. Mr. Neel stated that he desired to support this annexation and permanent zoning due to the fact that the City had extended all the necessary services to this area to include water, sewer, police and fire protection, and desired these conveniences remain the same.

Mayor Garrison stated that representatives from Fuller Springs were present who opposed this annexation and permanent zoning, but reminded these individuals that any opposition they may have must be considered a legal question which could not be accepted by this Commission.

Comm. W. O. Ricks, Jr., made motion that property located North and South of U. S. Highway 69 East covering area as previously advertised be annexed and approved on first reading of ordinance. Comm. E. G. Pittman seconded the motion and a unanimous affirmative vote was recorded.

City Attorney Flournoy read caption of ordinance permanently zoning this property in accordance with zones as previously established and advertised. Comm. E. G. Pittman made motion that property located North and South of U. S. Highway 69 East be permanently zoned in accordance with previously advertised zoning and ordinance be approved on first reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Garbage Rate Ordinance Amended - New Rates Established

Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting establishing new garbage rates for residential and commercial establishments with an increase in amounts being charged for cubic yards in excess of first four cubic yards. There were no persons present appearing in opposition to proposed ordinance.

Comm. W. O. Ricks, Jr., made motion that ordinance be approved on second and final reading establishing new garbage rates for residents in the amount of \$2.50, for commercial in the amount of \$3.50 and 75¢ commercial rate per cubic yard in excess of first four cubic yards. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

8. Curb & Gutter Paving Petition Approved - Shadybrook Street

Mayor Garrison stated that curb and gutter paving petition for Shadybrook Street from Copeland Street South to a dead end was approved on first reading of ordinance at last regular meeting. There were no persons present appearing in opposition to this proposed ordinance.

Comm. Pat Foley made motion that ordinance be approved on second and final reading for curb and gutter on Shadybrook Street not to exceed a cost of \$2.50 per linear foot. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

9. Speed Limit Reduced to 45 MPH - Loop 287 & Highway 59 South

It was determined that members of this Commission had approved ordinance on first reading at last regular meeting establishing a reduced speed limit to 45 MPH near the intersection of Loop 287 and Highway 59 South.

Comm. Joe E. Rich made motion that ordinance reducing speed limit to 45 MPH be approved on second and final reading. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

10. Tennis Court Bids Approved-Lufkin Tennis Association-Construction in Civic Club Park

Mayor Garrison stated that the following bids had been received for the construction of four new tennis courts, to include additional equipment involved in this same proposal:

<u>TENNIS COURTS</u>	<u>LIGHTING</u>	<u>FENCING</u>	<u>NETS &amp; POSTS</u>
Moore Brothers (\$18,874.75) (\$15,884.70*)	Dealers Electric (\$7,531.00)	Southland (\$2,800) Lone Star (\$4,484)	Jerry Kimmey (\$944.00) U. S. Games (\$731.52) Select Service (\$563.84)
<u>Total Low Bids:</u> \$18,874.75	<u>Adjusted</u> (\$4,632.00)	(\$2,800)	(\$563.84)

Mayor Garrison inquired as to why Kenneth Koon Konstruktion had not bid on these courts. Recreation & Parks Director Max Griffin stated that Mr. Koon was out of town at the time these bids were being considered and could not meet bid deadline as advertised for construction of four new tennis courts. City Manager Westerholm explained that tabulations had been made to include all materials to be needed for the construction of fencing, lighting and nets for four new tennis courts. City Manager Westerholm further stated that alternate bid submitted by Moore Brothers Construction Company was lower due to the fact that hot sand would be used in place of hot asphalt. City Manager Westerholm stated that he would recommend the alternate bid submitted by Moore Brothers for the construction of four new tennis courts and additional low bids, with further recommendation that only a part of bid submitted by Dealers Electric be approved in accordance with letter of recommendation from Recreation & Parks Director Max Griffin. Mr. Griffin recommended that bid by Dealers Electric be reduced to \$4,632 by making several adjustments involving the purchase of concrete posts for lighting and complete wiring and lighting installation being conducted by City personnel for a total of \$26,405.38. City Manager Westerholm also stated that the final total figure would be \$855.77 over the amount budgeted for this project and this money may be obtained from Revenue Sharing, if necessary.

Comm. W. O. Ricks, Jr., made motion that alternate bid by Moore Brothers Construction Company be approved, to include alterations in bid submitted by Dealers Electric, and the City be authorized to construct four new tennis courts in the amount of \$26,405.38. Motion was seconded by Comm. Pat Foley.

Prior to vote on motion, Comm. E. C. Wareing reconfirmed his previous opinion regarding the purchase of these tennis courts indicating that only two new courts were authorized in the present City budget. Comm. E. C. Wareing further stated that he was of the opinion the City would need additional and more important items prior to the end of the current fiscal year and additional monies would have to be extracted from the Revenue Sharing Fund. Comm. E. C. Wareing recommended that only two courts be constructed at present with an additional two being considered later in the year if money was available.

Mayor Garrison expressed his concern for the location of these courts indicating that many trees would be destroyed as a result of their construction.

Comm. Pat Foley was of the opinion the location at Civic Club Park was a central area and would be an advantage to all who used this facility.

Comm. R. A. Brookshire was of the opinion Civic Club Park was being used more by transient people and, therefore, supported the Lufkin Tennis Association's recommendation to construct courts in this area in an effort to promote more local use.

Comm. E. G. Pittman asked City Manager Westerholm several questions regarding the resurfacing of existing tennis courts. City Manager Westerholm reported that the resurfacing of two courts at Jones Lake Park, Chambers Park and Winston Park would begin prior to the end of the current week if weather permitted.

Comm. W. O. Ricks, Jr., amended his previous motion to add that the location of these courts be at Civic Club Park. The following vote was recorded to previous motion by Comm. W. O. Ricks, Jr., to approve construction of four new tennis courts at Civic Club Park:

Voting Aye: Comms. R. A. Brookshire, Joe E. Rich, Pat Foley  
and W. O. Ricks, Jr.

Voting Nay: Mayor Garrison, Comms. E. C. Wareing and E. G.  
Pittman

Mayor Garrison declared motion approved by majority vote of four to three. Mayor Garrison indicated that his negative vote was due to the fact that construction of these courts at this location would involve the destruction of many trees within this area.

Comm. E. C. Wareing stated that the City budget must be amended to provide that \$855.77 be removed from Revenue Sharing to accommodate additional funds necessary for the construction of these courts. Comm. E. C. Wareing then made motion that present City budget be amended to transfer \$855.77 to the Recreation & Parks Budget to accommodate the purchase total bid amount as previously stated. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Police Units - Bids Awarded

City Manager Westerholm reported that bids had been received for six new police units in accordance with amounts as indicated:

<u>Company</u>	<u>Bid Amount</u>	<u>Delivery Date</u>
Morrow Buick-Pontiac	\$22,056.24	Approx. 6 Wks.
Angelina Chevrolet-Cadillac	\$24,720.00	Not Indicated
Doug Williamson Dodge	\$21,616.38	60 - 90 Days
Tipton-Billingsley Ford	\$25,329.96	Not Indicated

A brief discussion developed among members of Commission and City Manager Westerholm was asked for recommendation regarding this purchase. City Manager Westerholm stated that operational costs on these vehicles had been prepared by the Police Department involving the use of various types vehicles from 1970 through 1974, and the Police Department preferred Pontiacs from the bids received, which were \$73.32 more per vehicle than bid received for Dodges.

Comm. W. O. Ricks, Jr., made motion that Morrow Buick-Pontiac be awarded bid for six police units in the amount of \$22,056.24 due to good service records submitted by the Police Department. Motion was seconded by Comm. R. A. Brookshire and a unanimous affirmative vote was recorded.

12. FAA - Angelina-Nacogdoches County Joint Airport Study - Approval of Funds

City Manager Westerholm stated that the FAA had offered a grant for the Angelina-Nacogdoches County Airport Study and a resolution was necessary to be approved by this Commission to accept this offer and provide necessary funds for same in the amount of \$2,500.

Following a brief discussion, Comm. E. C. Wareing made motion that resolution be approved accepting FAA grant for the Angelina-Nacogdoches County Airport Study and approving the appropriation of funds for participation in this grant in the amount of \$2,500. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

13. Carrothers Construction Co.-Request for Lowering Retainage to \$100,000 Approved

City Manager Westerholm stated that Carrothers Construction Company had substantially completed the construction of the new Water Pollution Control Plant and had requested the 10 percent retainage in the amount of \$353,000 be lowered to \$50,000. City Manager Westerholm further stated that a letter had also been received from HDR Consulting Engineer Bobby Scalf recommending this request based on a recent inspection of the Plant on November 25, 1974. It was further reported Mr. Scalf was of the opinion that \$50,000 would be adequate to cover the costs of any necessary plant adjustments.

Considerable discussion developed regarding whether or not this retainage should be lowered and Mayor Garrison suggested that contract between City of Lufkin and Carrothers Construction Company be thoroughly reviewed prior to making final decision. Comm. R. A. Brookshire made motion that consideration of this request by Carrothers Construction Company to lower retainage be placed on the agenda for next regular meeting in January, and in the interim, City Attorney Flournoy submit a written report to the City Commission regarding same. Motion was seconded by Comm. Pat Foley.

Comm. W. O. Ricks, Jr., was of the opinion this request by Carrothers Construction Company was valid, but suggested this retainage be reduced to \$100,000 under circumstances involved since the Water Pollution Control Plant had not actually begun operations.

A unanimous affirmative vote was then recorded to previous motion and second to defer this item until next regular meeting.

Comm. Joe E. Rich later in this meeting suggested that Carrothers Construction Company's request be accommodated as soon as possible by this Commission and City Attorney Flournoy reviewed several sections of the contract for consideration by members of Commission. City Attorney Flournoy stated HDR engineers indicated that the Water Pollution Control Plant had been substantially completed and, by contract provision, recommended the retainage amount of \$50,000 was adequate.

Comm. R. A. Brookshire expressed his concern that the City should retain a reasonable amount in this regard.

Comm. W. O. Ricks, Jr., then made motion that previous action by this Commission to table request by Carrothers Construction Company until next regular meeting be rescinded and the City be authorized to hold a retainage of \$100,000 releasing \$253,000 at present and remaining \$100,000 when plant was finally accepted. Motion was seconded by Comm. E. C. Wareing. The following vote was recorded:

Voting Aye: Comms. Pat Foley, Joe E. Rich, E. C. Wareing, W. O. Ricks, Jr., and E. G. Pittman

Voting Nay: Mayor Garrison and Comm. R. A. Brookshire

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

14. Bids on Box Culvert into Lift Station - Advertising Authority Granted

City Manager Westerholm reported that the last project needed to complete the City's sewer improvements was the construction of a street and box culvert bridge across Shirey Creek in the Kit Mc Connico Park to the lift station on the Ottis Locke property. City Manager Westerholm further stated that the City had received approval from the EPA to proceed with this work after obtaining authority to advertise for bids on construction.

Comm. W. O. Ricks, Jr., then made motion that the City be authorized to advertise for bids for the construction of a street and box culvert bridge in accordance with request submitted by City Manager Westerholm. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

15. Update of City Limit Population Signs Requested

Comm. Pat Foley suggested that City Manager Westerholm consider revising the present population figure displayed on existing City Limit population signs.

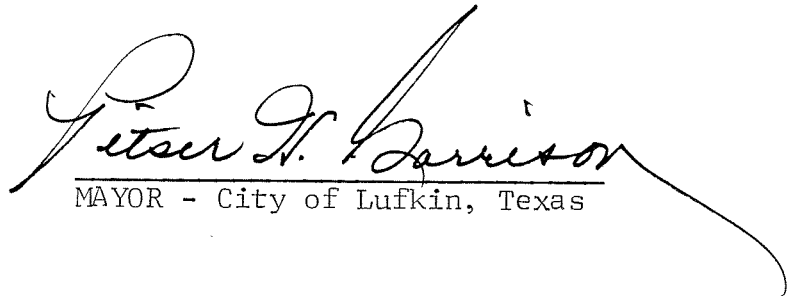
City Manager Westerholm stated that he would conduct a survey from various available sources and propose an approximate figure for consideration by members of Commission as soon as possible. Comm. Pat Foley then made motion that City Manager Westerholm be authorized to conduct this survey. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

16. Water Rates - Request for Study

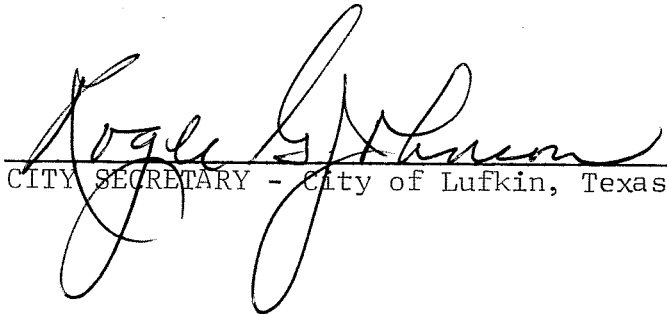
Comm. W. O. Ricks, Jr., requested that City Manager Westerholm provide members of City Commission a water rate study for residential and commercial rates at next regular meeting for review by members of this Commission. City Manager Westerholm stated that these figures would be made available at next regular meeting as requested.

17. Adjournment

There being no further business for consideration, meeting adjourned at 6:30 P. M.

  
MAYOR - City of Lufkin, Texas

ATTEST:

  
CITY SECRETARY - City of Lufkin, Texas