

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF APRIL, 1971, AT 7:30 P. M.

On the 20th day of April, 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
Kenneth R. Crain	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. Dewey Underwood, Baptist Minister and Memorial Hospital Chaplain, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors, which showed a distinctive interest in the affairs of the City and invited all to visit the meetings as often as possible, which would give the City Commission a better insight on matters affecting the City of Lufkin.

3. Approval of Minutes

Comm. W. O. Ricks, Jr., made motion that minutes of regular meeting of April 6, 1971, be approved as written. Motion was seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded.

4. Canvass of Votes - Special City Run-Off Election 4-20-71

At this point, Mayor Garrison stated would like to deviate from the agenda and canvass results of the Special City Run-Off Election held this date for the position of Commissioner at Large, Place A, the sealed results of which were furnished by C. D. Cook, Election Judge. Mayor Garrison read the results of the votes cast for Commissioner at Large, Place A, as follows, out of a total of 3,404 votes cast:

Commissioner at Large, Place A

W. O. Ricks, Jr.	1,713
Inez Tims	1,653

Comm. Kenneth R. Crain inquired as to the number of mutilated ballots involved in the election. Mayor Garrison stated from the Election Judge's report, there were five (5). Comm. Kenneth R. Crain then made motion that the above election results be made official and that Comm. W. O. Ricks, Jr., be declared winner as Commissioner at Large, Place A for the 3-year period beginning this date. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

Comm. E. C. Wareing stated that the number of votes cast in today's election indicated a real interest by the citizens of Lufkin by taking time out to vote and sincerely hoped this would be the trend in all future elections. The City Commission members concurred and Mayor Garrison thanked Comm. E. C. Wareing for his statement.

At this point, Mayor Garrison proceeded to give the oath of office to Comm. W. O. Ricks, Jr., covering the new 3-year period.

5. Leash Law

Mayor Garrison stated that from all indications, the large number of visitors present were in connection with the second reading of ordinance covering control of dogs. He advised the visitors he desired to hear first the opponents of the proposed leash law, and stated that due to the number of visitors involved, would have to limit their time to speak. Grant Murrell was the first to speak and stated he was not against control of dogs, but thought the proposed ordinance should be modified to include all animals and presented a copy of his proposal in writing to the City Commission members.

Jimmy Clark appeared in opposition to the ordinance and the practice of "putting dogs to sleep" and presented petition which stated they were against passage of leash law but favored owner responsibility, which controlled dogs designated as vicious, destructive, etc., which should be on an individual basis and not on the dog population at large. Several youngsters, namely, Miss Marilyn Nerren, William Prince and David Beard spoke briefly opposing passage of a leash law. Speaking in opposition were M. L. Campbell, A. L. Wood, Fenner Averitt, and Elmer Brumble and others. Mayor Garrison then asked proponents of the leash law for any remarks they might have.

Speaking in behalf of passage of the leash law were Mrs. Douglas C. McClary, who presented petition with some 300 names, requesting enactment and enforcement of proposed leash law before a child was mauled or killed by packs of dogs running loose in the City. Others speaking for leash law were Kenneth Baker, Postal Worker, Johnny Frank Mcelford, Mrs. Restivo, Miss Winnie Berry and Mrs. Margaret Greusel, Caretaker at Humane Society Building. Mrs. Lovey Terry called attention to horses in her neighborhood which were allowed on "back porch". Mayor Garrison stated the present ordinance covering horses in City Limits was being given thought and study for possible amendment to take care of such problems. Comm. B. E. Atkinson, Jr., M.D., made motion that the proposed leash ordinance be passed on second reading. Motion seconded by Comm. Roy L. Leamon, M.D. A lengthy discussion developed among the City Commission members on this item and a number of amendments were offered that would control dogs. Mayor Garrison stated he thought that a dog properly tagged and vaccinated should be allowed to run outside a fenced area without being picked up if it did not create a nuisance nor do damage to persons, property, etc. Comm. Kenneth R. Crain made motion that Section 4(a) of ordinance passed on first reading be amended to read as follows:

"Fail to prevent any animal from running at large and causing damage to persons, property or any other animals or creating a nuisance to other individuals or animals within the corporate limits of the City".

Motion seconded by Comm. J. T. Hopson and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. Kenneth R. Crain,
J. T. Hopson, E. C. Wareing, W. O. Ricks, Jr.

Voting Nay: Comms. B. E. Atkinson, Jr., M.D., and
Roy L. Leamon, M.D.

Mayor Garrison declared motion carried by 5 to 2 vote. Comm. E. C. Wareing suggested recommendations for amendments on penalties, providing first offense of Section 4(a) would carry maximum fine of \$5.00. City Attorney then read caption of amended ordinance for consideration by City Commission. Comm. B. E. Atkinson, Jr., M.D., made motion that ordinance as amended be passed on first and final reading and declaring an emergency. Motion seconded by Comm. J. T. Hopson and a unanimous affirmative vote was recorded. City Attorney Flournoy stated this was a penal ordinance and would not go into effect until 10 days after publishing in local newspaper.

6. Zone Change Application - Lufkin Industrial Foundation, Inc.

City Attorney Flournoy read caption of ordinance for first reading to cover zone change application of Lufkin Industrial Foundation, Inc., from LM District to LM District and Special Use covering 13.723 acres of land located on the South side of Lotus Lane and described by field notes in the ordinance. A number of visitors were in attendance with regard to this ordinance and Attorney Jack Hicks, acting as spokesman, went into the background for this application to comply with the provisions of the zoning ordinance which had been previously requested by the City Planning and Zoning Commission. Mayor Garrison stated this application had been considered by the City Planning and Zoning Commission in regular meeting held on the 25th day of February, 1971, and it was their recommendation that the City Commission approve the zone change based upon report of the Greater Housing Committee of the Chamber of Commerce and also a report by the Steering Committee of the Lufkin Industrial Foundation, Inc. A number of questions were asked, particularly by Comm. B. E. Atkinson, Jr., M.D., and Comm. W. O. Ricks, Jr., with regard to needs, whether the housing units would be taxable, shortage of housing units in Lufkin, type of Federal financing, etc. Mr. Hicks advised that the units would be taxable and also that they would be financed under FHA regulations. Comm. B. E. Atkinson, Jr., M.D., questioned the need for such units in-as-much as the Federal Census recently completed in Angelina County showed there were some 1,300 vacant units in Angelina County. However, Mr. Hicks advised that study made previously by the Chamber of Commerce showed a definite shortage of this type of housing. Comm. W. O. Ricks, Jr., inquired as to percentage of request for use of these units by people living outside of Lufkin and he was advised by Mr. Hicks that there were 41.8% who desired to rent these units. Comm. E. C. Wareing said there was some question as to whether the zone change was necessary for a project of this type under the present zoning ordinance. City Attorney Flournoy advised he also had some question but the City Planning and Zoning Commission recommended this procedure to remove any doubt as to zoning requirements. Mr. L. A. Berry and his Mother were present and vigorously opposed this zone change since they felt it would lower property values. Mr. Berry stated when this property was sold to the Industrial Foundation, assurance was given that it would be used only for industrial purposes. After further discussion, Comm. B. E. Atkinson, Jr., M.D., made motion that the City Commission not pass the zone change application because of opposition of adjoining property owners. Motion seconded by Comm. W. O. Ricks, Jr., and the following vote was recorded:

Voting Aye: Comms. B. E. Atkinson, Jr., M.D., and
W. O. Ricks, Jr.

Voting Nay: Mayor Garrison, Comms. E. C. Wareing,
Roy L. Leamon, M.D., Kenneth R. Crain
and J. T. Hopson

Mayor Garrison stated motion failed to carry by 5 to 2 majority. Comm. Kenneth R. Crain then made motion that the ordinance be passed on first reading. Motion seconded by Comm. E. C. Wareing and the following vote was recorded:

Voting Aye: Mayor Garrison, Comms. E. C. Wareing,
Roy L. Leamon, M.D., Kenneth R. Crain
and J. T. Hopson

Voting Nay: Comms. B. E. Atkinson, Jr., M.D., and
W. O. Ricks, Jr.

Mayor Garrison declared motion carried by vote of 5 to 2 majority.

7. Paving Standards

City Attorney Flournoy read caption of ordinance for second reading amending present ordinances on street widths, paving specifications, curb & gutter construction, as well as drive-way construction. Comm. B. E. Atkinson, Jr., M.D., requested that second reading of this ordinance be held in abeyance until next regular meeting, in-as-much as

he had been unable to study and compare with present paving ordinance. This was agreeable with the Mayor and other City Commission members. However, Comm. E. C. Wareing desired to know information developed by City Manager Westerholm requested at last meeting on portion covering drive-ways. City Manager Westerholm stated that City Planning and Zoning Commission in last regular meeting has discussed this item and recommended that the radius be left at 5 feet but more flexibility be allowed in the construction of drive-ways by allowing distance to crown point to vary to meet grading requirements and notations made on applicable drawing attached to ordinance.

8. Quit-Claim Deed - Lufkin Industries, Inc.

Mayor Garrison stated that Mr. Robert L. Poland, President of Lufkin Industries, Inc., had recently requested in writing to the City Planning and Zoning Commission to close alley on property which was purchased at the intersection of Bonner Street and Ellis Avenue. Mayor Garrison further stated that this request had been considered by the City Planning and Zoning Commission in regular meeting of April 8, 1971, and it was their recommendation that City Commission close the alley but that a utility easement be reserved and a quit-claim deed be issued to Lufkin Industries, Inc., on this closed alley. Comm. W. O. Ricks, Jr., made motion that City of Lufkin close the alley and issue a quit-claim deed with utility easement reserved and that Mayor Garrison be authorized to execute this quit-claim deed on the part of the City. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

9. Zone Change Application - R. B. Thompson & E. Lynn Metteauer

City Attorney Flournoy read caption of ordinance changing zone from NR District to NR District and Special Use (Day Nursery) by above applicants on property located on Pershing Avenue in the rear of the Texaco Station at Bynum and Pershing. Mayor Garrison stated this application for zone change was heard by the City Planning and Zoning Commission in regular meeting of March 25, 1971, and it was their recommendation that City Commission approve same. Mayor Garrison inquired if any persons were present at this meeting to object to this zone change and there were none. Comm. Roy L. Leamon, M.D., made motion that ordinance be passed on first reading as recommended by the City Planning and Zoning Commission and described in ordinance by metes and bounds. Comm. Kenneth R. Crain seconded the motion and a unanimous affirmative vote was recorded.

10. Zone Change Application - Dr. M. E. Matchett

City Attorney Flournoy read caption of ordinance covering zone change from NR District to NR District and Special Use (Day Nursery) by above applicant covering Lot 6, Block 75, of the Original Townsite of Lufkin located at the corner of Douglas and Frank. Mayor Garrison stated this zone change application was considered by the City Planning and Zoning Commission in regular meeting of March 25, 1971, and it was their recommendation that City Commission approve the change. Mayor Garrison inquired if any persons were present to object to the change and there were none. He also stated that since his wife's sister, Mrs. A. J. Scagliola, was interested in this zone change, he desired Comm. B. E. Atkinson, Jr., M.D., Mayor Pro Tem, to take over and handle the action by the City Commission since he desired to be recused. Mayor Pro Tem Atkinson proceeded to handle and Comm. Roy L. Leamon, M.D., made motion that ordinance be passed on first reading. Comm. Kenneth R. Crain seconded the motion and the following vote was unanimous in the affirmative. Mayor Garrison not voting as stated above.

11. Proposed Sewer Treatment Plant Site

City Attorney Flournoy stated had mailed brief to the Circuit Court of Appeals in New Orleans and Gibson's would have 15 days to file their brief.

12. Approval of Street Widening - South First Street

City Manager Westerholm requested consideration be given by City Commission on future widening of South First Street (U. S. Highway 59) from the end of Timberland Drive to near Loop 287 to provide for a continuous left-turn lane which had been suggested by the Texas Highway Department and to be done at their expense. A cost of approximately \$5,388.00 would be sustained by the City for utility relocations. After some discussion, Comm. B. E. Atkinson, Jr., M.D., made motion that City Commission approve the street widening. Comm. J. T. Hopson seconded the motion and a unanimous affirmative vote was recorded.

13. Parking Area on Calder Square - Location of Demolished Buildings

City Manager Westerholm stated he and Joe Trevathan, Property Maintenance Superintendent, had studied the possibility of regulating parking in the above area that is not at present controlled. He stated to regulate this parking without parking meters, would require an attendant who could use small building on the premises. It was the recommendation that a charge per hour be made in accordance with parking meters and 10¢ per hour was suggested. It was decided by the City Commission that this charge should be 15¢ per hour which should move the traffic faster and that the time for such charge would be from 10:00 A.M. to 5:00 P.M. in the afternoon. Comm. W. O. Ricks, Jr., made motion that City Manager Westerholm be authorized to put into effect the above parking regulations with a charge of 15¢ per hour being made through use of a time clock card. Motion seconded by Comm. B. E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

14. Purchase of New Tractor & Mower

City Manager Westerholm stated that Public Works Director, Hayne Stokes, had obtained three bids on a tractor and mower the City needs immediately as follows:

Piney Woods Tractor & Implements, Inc. (Massey Ferguson Diesel Tractor) (with 6' Rotary Cutter)	\$3,791.85
W. A. DuBose & Son (Ford Diesel Tractor) (with 6' Rotary Cutter)	\$3,810.00
Angelina Truck & Tractor, Inc. (with 6' Rotary Cutter)	\$4,170.00

City Manager stated that we have enough funds in the budget to purchase this equipment and recommended the low bid of \$3,791.85 from Piney Woods Tractor & Implements, Inc., be accepted. Comm. J. T. Hopson made motion that City Manager's recommendation be followed and the equipment purchased. Motion seconded by Comm. Roy L. Leamon, M.D. Before vote was taken, Comm. E. C. Wareing stated that, unless this was an emergency purchase, the regular procedure of advertising for bids should be followed. The following vote was recorded:

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

Voting Nay: Comm. E. C. Wareing

Mayor Garrison declared motion carried by a vote of 6 to 1 majority. Comm. E. C. Wareing stated he was for the purchase of such equipment, but since the motion did not stipulate that the purchase was of an emergency nature, he voted nay.

15. Payment of Invoices - Henningson, Durham & Richardson, Inc.

City Manager Westerholm requested authority to pay Henningson, Durham & Richardson, Inc., invoices #D2297 for \$721.53, #D2298 for \$204.82, and #D2326 for \$497.45, when funds were available. This request was

discussed in some detail and City Manager Westerholm stated he would withdraw his request until more information was developed on actual detail of charges included in the above invoices.

16. Plumbing Appeals & Advisory Board

City Manager Westerholm stated that, under Chapter 8, Section 8.1 of the newly adopted Plumbing Code, it was mandatory that a Plumbing Appeals & Advisory Board be appointed by the Mayor and confirmed by the City Commission for terms of four (4) years, with the term of these first appointments being staggered - 2 for two years and 2 for four years. City Manager Westerholm stated that the Administrative Department had recommended and furnished Mayor Garrison with the following recommendation on which official action was requested:

License Master Plumber	-	George Ricks
License Journeyman Plumber	-	Ray Johnson
Building Contractor	-	J. A. (Bo) Bryan
City Engineer	-	Kenneth Vann
City Health Officer	-	G. V. (Andy) Anderson
Licensed Architect	-	Floyd A. Marcellos

Mayor Garrison stated he was appointing the above men to the Plumbing Appeals & Advisory Board and asked for confirmation by the City Commission. Comm. B. E. Atkinson, Jr., M.D., made motion that the above appointments be made as recommended by Mayor Garrison. Motion seconded by Comm. Kenneth R. Crain and the following vote was unanimous in the affirmative by all members except Comm. W. O. Ricks, Jr., who abstained due to one of the appointees being a kinsman. City Manager Westerholm stated term of office would be determined by drawing at initial meeting of Board.

17. Rock Music Festival

Comm. E. C. Wareing called attention to a Rock Music Festival which had been requested by certain groups of young people on which information had been received by him that the City Commission had approved of such festival. He stated he had not given approval and other members stated this was their position. City Manager Westerholm stated that the City had received request for permission to hold a Rock Music Festival but no permission had been granted and same would not be granted unless it was sponsored by some responsible person or local organization. City Commission took no action on this matter and instructed City Manager to develop information that would warrant the issuing of a permit.

18. Building Code Board of Adjustment & Appeals

City Manager Westerholm stated that under the present Building Code, a Board of Adjustment & Appeals consisting of 5 members from the following groups, 1 architect, 1 general contractor and 3 representatives from the building industry at large should be appointed. No action was taken on this matter since the City Commission desired to discuss it in an executive session. Comm. Roy L. Leamon, M.D., asked if any action had been taken to appointing a replacement of Mr. Alex Hall as an alternate member of the Zoning Board of Adjustment & Appeals and he was advised that no action had been taken, but it was to be discussed in the executive session when the Building Code Advisory Board was discussed.

19. Recreation Facilities

Comm. Roy L. Leamon, M.D., inquired as to the status of maps covering park areas by the City and would like to start making plans for the construction of a new swimming pool. This matter was held in abeyance until the City Manager and Parks Director could complete their survey and make recommendations to the City Commission.

20. Lift Station Operations - Brookwood Addition

Comm. Roy L. Leamon, M.D., asked if the City had experienced any difficulty with lift station in Brookwood Additions. He was advised by City Manager Westerholm that there had been some problems but they had been corrected.

21. Summer Water Rate

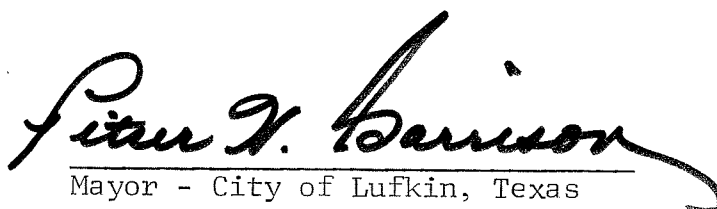
Comm. J. T. Hopson made motion that the City inaugurate a summer water rate this year. A great amount of discussion developed on the water level at the City's water wells, the availability of sufficient water, earnings, etc., which indicate that it was not feasible to inaugurate such summer water rate. Comm. J. T. Hopson withdrew his motion and no action was taken.

22. Railroad Crossings Within City

Comm. Kenneth R. Crain requested information from City Manager Westerholm on status of repairs to railroad crossings within the City in accordance with present ordinance requiring such maintenance and repairs. City Manager Westerholm stated that the Southern Pacific Railroad had advised would start work on crossings immediately but would follow through on this item.

23. Adjournment

There being no further business for consideration, meeting was adjourned at 11:00 P. M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas