

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF AUGUST, 1974, AT 7:30 P.M.

On the 6th day of August, 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
Harvey Westerholm	City Manager
Robert L. Flournoy	City Attorney
Roger G. Johnson	City Secretary

being present, and

R. A. Brookshire	Commissioner, Ward No. 1
------------------	--------------------------

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

1. Meeting opened with prayer by Rev. C. B. Bass, Retired Baptist Minister, Lufkin, Texas.
2. Mayor Garrison welcomed a large group of visitors who were present in connection with items on the agenda or as observers.

3. Approval of Minutes

Comm. Pat Foley made motion that minutes of regular meeting of July 16, 1974, and special meetings of July 24 and July 30, 1974, be approved. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

4. Open Hearing-Proposed Annexation of Property-White House Road

Mayor Garrison declared open hearing on annexation request by property owners South of White House Road between Brentwood Dr. and David Street as advertised in Lufkin News on July 21, 1974.

There were no persons present appearing in opposition to this proposed annexation request and Mayor Garrison called on Mr. Leonard H. Avery who appeared in representation of property owners who had requested annexation of this area. Mr. Avery explained that he had attended a number of previous meetings and individuals who desired annexation were anxious for consideration by the City Commission.

Mayor Garrison then declared hearing formally closed regarding this request. Comm. E. G. Pittman then made motion that this annexation request be considered for first reading of ordinance at next regular meeting. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Plumbing Code - Amendment Approved

City Manager Westerholm explained that members of the Plumbing Appeals & Advisory Board had recommended Article 9.5.1 and Article 19.4.9 of the Plumbing Code be amended during last regular meeting and same had been prepared for consideration of ordinance by City Attorney Flournoy.

Following a brief discussion, members of Commission were of the unanimous opinion that proposed ordinance be amended to add authority of building inspector to determine the feasibility of an individual need to install temperature and pressure control valves on hot water heaters. Comm. E. C. Wareing then made motion that ordinance amending Plumbing Code, in accordance with above articles as stated, be approved on first reading and amended as discussed to extend authority of building inspector. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

6. Civic Center Construction - Disc. of Soils for Proposed Slab Foundation

Comm. W. O. Ricks, Jr., asked Mr. Jerry Hill, who was present from Weiner, Hill, Morgan & O'Neal Architectural Firm, why recent soils had been stockpiled near the Civic Center foundation area. Mr. Hill stated that he had provided members of the Commission a copy of a letter explaining this situation and introduced Mr. Charles Terry who was the engineer in charge of foundation project to answer any further questions. Mr. Hill explained that additional detailed information had been furnished Commission regarding soil laboratory tests.

Mr. Hill explained that a good fill would be made for the foundation of the Civic Center based on information furnished by laboratory testing and engineer recommendations. Mr. Hill further explained that this particular construction necessitated an entirely different type foundation from previous structure which once existed at this location.

There were no further questions from members of Commission and Mayor Garrison thanked Mr. Hill and Mr. Terry for being present as requested.

7. National Sportsman's Fraternal Order of Texas, Inc. - R. L. Hayes, Disc.

Mayor Garrison called on Mr. R. L. Hayes who was present representing the National Sportsman's Fraternal Order of Texas, Inc. Mr. Hayes explained that he desired to explain various alleged complaints against the Lufkin Police Department which had been made in regard to the lodge located at 620 Kurth Drive.

Mayor Garrison asked Mr. Hayes to limit his discussion to the specific complaints and Mr. Hayes listed the following:

- a. LPD had not returned 12 Gauge Shotgun confiscated from the lodge location at 620 Kurth Drive.
- b. LPD had confiscated a considerable amount of liquor which should be turned over to state authorities or reimbursement made for same.
- c. LPD was in violation of the 4th amendment which involved search and seizures, and warrants should be obtained before entry on to premises.
- d. LPD should only visit this lodge location when called.
- e. LPD had recently parked a patrol unit in the front door of this lodge location blocking the egress and ingress of front entrance.
- f. LPD was in violation of Equal Employment Act of the United State of America inasmuch as no black police officers were employed as of July 1, 1974.

Mr. Hayes explained that since these complaints had been lodged by the National Sportsman's Fraternal Order of Texas, Inc., many of the above listed activities had ceased. Mayor Garrison explained that complaints as presented by Mr. Hayes would be thoroughly investigated and a report would be filed with Mr. Hayes at a later date.

Comm. W. O. Ricks, Jr., explained to Mr. Hayes that a number of complaints had been lodged at this location which exceeded amount of complaints from other clubs in Lufkin. Mr. Hayes was in agreement with this information presented by Mr. Ricks and explained that blacks in the Lufkin area had not been prosecuted according to the law when carrying handguns. Mr. Hayes said that members who violated the principles of their fraternal lodge were banned from further lodge privileges and removed from their organization.

Comm. W. O. Ricks, Jr., explained that several complaints were made on the same individual at this location. Mr. Hayes stated that the policy of his organization would be upheld and he would take a personal interest in this individual to see that he was reprimanded accordingly.

Mr. Hayes then thanked members of the Commission for their consideration and no further questions were asked. A copy of affidavit presented by Mr. Hayes to members of Commission has been attached to these minutes for permanent record.

8. Curb & Gutter Paving Petition - Ross Avenue

City Manager Westerholm stated that curb and gutter paving petition for 1200 feet on Ross Avenue from Chestnut Street to existing curb and gutter West of Cunningham Drive had been recently recommended for approval by the City Planning and Zoning Commission at a cost of \$2.50 per linear foot with 30-foot street width.

Mayor Garrison expressed his concern for reconsideration of the \$2.50 cost per linear foot currently being charged to property owners and explained that he was prepared to reconsider this cost at a later meeting.

Comm. W. O. Ricks, Jr., made motion that curb and gutter paving petition for 1200 feet on Ross Avenue in area as described above be approved on first reading of ordinance as recommended by the City Planning and Zoning Commission at a cost not to exceed \$2.50 per linear foot. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

9. Cablecom General, Inc. - Monthly Report

Mayor Garrison called on Mr. Jim Adams, area manager for Cablecom General, Inc., who was present with Mr. Tom Lacey, Regional Representative with Cablecom General, Inc. Mr. Adams and Mr. Lacey both addressed members of the Commission and explained Cablecom letter from Mr. Jim Adams which had been presented to members of Commission for review.

Members of Commission asked Mr. Lacey and Mr. Adams a number of questions regarding this report and Mr. Adams explained that he was of the opinion additional improvements could be made to this system and steps were being made to remedy deficient conditions.

Mayor Garrison explained that previous repairs to this system were represented to Commission to have been made which would make the new micro-wave system "second to none". Mayor Garrison further explained that for the last four years this cable system had been undergoing improvements and the Commission was responsible for accurately informing the citizens of this city as to why this system could not be improved. Mayor Garrison further explained that, unless something could be done to make the existing cable system more reliable, the public would lose confidence in the system.

The question of an independent appraisal was briefly discussed by the Commission. Representatives from Cablecom were in agreement that this appraisal should be conducted, but desired additional time to complete current upgrading of system.

Mr. Lacey explained that previous micro-wave equipment which was installed to up-date this system had not performed in accordance with standards to which it was advertised as being the "cadillac" of equipment. Representatives from Cablecom explained that these anticipated repairs would cost approximately \$39,000.

Representatives requested members of Commission respond to Part 2 of letter submitted by Mr. Adams inasmuch as FCC had asked for comments or suggestions concerning blankouts. Mayor Garrison stated that members of Commission would take this request under consideration, but recommended representatives from Cable consider negotiating with local TV station KTRE regarding blankouts as discussed.

10. Woodlawn Water District-Request for Emergency Water Connection During Repairs - Herty Water Franchise

City Manager Westerholm explained that the Woodlawn Water District had recently requested permission to tie-on to the City water line for approximately 48 hours in order to make repairs. City Manager Westerholm recommended that this request be granted provided the City schedule the time and future requests for water be considered on a separate basis. Comm. Pat Foley then made motion that request for emergency water supply by Woodlawn Water District be granted as explained by City Manager Westerholm subject to agreement on rates to be established for same. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

Comm. W. O. Ricks, Jr., asked City Manager Westerholm if the Herty Water Franchise had expired. City Manager Westerholm explained that this particular contract between the City of Lufkin and the Herty Water Company had been granted by the City Commission for a five-year period and expired in November of 1974.

Water rates were briefly discussed and Comm. W. O. Ricks, Jr., expressed his concern that these rates should be increased in the future. Comm. Pat Foley made motion that members of Commission continue at current rate of 35¢ per 1,000 gallons as recommended for other requests and consideration for future increases if necessary. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

Mayor Garrison recommended that City Manager Westerholm conduct a complete study of water rates for report to the City Commission at a later date. Comm. W. O. Ricks, Jr., then made motion that City Manager Westerholm be authorized to make a water rate study. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. City Budget Disc. - 1974-75 Fiscal Year

Mayor Garrison stated that a new City Budget had been prepared by the City Finance Director and same had been presented to each member of Commission for consideration.

Comm. E. C. Wareing asked if this particular budget included proposed 10% salary increases. City Manager Westerholm explained that this budget did not include this increase which would amount to \$220,000.

City Manager Westerholm called attention to list of budget reductions as requested by members of Commission during last regular meeting. Mayor Garrison then asked members of Commission to review this information for further consideration at a later date.

12. Texas Highway Dept. - Approval of Minute Order (FM 325)

City Manager Westerholm explained that the Texas Highway Department needed to approve Texas Highway Department Minute Order inasmuch as the Commission had previously requested assistance in the widening of pavement from U. S. Highway 59 to East City Limit for approximately two miles. City Manager Westerholm explained that consideration should be given since the City would provide ROW, curb and gutter and drainage structures for the completion of this project. Following a brief discussion, Comm. W. O. Ricks, Jr., made motion that provisions of Texas Highway Department Minute Order #69109 for widening of Lufkin Avenue be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. Airport Feasibility Study - Disc.

City Manager Westerholm reported that members of Commission had been furnished a copy of letter from Mr. C. G. Haas, Chairman of the Angelina County-Nacogdoches Area Aviation Advisory Committee, recommending findings of its search investigation and personal interviews with engineering and planning firms regarding the airport feasibility study which had been previously recommended for consideration by this Commission not to exceed an amount in excess of \$2,500.

City Manager Westerholm stated that this Committee recommended its continuation and coordination of the proposed study consultation. City Manager Westerholm further reported that this Committee recommended it be authorized to acquire the services of Turner, Collie & Braden, Inc., of Houston, Texas, subject to the successful acquisition of a grant of funds for two-thirds of the fees from the FAA. City Manager Westerholm also stated that it was the concluding recommendation of this Committee for this Commission to authorize the proper and appropriate person to sign the grant application for funds from the FAA and sign the contract with Turner, Collie & Braden, Inc., for a total cost not to exceed the \$30,000 from all sources to cover Phases I and II of Airport Master Planning---FAA requirements.

Comm. E. G. Pittman inquired as to whether or not this money was available in the current budget. City Manager Westerholm stated that these funds were available in the present budget and had been previously discussed by this Commission not to exceed an amount of \$2,500. Following a brief discussion, Comm. Joe E. Rich made motion that request by the Angelina-Nacogdoches Area Aviation Advisory Committee be approved in accordance with information explained in letter by Mr. C. G. Haas. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

14. Request for Emergency Water Connection - Chester Russell (Berry Road)

City Manager Westerholm reported that Mr. & Mrs. Chester Russell, Rt. 8, Box 863 (Berry Road), had recently submitted a letter to the City staff requesting water supply on Berry Road approximately 1500 feet from the City Limit line. City Manager Westerholm further stated that Mr. & Mrs. Russell were present to answer any questions members of Commission may have regarding this request. Mayor Garrison called on Mrs. Russell who stated that their well had recently gone dry within this area, and they were without water at the present time. A brief discussion developed regarding this request and it was determined that emergency water supply requests had been previously made on an individual basis under a separate policy set by the City Commission regarding same.

Mayor Garrison inquired as to how many residences would be serviced if a line was extended to this location. City Manager Westerholm stated that there were three families within this area and each location, under existing City policy, must have a separate water meter. Following a brief discussion, Comm. Pat Foley made motion that Mrs. Russell and neighbors be extended water service under circumstances as described and in accordance with City policy regulating same. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded.

15. Water Pollution Control Plant - Disc.

Comm. E. G. Pittman inquired as to the current status of the Water Pollution Control Plant construction. City Manager Westerholm reported that construction should be completed by the end of August, 1974, and effluent could be accepted at this time.

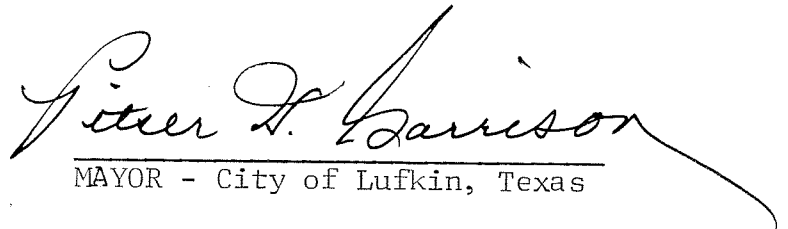
16. Lufkin Telephone Exchange - Outside Telephone Booths-Disc.

Comm. Pat Foley made reference to a letter furnished members of the Commission from Mr. G. I. Ross of the Lufkin Telephone Exchange regarding outside telephone booths. Comm. Foley reported that he was pleased to learn that the City would soon have 60 more signs indicating locations of outside telephone booths and the installation of new -walk-up type outside pay phones along Timberland Drive and other major thoroughfares throughout the City.

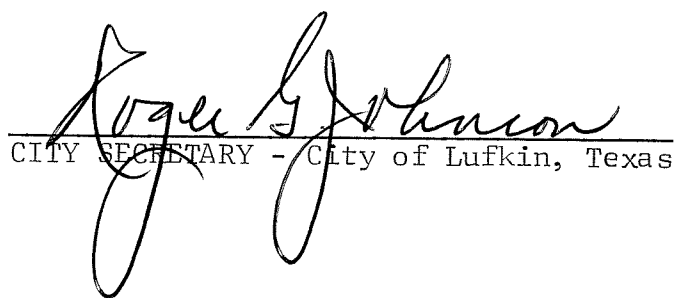
Comm. Pat Foley also made reference to the fact that he had received information concerning the transportation of combustible materials and City Manager Westerholm recommended that this information be discussed with City Attorney Flournoy before further discussion by members of the Commission since all members had not been furnished complete information as received by Comm. Pat Foley.

17. Adjournment

There being no further business for consideration, meeting was adjourned at 9:10 P. M.


MAYOR - City of Lufkin, Texas

ATTEST:


CITY SECRETARY - City of Lufkin, Texas

A-F-F-I-D-A-V-I-T

1. R. L. Hayes, President, The National Sportsman's Fraternal Order Of Texas, Inc., after being duly sworn upon oath, deposes and says:

1. That, The National Sportsman's Fraternal Order Of Texas, is a "Texas State Fraternal Organizations" as defined by the statutes of the State of Texas; and, as determined by a District Court of competent jurisdiction on June 24, 1974; and,

2. That, all properties owned, leased, occupied, or, used, by The National Sportsman's Fraternal Order Of Texas, Inc., are private to our members and guest only; not subject to any kind of public intercourse, unless waived by consent; and, thereby protected by the Fourth Amendment to the U. S. Constitution, Article I, Section 9, of the Bill of Rights to the Texas Constitution, and, the Equal Protection Clause, enforceable upon the fifty (50) states of the United States through the Fourteenth Amendment to the U. S. Constitution; and,

3. That, The National Sportsman's Fraternal Order Of Texas, Inc., has premises located in Lufkin, Angelina County, at 620 Kurth Dr.; and,

4. That, on a number of occasions which should be documented in the dispatcher's logs, members of the Lufkin Police Department have entered upon the premises of said local lodge in Lufkin, Texas, without any kind of valid warrants, or, Court Orders, and seized personal properties belonging to this organization and its members, thereby, violating our Constitutional and Civil Rights; and,

5. That, most or all of the properties seized from this organization has not been returned after repeated request; thereby, taking our property without just compensation in violation of the U. S. Constitution; and,

