

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 2ND DAY OF NOVEMBER, 1971, AT 7:30 P.M.

On the 2nd day of November, 1971, 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
Joe E. Rich	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
B. 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. Charles Whitton, Pastor of First Church of God, Lufkin, Texas, who was thanked by Mayor Garrison for his participation.
2. Mayor Garrison welcomed visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. B. E. Atkinson, Jr., M.D., made motion that minutes of regular meeting of October 19, 1971, be approved. Comm. Roy L. Leamon, M.D., seconded the motion and a unanimous affirmative vote was recorded.

4. Appointment of Member to City Planning & Zoning Comm.-Danny Martin

Mayor Garrison stated that regretfully Jim B. Gaston, member of the City Planning and Zoning Commission, was transferred by his company to another city in Texas, which created a vacancy in the City Planning and Zoning Commission. Comm. B. E. Atkinson, Jr., M.D., made motion that Mr. Danny Martin, who had agreed to serve as a member of this Commission and who was present, be appointed to serve out the unexpired 3-year term of Mr. Jim B. Gaston ending on June 30, 1973. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

At this point, Mayor Garrison gave the oath of office to Mr. Martin as a member of the City Planning and Zoning Commission to fill out the unexpired term of Mr. Gaston and was congratulated by Mayor Garrison and the members of the City Commission for his willingness to serve and Mayor Garrison stated that the City Planning and Zoning Commission performed a very essential part in City operations and that Mr. Martin, as a member, would make a contribution that will be of great assistance to the City Commission.

5. Sale of Fireworks Within City Limits

City Attorney Flournoy read caption of Ordinance for second reading which amends and consolidates all prior ordinances concerning fireworks and the sale, storage and possession of same within the City Limits and within 500 feet outside City Limits. Comm. W. O. Ricks, Jr., made motion that ordinance be passed on second reading. Motion seconded by Comm. J. T. Hopson. However, before vote was taken Mr. C. M. Milligan, who lives on State Highway 94 just outside the City Limits, stated he would greatly appreciate it if the City Commission would consider reducing the distance outside the City Limits from 500 feet to 300 feet since he would be unable to sell fireworks that he had already purchased for the coming holidays. Comm. E. C. Wareing stated that he had suggested the 500 feet as an arbitrary figure and would not be opposed to reducing

same to 300 feet. Other members of the City Commission were in agreement. City Attorney Flournoy said in his opinion, if the distance was reduced to 300 feet instead of 500 feet, that the ordinance should be passed on first reading. Comm. W. O. Ricks, Jr., amended his motion to pass ordinance on first reading reducing the distance to 300 feet instead of 500 feet outside City Limits. Comm. J. T. Hopson seconded the amended motion and a unanimous affirmative vote was recorded.

6. Zone Change Application-George Leo Shotwell & Wife, Oneita Shotwell from R-3 District to A District

City Attorney Flournoy read caption of ordinance covering zone change application by above applicants from R-3 District to A District covering property located West of Bledsoe Street and South of portions of Shotwell Street for second reading. Mayor Garrison inquired if any persons were present to object to the change and there were none. Comm. Joe E. Rich made motion that ordinance be passed on second reading. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

7. Ordinance Covering Curb & Gutter and Paving on Evans Drive from Southwood (West) to Roy Hurst Residence

City Attorney Flournoy read ordinance covering this work which directs the City Secretary to prepare notice of enactment of this ordinance and to file same with the County Clerk for Angelina County in proper records. He stated this ordinance authorized assessments against abutting property owners and that same should be passed on first and final reading by declaring an emergency. Comm. W. O. Ricks, Jr., made motion that the ordinance be passed on first and final reading. Motion seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

In connection with the curb and gutter and paving program, Comm. W. O. Ricks, Jr., inquired as to the status of such work on Wildbriar Street. City Manager Westerholm stated work had not started on this project due to preparatory work not having been completed by the City Engineering Department.

8. Garbage Ordinance Amendment

City Attorney Flournoy read ordinance amending present garbage ordinance to allow the City to charge for removal of leaves and limbs that were not properly bundled or containerized. It was brought out in the discussion that any charges made by the City would be actual cost for removal of such leaves and limbs. City Attorney Flournoy stated that Sections V and VII had been amended to cover this charge. Comm. W. O. Ricks, Jr., thought consideration should be given to revising Section VI covering the present charge for all garbage removal in the City (residences and businesses). The Mayor and members of the City Commission also agreed that Section VI should be given close study for possible amendment but that the ordinance submitted by City Attorney Flournoy covering charges for limbs and leaves not properly bundled or containerized should be passed as an emergency measure and that further study be given to reviewing present rates. Comm. Roy L. Leamon, M.D., made motion that this ordinance be passed on first and final reading due to the existing emergency. Comm. W. O. Ricks, Jr., seconded the motion and a unanimous affirmative vote was recorded.

City Manager Westerholm will develop data on amending of Section VI covering charges for garbage and refuse removal inside City Limits for presentation and study at next regular meeting of the City Commission.

9. Amendment to Ordinance Requiring Weeds, Grass, etc., to be Removed From Premises

City Attorney Flournoy read ordinance he had prepared amending present ordinance authorizing the City Manager instead of City Commission to order the removal of weeds, grass and rubbish by declaring same to be a public nuisance. The City Commission desired that wording be City Manager, or his designated agent. Comm. B. E. Atkinson, Jr., M.D., made motion that ordinance be amended by using the wording "City Manager, or his designated agent," instead of "City Commission", and that same be passed on first reading. Comm. Roy L. Leamon, M.D., seconded the motion and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Roy L. Leamon, M.D.,
J. T. Hopson, Joe E. Rich, W. O. Ricks, Jr.,
and B. E. Atkinson, Jr., M.D.

Voting Nay: Comm. Edgar C. Wareing

Mayor Garrison declared motion carried by majority vote of 6 to 1.

Comm. E. C. Wareing stated his reason for voting nay was due to the fact that he had not had sufficient time to study the ordinance before making a judgment.

10. Discussion of Proposed Sewer Bond Sale

Mr. Tom Wolf, of First Southwest Company and Fiscal Agent for the City on proposed sewer bond sale, was present and presented information regarding the proposed sale of bonds by the City of Lufkin and application for a new bond rating. However, the information furnished was not conclusive and Mayor Garrison, with the concurrence of the City Commission, requested Mr. Wolf to present a conclusive report prior to next regular meeting of the City Commission in order that same could be studied by the City Commission. Mr. Wolf stated this report would be ready as requested.

City Attorney Flournoy presented resolution presented by Mr. Wolf requesting that same be passed by the City Commission, which approved participation by municipalities with the State of Texas in a Funding Program for Sewage Treatment Facilities and authorized the application for such participation through the Texas Water Quality Board. City Attorney Flournoy recommended its passage. Comm. W. O. Ricks, Jr., made motion that resolution be passed. Motion seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

11. Preparation of Ordinances and Resolutions

Comm. B. E. Atkinson, Jr., M.D., requested that City Attorney Flournoy present copies of proposed ordinances and resolutions to members of the City Commission prior to meetings in which same are to be considered in order that sufficient time would be afforded for study. City Attorney Flournoy stated the point was well taken and he would handle accordingly in the future.

12. Cost & Availability of Plastic Leaf Bags

City Manager Westerholm stated he had developed the following information on plastic leaf bags which are available to the City:

Sized to fit 55 gal. drum
1.5 mil thickness
22" x 14" x 60"
\$.0811 per bag (retail 14¢/bag)

Comm. E. C. Wareing made motion that City Manager be authorized to purchase 10,000 of these plastic leaf bags for sale to the City customers at 10¢ per bag. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

13. Purchase of 1972 3/4 Ton Pickup Sign Truck for Street Dept.

City Manager Westerholm stated that following bids were received on the above 3/4 ton pickup sign truck for use in the Street Department:

Tipton-Billingsley Ford, Lufkin, Texas (Ford) \$3,953.19

Angelina Truck & Tractor, Inc., Lufkin, Texas (Internat'l) \$3,967.41

City Manager Westerholm stated both trucks met specifications and recommended that same be purchased from Tipton-Billingsley Ford since this bid was the lower. City Manager Westerholm further stated that this truck was provided for in present Budget. Comm. E. C. Wareing made motion that this 3/4 ton pickup sign truck be purchased from Tipton-Billingsley Ford, Lufkin, Texas as recommended by City Manager Westerholm for \$3,953.19. Motion was seconded by Comm. Roy L. Leamon, M.D., and a unanimous affirmative vote was recorded.

14. Street Lighting

City Manager Westerholm stated that per instructions from the City Commission at last meeting, he had developed cost on lighting of Loop 287 with 20,000 lumen Mercury Vapor lights, which was estimated to increase the cost for street lighting to the City annually of \$13,275. After some discussion by the City Commission, Comm. Roy L. Leamon, M.D., made motion that North Timberland Drive from Homewood to Loop 287 (Item 4) and U. S. Highway 59 South from Harmony Hill to Farm-to-Market Road past Angelina College (Item 5) be provided with the above type of lights for an increase of lighting cost to the City annually of \$2,475. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

City Manager Westerholm was instructed to develop cost for such lighting at major intersections around the Loop for consideration at later meeting of the City Commission. Mayor Garrison suggested that City Manager Westerholm check into cluster of lights on high poles now used by the Southern Pacific Railroad Company in lighting such intersections.

15. Christmas Decorations on Downtown Streets

City Manager Westerholm stated that downtown merchants would like to have City assistance to install Christmas decorations on downtown City streets to cut down on costs, and that City would be reimbursed for the cost involved in this work. Comm. E. C. Wareing made motion that City be authorized to assist the downtown merchants in installing such Christmas decorations. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

16. Widening Shepherd Street between Second and Third Streets

City Manager Westerholm stated that he would like authorization to widen Shepherd Street between Second and Third Streets while the new Lufkin Federal Savings & Loan Building was under construction and that funds for such widening were included in the present Budget. Comm. Roy L. Leamon, M.D., made motion that widening of Shepherd Street be authorized. Comm. Joe E. Rich seconded the motion and a unanimous affirmative vote was recorded.

17. Downtown Parking Lot

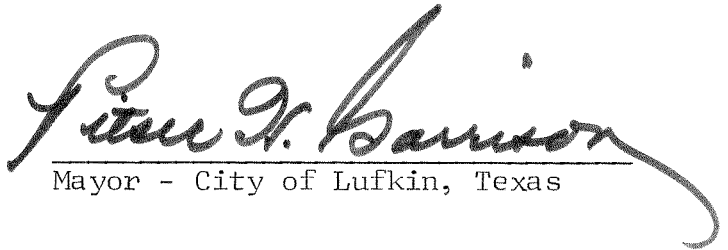
Comm. B. E. Atkinson, Jr., M.D., inquired of City Manager Westerholm as to use of downtown parking lot on Calder Square. City Manager Westerholm stated that he had not developed income on this parking lot due to access to parking lot being closed on one side due to construction of new Kurth Memorial Library building. However, he would have this information available at next regular meeting.

18. Traffic Survey by Henningson, Durham & Richardson, Inc.

Comm. Roy L. Leamon, M.D., inquired as to progress being made by Henningson, Durham & Richardson, Inc., on the downtown traffic survey. City Manager Westerholm stated they were still in the process of doing this survey and that some of Henningson, Durham & Richardson, Inc., personnel would be in the City tomorrow or next day to work on this project.

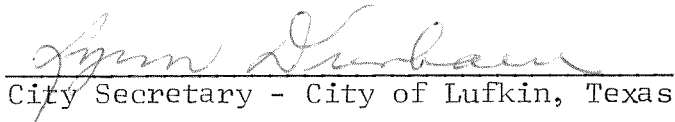
19. Adjournment

There being no further business for consideration, meeting was adjourned at 9:15 P. M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas