MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6th DAY OF FEBRUARY, 1968, AT 7:30 PM

On the 6th day of February, 1968, 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 |
| Gene H. Nerren | 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. W. W. Luster, Pastor of Central Baptist Church, Lufkin, Texas. Mayor thanked Rev. Luster for his participation in the meeting and invited him to remain for the entire meeting or to feel free to leave when he so desired.

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 special meeting of January 11, 1968, regular meeting of January 16, 1968, and special meeting of January 19, 1968, be approved as written. BEA stated that minutes of special meeting of January 19, 1968, should be corrected to carry the additional sentence under paragraph 3 of item 3... "However, DW was instructed to develop information from other cities in Texas who have chicken processing plants operating similar to Lufkin with regard to rates", and BEA then seconded motion and a unanimous affirmative vote was recorded.

4. DW read caption of Ordinance for second reading covering zone change of Lufkin Industrial Foundation from R-1 District to LM District covering 36.6630 acres described as follows: Beginning at the NW corner of a 36.6630 acre tract, South point being 450' from State Highway Loop 287 ROW and 1.375' South of Lotus Lane and extending as follows: East (from above point) 774.4 feet, South 2,031.05 feet, West 738.98 feet, and NW 2274.48 feet.

   Mayor inquired if any persons present to object to the zone change and there were none. ECW made motion that Ordinance be passed on second reading. Motion seconded by BMcN and a unanimous affirmative vote was recorded.

5. DW read caption of Ordinance for second reading covering zone change of Alfred F. Stewart (Dr. Murray Hooks) from District R-1 to LB District covering two tracts of land designated as Lots 15-I and East 1/2 of Lot 15-H, located between Ellis and Frank Avenue and fronting on the South side of Frank Avenue.

   Mayor inquired if any persons present to object to the zone change and there were none. CL made motion that Ordinance be passed on second reading. GHN seconded the motion and a unanimous affirmative vote was recorded.

6. DW read caption of Ordinance for second reading covering zone change request of J. A. Hackney from R-3 District to LB District covering Lots 7, 8 and 9, Block 12, of Martin Wagon Company Addition, located between Williams and Culverhouse and Weaver and Highland and facing Highland.

Mayor inquired if any persons present to object to zone change and there were none. DVS made motion that Ordinance be passed on second reading. Motion seconded by BEA and a unanimous affirmative vote was recorded.

7. Captain Arthur Lee Allen of the local National Guard Armory appeared before the City Commission and distributed a financial statement covering operations of the unit. He requested financial assistance from the City of Lufkin in maintaining his unit which was at the service of the City, the State or the Federal Authorities in any emergencies. He stated that he was also in charge of the Nacogdoches Armory and that the Lufkin and Nacogdoches Armories were now an Amored Unit rather than an Engineering Unit. He suggested consideration be given by the City for maintaining his parking lot and contributing $50.00 per month to help maintain his Armory. He stated that eventually he would be supplied with five tanks at each location.

Some discussion developed and WEW stated he would visit with Captain Allen to determine his needs and report back to the City Commission on his findings.

8. Mayor read letter from the Properties Committee of the First Baptist Church to make the alley behind the Church one-way East from North First Street to North Second Street with no parking. WEW stated that Chief of Police had checked this request and gave it his approval and that he concurred with the Chief of Police.

BMcN made motion that this alley be made one-way as requested by the Properties Committee of the First Baptist Church. ECW seconded the motion and a unanimous affirmative vote was recorded.

9. DW read Ordinance in its entirety authorizing and setting date for City Election on the First Tuesday in April, (April 2, 1968), to elect a City Commissioner from Ward #2 and Commissioner at Large, Place A. DW stated it was necessary to advertise such Ordinance at least 45 days prior to election in local newspaper. DW stated that Claude Cook and Falcor Perry had been contacted and would serve as Judge and Assistant Judge in this election.

BEA made motion that Ordinance be passed and that Claude Cook and Falcor Perry be named election judges for such election. BMcN seconded the motion and a unanimous affirmative vote was recorded.

At this point, DVS stated he was filing for re-election and signed the necessary papers.

10. DW read contract with Lower Neches River Authority covering water from Sam Rayburn Reservoir for the City of Lufkin and stated that a public hearing would be conducted by the Texas Water Control Board in Austin on February 29, on the City of Lufkin's request for such water. DW suggested that contract be executed on part of the City before going to Austin and that the only change that had made in the proposed contract was that the City would be unable to sell untreated water unless they received written consent from the Lower Neches River Authority.

BEA made motion that contract be approved on the part of the City and that the Mayor be authorized to sign same. ECW seconded the motion and a unanimous affirmative vote was recorded.

11. WEW presented petition from property owners on Reen Street from Loop 287 to Roseneath and on Roseneath from Reen to Evans Street covering a Street with 36' curb and gutter section, 32' of which would be soil cement and hot mix topping. WEW stated that 80% of the property owners had signed the petition and recommended that this petition be accepted as the first project under the City's new participation-assessment policy. WEW also presented copy of proposed paving agreement between the City of Lufkin and property owners which in essence is a secured promissary note that would be due and payable upon completion and acceptance of the street and requested approval of the City Commission to allow property owners to sign the note in lieu of cash in advance.

BMcN made motion that City Manager's recommendations above be accepted. ECW seconded the motion and a unanimous affirmative vote was recorded.

12. WEW presented Estimate #6 from Temple Associates covering construction work on City Hall and Police Building for the period ending January 20, 1968, in the amount of $24,523.77 which has been varified by Consulting Engineers and which is 57.01% complete. WEW recommended approval to pay this estimate. DVS made motion that same be authorized for payment. Motion seconded by ECW and a unanimous affirmative vote was recorded.

13. WEW presented invoice from Bernard Johnson Engineers, Inc. in the amount of $739.89 covering engineering fees on City Hall and Police Station Building and recommended its payment. ECW made motion that this invoice be authorized for payment. GHN seconded the motion and a unanimous affirmative vote was recorded.

14. WEW presented invoice from Layne Texas Co. in the amount of $6,586.85 which covers completed rehabilitation work on Water Well #3. WEW stated Bernard Johnson Engineers, Inc. had approved the invoice as well as City Engineer and recommended same be paid. CL made motion that this invoice be authorized for payment. BMcN seconded the motion and a unanimous affirmative vote was recorded.

15. WEW presented invoice from Layne Texas Co. covering Water Well #9 complete in the amount of $14,767.27 which has been approved by Bernard Johnson Engineers, Inc. and City Engineer and recommended its approval for payment. ECW made motion that this invoice be authorized for payment. Motion seconded by CL and a unanimous affirmative vote was recorded.

16. WEW presented Estimate #3 and Final Estimate #4 from Shull Construction Co. in the amount of $5,385.55 and $5,511.30 covering payment on installation of transmission lines to Water Well 10. WEW stated this completed the contract with Shull Construction Co. and the only item not complete was a fence around the pump which should be complete within the next few days and was withholding approximately $500.00 to guarantee completion of this item. WEW recommended payment of these Estimates totaling $10,896.85.

GHN made motion that these Estimates be authorized for payment. Motion seconded by CL and a unanimous affirmative vote was recorded.

17. WEW presented engineering invoice from Bernard Johnson Engineers, Inc. covering engineering fees on Water Well 10 and transmission lines in the amount of $4,285.47 and recommended payment. GHN made motion that same be authorized for payment. Motion seconded by DVS and a unanimous affirmative vote was recorded.

18. WEW presented Estimate #3 from Katy Drilling Co. in the amount of $22,170.00 covering Well 10 which had been approved by Bernard Johnson Engineers and recommended authority to pay; the job being 87.26% complete. BEA made motion that this Estimate #3 be authorized for payment. CL seconded the motion and a unanimous affirmative vote was recorded.

19. WEW stated had received request from Katy Drilling Co. requesting an extension of 30 days to their contract due to decision being made on control equipment by the City delaying completion and recommended this extension in contract.

CL made motion that Katy Drilling Co. be granted a 30 day extension to their contract as recommended by WEW. Motion seconded by ECW and a unanimous affirmative vote was recorded.

20. WEW presented Change Order No. 2 on City Hall and Police Station Building amounting to a saving in the contract of $452.86, details of which are shown in the Change Order. ECW made motion that Change Order No. 2 be approved. Motion seconded by BEA and a unanimous affirmative vote was recorded.

21. WEW stated that the purchasers of the Youngblood property at Loop 287 and Highway 59 South now desired to relocate Hurricane Creek that crosses their property at their own expense. WEW presented plat showing proposed relocation which would require approximately the same amount of City property as is now occupied by the existing creek. WEW recommended that approval be given to this relocation of Hurricane Creek.

BEA made motion that WEW's recommendation be followed. Motion seconded by DVS and a unanimous affirmative vote was recorded.

22. WEW stated he would like consideration be given by the City Commission on status of permanent street paving improvements. He stated that the similar work approved on Reen and Roseneath Streets would probably be too costly in other sections of the City and would like a definite indication from the City Commission on a procedure to follow in the future.

This matter was discussed in considerable detail and ECW made motion that the City Planning and Zoning Commission be requested to give this study and make recommendations to the City Commission on paving standards. GHN seconded the motion and a unanimous affirmative vote was recorded.

23. DW stated that Civil Service Commission, in meeting of January 24, 1968, made the following changes in personnel rules for employees of Fire and Police Departments covering Fire Department employees only:

Rule VII, Section 43, to read:

> "No person related to any employee in the Fire Dept. within the second degree of affinity, or third degree by consanguinity shall be employed or transferred into the Fire Department."

Section 46 of same Rule to read:

"Residence of Fire Department employees shall change to read as follows: Employees of the Fire Department may maintain their residence within a twelve mile radius from the City Limits of the City of Lufkin, provided they have a telephone."

Rule XXXI, Section 150 to read:

"The minimum weight for Firemen was reduced to 135 instead of 140 pounds."

DW stated such changes were brought before the City Commission for consideration to comply with Civil Service Rules. Discussion developed on distance and weight changes and DW was instructed to discuss with Civil Service Board at their next meeting to consider allowing only a certain percent of Fire Department employees to live within the new distance from the City and to discuss the lowering of the minimum weight limit for Firemen.

24. DW read Ordinance in its entirety authorizing the issuance of Time Warrants for water improvements to Keltys in the amount of $44,000.00 payable within 5 years and that due to time involved recommended same be passed on first and final reading due to emergency. CL made motion that Ordinance be passed on first and final reading. ECW seconded the motion and a unanimous affirmative vote was recorded.

25. Mayor inquired as to whether or not Mugno and Co. were working on the Tax Appraisal job under which a contract was recently signed. WEW stated this organization had been working in Lufkin for several days.

26. DVS inquired as to status of paving of Hoo Hoo Street. WEW stated this paving had been held up due to weather conditions but would schedule this work as soon as possible.

27. DVS inquired as to work now in progress at intersection of Ellis and Angelina Street. He also inquired about wet spots which he noticed in the street and whether or not there was a leak. WEW stated there was a bell leak in the street and also a leak from the storm sewer which was an extension of the catch basin located behind Cannon & Parker.

28. DVS inquired if street sweeper worked in residential areas. WEW stated only where streets have curb and gutter.

29. BEA stated that the Committee of which he was Chairman to make recommendations on property in the Herty area to be annexed had not been completed and recommended that this item be turned over to the City Planning and Zoning Commission for their study and recommendation and made motion to this effect. ECW seconded the motion and a unanimous affirmative vote was recorded.

30. BEA inquired as to status of improvements proposed by Downtown Lufkin Inc. and stated that before he could make decision on such improvements would like to hear all members of their board in a meeting with the City Commission. Mayor stated this group will meet with the City Commission at a time convenient to all concerned and was the decision to invite them to be present at the next regular meeting but to start discussion at 6:30 PM prior to opening of regular meeting at 7:30 P.M.

Mayor stated he would handle with this group.

31. BEA inquired as to the assessment program for paving streets recently passed by the City Commission. DW advised that City could only assess 25% of property owners under present policy after a hearing had been conducted. WEW stated the City Commission could designate any street they desired paved or portion thereof.

32. BEA inquired as to what had happened to a certain complaint filed on disturbing the peace offense. DW explained the process of handling such complaints and further that if the persons bond had been forfeited, it was the same as a guilty plea and WEW stated that he will advise BEA the status of the particular complaint.

33. CL inquired of WEW if poultry plant representatives had toured our sewer treatment plant. WEW stated had not arranged for this visit but would follow through on same.

34. CL inquired on progress regarding street repair work. WEW stated had one truck and one repair crew working at all times.

35. CL inquired as to whether anything had been done on drilling test hole near the abandoned Water Well #8 which was discussed some time ago. WEW stated nothing had been done but would have information available on this drilling test hole at next meeting.

36. GHN stated he had been contacted in regard to furnishing of sewer facilities to new industries recently announced by the Lufkin Industrial Foundation. WEW stated that sewer was available off Lotus Lane but thought the City's responsibility in this regard had been met and that these Industries should stand the expense of being supplied with sewer facilities and would discuss with Herman Brown, Manager of Chamber of Commerce.

37. ECW stated that he and his Committee had met on making recommendations for amending the Mobile Home Ordinance and same was as follows:

"A so-called mobile home permanently located on a lot with no other dwelling is no more than a prefabricated house. As such, it can be located in any zone where it meets all the requirements of a dwelling for that zone. A building permit is required and this building becomes taxable property.

This Committee sees no reason to change this situation. If the City Attorney feels that any sections of any present Ordinances should be clarified with respect to prefabricated dwellings, this Committee would concur in any such changes.

As for the present mobile home temporary permit Ordinance, we have reviewed what other cities are doing in this respect as well as considering the needs of the City of Lufkin. We therefore make the following recommendations:

1. The present mobile home temporary permit ordinance be changed to (a) have the request for temporary permit heard by the Planning and Zoning Commission, (b) have any appeals from the Planning and Zoning Commission be heard by the Board of Adjustment as provided in Article XVIII, Item (2) of the Zoning Ordinance.

2. The Planning and Zoning Commission be requested to check into the need for or the desirability of, a special additional zone for permanent location of the general mobile home type dwelling for either owner or rental occupancy. Some cities such as Corpus Christi have a zoning provision for mobile home sub-divisions. This Committee is not recommending such a move. Rather, it feels that some qualified body should study the various aspects of the problem to determine if a need exists for such a zone in our City.

Respectfully submitted,

E. C. Wareing, Chairman
Gene H. Nerren
Dayle V. Smith"

ECW made motion that the City Attorney be instructed to write up proposed changes to the mobile home temporary permit ordinance to conform to the recommended changes as outlined in this report and present these changes to the City Commission for their consideration at their next regular meeting. Motion seconded by GHN. However, before vote was taken several questions were asked and CL particularly desired to know about Fire Insurance rates.

Virgil A. (Tommy) Thompson who was present explained that these rates were approximately the same as on a house. The following vote was recorded on the above motion.

Voting Aye: EN, DVS, GHN and ECW.

Voting Nay: CL, BMcN and BEA.

Mayor declared motion carried by majority vote.

38. BEA inquired as to whether or not franchised companies have furnished information requested some time ago by the City Commission. WEW stated information had been received from Vumore, United Gas and Lufkin Telephone Exchange, Inc. and same would be furnished the City Commission members immediately. However, it would be two or three weeks before Texas Power and Light would have their figures available.

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

Carl Nisbet
Mayor - City of Lufkin, Texas

ATTEST:

Lynn Abram
City Secretary - City of Lufkin, Texas