

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18TH DAY OF JUNE, 1974, AT 5:00 P. M.

On the 18th day of June, 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
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
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
Harvey Westerholm	City Manager

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

1. Meeting opened with prayer by Rev. Bob Lewis, Pastor of First Assembly of God 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.

3. Approval of Minutes

Comm. Joe E. Rich made motion that minutes of regular meeting of June 4, 1974, be approved. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

4. Street Easement Closing Denied - Elmer O. Brumble III

Mayor Garrison stated that decision regarding street easement closing request by Elmer O. Brumble III was postponed from last regular meeting due to request by City Attorney, and Mayor Garrison called on Mr. Elmer O. Brumble III to speak in behalf of his request.

Mr. Brumble reviewed an extensive history of his street easement closing request on property located North of Howard Street and South of Hunter's Creek Drive between Blocks 19 and 20 of the Long-Bell Lumber Company Second Subdivision previously described. Mr. Brumble reviewed his previous request and re-substantiated his concern that this street easement be closed with 50 feet being purchased under conditions as previously discussed which would allow only 10 feet of property for adjacent land owner, R. P. Huber. Mr. Brumble stated that he was initially of the opinion that street closings did not present any particular problem and did not personally feel that his request would be to the contrary.

Mayor Garrison then called on Clay Dark, attorney representing Mr. R. P. Huber who opposed street easement closing without regard to disposition of finances as previously discussed. Mr. Dark discussed the fact that appraisal of this property had been made as a 60-foot lot and not on the basis of 50-foot and 10-foot separation. Mr. Dark further stated that providing street easement was closed and property was purchased on a 50-foot and 10-foot separation, a new survey may be necessary since definite boundaries were doubtful. Mr. Dark also stated that Mr. Huber's property was zoned LB and Mr. Brumble's residential, which would eventually cause the necessary construction of a six-foot site-bearing fence at considerable cost to Mr. Huber if property was split as discussed. Mr. Dark also stated that

even though this particular street was a dead-end street, a cul de sac could possibly be constructed which would be both attractive and adequate if the City ever decided to develop street easement.

Members of Commission asked Mr. Dark a number of questions regarding property being considered for street easement closing and Comm. W. O. Ricks, Jr., then made motion that 60-foot street easement be retained by the City and Mr. Brumble's request to close easement be denied. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison stated that the City must consider street easement closings on an individual basis and previous street closings had been made without objection of adjacent property owners.

5. Zone Change Application - McVicker & Evans from R-1 District to LB District

Mayor Garrison stated that zone change application had been recommended for approval by the City Planning and Zoning Commission and submitted for first reading of ordinance by McVicker & Evans from R-1 District to LB District covering property located North of Zeagler Avenue and West of South First Street being the North One-Half Block No. 1 of the Zeagler-Cochran-Allbritton Addition to the City of Lufkin.

There were no persons present appearing in opposition to zone change application and Comm. E. G. Pittman made motion that zone change application by McVicker & Evans from R-1 District to LB District be approved on first reading of ordinance. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

6. Zone Change Application - Daniel Salas from C District to LM District

Mayor Garrison stated that zone change application had been recommended for approval by the City Planning and Zoning Commission and submitted for first reading of ordinance by Daniel Salas from C District to LM District covering property located North of Paul Avenue at intersection of Locke Street and Paul Avenue.

There were no persons present appearing in opposition to zone change application and Comm. W. O. Ricks, Jr., made motion that zone change application by Daniel Salas from C District to LM District be approved on first reading of ordinance. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

7. Bids Awarded - Fire Hose in Fire Department

Mayor Garrison stated that City of Lufkin had advertised for bids on fire hose to be used by the Fire Department and the following bids were received in accordance with information as stated for 1100 feet of 3-inch hose and 1200 feet of 1½-inch hose:

<u>Name of Company</u>	<u>Item</u>	<u>Amount</u>
Fire Fox Corporation	3-Inch Hose	\$2,574
	1½-Inch Hose	\$1,392
Claude Wright Associates	3-Inch Hose	\$2,486
	1½-Inch Hose	\$1,296

Mayor Garrison stated that a difference of \$184 between high and low bids was indicated as stated in above listed bids. A brief discussion developed and Chief Billy A. Stephens, who was present, was asked several questions by members of Commission in regard to purchase of above listed items.

Chief Stephens stated that he would recommend bid submitted by Fire Fox Corporation inasmuch as their bid best met specifications. Members of Commission were also presented a letter from Mr. Stephens which more adequately substantiated recommendation. Comm. Pat Foley then made motion that bid submitted by Fire Fox Corporation be accepted in accordance with recommendation presented by Chief Stephens in amounts as listed above. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

8. Malpractice Liability Insurance - Ambulance Operations - Authority to Purchase

Mayor Garrison stated that the City ambulance personnel working in the Fire Department could be exposed to potential liabilities if patients were mishandled in service and City Attorney Flournoy had suggested members of Commission consider purchase of malpractice insurance. City Attorney Flournoy explained that approximately \$758.10 annual premium per year would be necessary for the purchase of this insurance which would provide the City necessary coverage of \$100,000 each occurrence, \$300,000 aggregate for claims. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that the City of Lufkin purchase malpractice insurance in accordance with amount as previously discussed on an annual basis. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

9. Mental Health & Retardation Reachout Center - Request for Additional Rooms

Mayor Garrison stated that the City Commission had recently approved the use of three rooms in the upstairs of the Parks & Recreation building for use by the Mental Health & Retardation Reachout Center. Mayor Garrison further stated, however, that since this time, the reachout center desired to be furnished an additional three rooms for a total of six rooms which would fill the entire use of rooms in the upstairs portion of the Parks & Recreation building. It was further determined that the Reachout Center would be responsible for their own utilities at no additional cost to the City.

A brief discussion developed regarding the use of these facilities as to whether or not this organization would be temporary or permanent. It was the general opinion of the City Commission that these offices would at first be temporary and possibly later expanding to a larger facility. Comm. Joe E. Rich then made motion that request by the Mental Health & Retardation Reachout Center for the use of six rooms in the downtown Parks & Recreation building be approved subject to a 60-day cancellation notice by the City. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

10. Parking Ticket Ordinance - Approval

Mayor Garrison stated that members of the Commission had been furnished information regarding a proposed parking ticket ordinance during the last Commission meeting. Mayor Garrison further stated that approval of this ordinance should be considered inasmuch as a case could be made against the owner of a vehicle parked at an expired meter, since this ordinance established a rebuttable presumption to that effect.

City Attorney Flournoy further stated that amendment to Section 24-94 would allow additional tickets to be issued for continuing parking meter violations following the initial ticket issuance. Following a brief discussion, Comm. E. G. Pittman made motion that parking ticket ordinance be approved on first reading in accordance with information presented by City Attorney. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

11. Request for De-Annexation - Myrtle Herrington

Mayor Garrison stated that Mrs. Myrtle Herrington had been annexed into the City Limits of the City of Lufkin when the Kentwood Addition was annexed to the City on May 15, 1973, and she had recently written the City Manager requesting de-annexation of her property inasmuch as she was unaware of annexation procedures and did not see notice published in paper regarding same. Mayor Garrison stated that Mrs. Herrington's home was within the City Limits at the time of this annexation and only the back portion of her property had been recently annexed. Mayor Garrison stated that Mrs. Herrington was of the opinion that she did not receive proper notice and desired this property be de-annexed accordingly. Considerable discussion developed and City Attorney Flournoy informed members of the Commission that providing a decision was made by Commission to de-annex this property, the same procedure which was conducted at time of annexation must be conducted for de-annexation involving notices published in paper and other arrangements.

Comm. W. O. Ricks, Jr., made motion that Mrs. Herrington's property be de-annexed and hearing date be set for next regular meeting regarding same. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Comm. Pat Foley then made motion that City Secretary be urged to inform as many property owners as possible of hearing dates within areas anticipated for annexation. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Due to further information presented in the following Item 12, previous decision by the Commission to hold a public hearing for de-annexation was rescinded and request was re-submitted to the City Planning and Zoning Commission for consideration in conjunction with request for annexation by property owners South of White House Road.

12. Annexation Request-Leonard H. Avery-White House Road Area

Mayor Garrison informed members of Commission that residents along White House Road had recently requested annexation in order to receive adequate sewer facilities having previously rejected annexation by the City when Kentwood area was annexed. Mayor Garrison further stated, however, that due to new problems within this area, property owners had circulated petition in favor of annexation which had been forwarded to members of the Commission by the City Planning and Zoning Commission to determine whether this annexation request should be placed for future hearing.

A brief discussion developed, and Mr. Leonard H. Avery, who was present, stated that only seven property owners were presently involved in annexation request, all of which had agreed that area be considered for annexation. City Attorney Flournoy brought attention to the fact that the Hart Estate Trustees should be notified since they would be involved in this annexation to include White House Cemetery property.

Mayor Garrison then made recommendation that annexation request by property owners South of White House Road be referred back to the City Planning and Zoning Commission and previous action by the City Commission to set hearing date for de-annexation of Mrs. Myrtle Herrington's property be rescinded inasmuch as its de-annexation would create an open area between property being considered for annexation and existing City Limits. Comm. Pat Foley then made motion that recommendation presented by Mayor Garrison be approved and request for annexation and de-annexation be forwarded back to the City Planning and Zoning Commission with the concurrence of the City Commission that areas adjacent to existing City Limits would be considered for annexation as long as property owners were in unanimous agreement with petition for same. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded. Comm. W. O. Ricks, Jr., requested that Mrs. Myrtle Herrington's request for de-annexation be considered if request for annexation by property owners along White House Road was not finally approved.

13. Curb & Gutter Paving Petitions - Bledsoe & Voyle Streets -
Cost Increase Per Linear Foot

Mayor Garrison stated that the City Planning and Zoning Commission had recently recommended two curb and gutter paving petitions with 33-foot street widths, one involving property owners on Bledsoe Street and another involving Voyle Street. Mayor Garrison stated, however, in conjunction with these two requests received and recommended for approval by the City Planning and Zoning Commission, recommendation had also been made by the Zoning Commission for members of the City Commission to reconsider cost participation by property owners on future curb and gutter paving petitions. Mayor Garrison further stated that this recommendation by the Zoning Commission for reconsideration of cost being charged to property owners per linear foot was based on the understanding that the City of Lufkin had to pay as least \$4.00 per foot at current rates. It was further determined that by recommendation of the Zoning Commission, members of the City Commission should consider a more realistic cost on an annual basis to offset inflationary situations.

A considerable discussion developed among members of the Commission and City Planning and Zoning Commission member, Raymond Moore, who was present, explained a number of details regarding the high cost of street construction. Mayor Garrison expressed his concern that curb and gutter paving petitions as completed by the City of Lufkin actually involved complete reconstruction of streets and members of Commission should take a more serious view of current costs being levied property owners per linear foot. Mayor Garrison requested that the Public Works Department prepare an estimate on the actual costs involved for curb and gutter street improvements in order to provide members of the Commission accurate information prior to final decision at next regular meeting.

Considerable discussion developed in regard to two curb and gutter paving petitions which had been recommended for approval by the City Planning and Zoning Commission on Voyle and Bledsoe Streets due to special request by Zoning Commission for more property owner monetary participation. Decision regarding approval of these petitions was tabled until next regular meeting.

Mayor Garrison requested that members of Commission be furnished a total cost estimate of each curb and gutter paving petition as presented prior to next consideration. Public Works Director, Hayne Stokes, who was present, stated that he would prepare figures regarding cost estimates, streets previously curb and guttered by the City and streets being considered for same during the future, for consideration at next regular meeting.

Comm. E. C. Wareing then made motion that no further curb and gutter paving petitions be considered by the City Commission until a fixed amount could be established regarding cost per linear foot. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

14. Pinewood Park - Street Reconstruction

Mayor Garrison stated that bid had been submitted by Moore Brothers Construction Company for the reconstruction of streets in Pinewood Park in the amount of \$27,154.20. Mayor Garrison further stated that Commission had previously accepted responsibility for street reconstruction within this area during meeting of February 20, 1973.

Comm. E. C. Wareing stated that during February, 1973, the streets within the Pinewood Park area were not in bad condition and only a few areas were in need of repair. Comm. E. C. Wareing further stated, however, that since this time, considerable damage had occurred to road base since repairs had not been made and bid for street repairs as submitted was higher.

Mayor Garrison suggested that the Commission review the construction problems within this area to see if repairs could be completed at a more reasonable cost. It was further determined that parking, which was made available off the existing streets within this area, had presented a major repair problem and represented more than half of the bid submitted by Moore Brothers. Comm. E. C. Wareing suggested that the main feeder street running through Pinewood Park area be considered for repair without provisions for parking area improvements.

Comm. E. C. Wareing made motion that this item be deferred until next regular meeting in order to allow Public Works Director an opportunity to restudy street improvements and make recommendation to the City Commission regarding same. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

15. Civic Center Construction - Ordinance Approved - Notice of Intent to Issue Certificates of Obligation

City Attorney Flournoy explained that it would be necessary for members of Commission to consider passage of an ordinance on first and final reading due to the emergency need for same in order to publish a notice of intent to issue Certificates of Obligation for purchase of the Civic Center. City Attorney Flournoy further explained that passage of this ordinance would provide members of the City staff authority to issue Certificates of Obligation up to but not to exceed the amount of \$375,000 and legal notice would be published in the local paper on June 20, 1974, indicating same.

Comm. Pat Foley then made motion that ordinance be passed on first and final reading directing publication of notice of intention to issue Certificates of Obligation not to exceed \$375,000 to finance a portion of the cost of the Lufkin Civic Center. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

City Attorney Flournoy stated that the issuance of these Certificates of Obligation must be approved by the Attorney General's office before sale of same is conducted.

Mayor Garrison asked that City Attorney Flournoy acquire information from the Attorney General's office by way of recommendation in this regard concerning the sale of Certificates of Obligation before actual sale was conducted since current market was unfavorable.

16. Police Department Community Relations Program - Bids Awarded for Van Vehicle

Mayor Garrison stated that the Police Department Community Relations Program was authorized to purchase a van type vehicle in accordance with certain specifications up to \$4,800 which would be re-allocated to the City at the rate of \$1,600 per year for a three-year period. Mayor Garrison further stated that bids had been received from three local car dealers as follows:

<u>Name of Company</u>	<u>Amount</u>	<u>Delivery Date</u>
Gibbs Motor Company	\$5,245.00	In Stock
Doug Williamson Dodge	\$4,726.43	60-Days-Order must be Rec'd by 6/24/74
Tipton-Billingsley Ford	\$4,838.00	40-60 Days

Mayor Garrison stated that Doug Williamson Dodge had submitted low bid in the amount of \$4,726.43 and informed members of the Commission that this bid was only valid until June 24, 1974, due to order deadline required by automobile manufacturer. Members of Commission were informed that all bids met specifications as advertised and a brief discussion prevailed regarding the purpose for which this vehicle would be used. Comm. E. C. Wareing then made motion that Doug Williamson Dodge be awarded low bid in the amount of \$4,726.43 and City be authorized to purchase van type vehicle as previously stated. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

Mayor Garrison requested that members of the Commission be furnished more information regarding Police Department Community Relations Program prior to next regular meeting in order to better understand program being conducted by the Lufkin Police Department.

Comm. Pat Foley asked that department heads be present in the future when bids on vehicles were being considered for their respective departments in order to better understand reasons for purchase of vehicles and other related information.

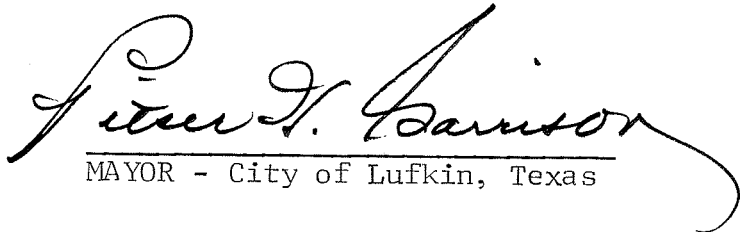
17. Outside Telephone Booths - Disc.

Comm. Pat Foley stated that he had recently been made aware of the fact that the City of Lufkin could use additional outside telephone booths. A brief discussion developed in regard to this situation and it was determined that through previous conversations regarding same, a major reason for this shortage had been due to vandalism.

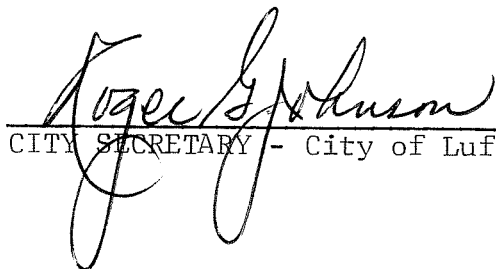
Comm. E. G. Pittman, however, was in agreement with question as presented by Comm. Pat Foley and requested that City Manager Westerholm acquire more information concerning this need from the Lufkin Telephone Exchange prior to next regular meeting to include existing numbers of outside telephone services and a recommendation for a suitable amount for a City the size of Lufkin.

18. Adjournment

There being no further business for consideration, meeting adjourned at 6:50 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas