MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 20TH DAY OF AUGUST, 1974, AT 5:00 PM

On the 20th 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
R. A. Brookshire	Commissioner, Ward No. 1
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, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Billy Dunn, Chaplain of Lufkin State School, 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 August 6, 1974, be approved. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

4. Proposed Annexation of Property - White House Road - Approval of Ordinance

   Mayor Garrison stated that an open hearing had been held at last regular meeting to consider annexation request by property owners South of White House Road between Brentwood Drive and David Street and no persons had appeared in opposition to same. There were no persons present appearing in opposition to first reading of ordinance for proposed annexation of this property and Comm. Pat Foley made motion that ordinance be approved on first reading annexing property South of White House Road between Brentwood Drive and David Street as recommended by the City Planning and Zoning Commission. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

5. Plumbing Code - Amendment Approved

   Mayor Garrison stated that ordinance had been approved on first reading at last regular meeting amending Article 9.5.1 and Article 19.4.9 of the Plumbing Code. Comm. W. O. Ricks, Jr., requested that Article 19.4.9 be amended to read "water" instead of "hot water". Comm. W. O. Ricks, Jr., then made motion that amendment to Plumbing Code as stated in above articles be amended and approved on second and final reading of ordinance. Motion was seconded by Comm. E. G. Pittman and a unanimous affirmative vote was recorded.

6. Curb & Gutter Paving Petition - Ross Avenue

   Mayor Garrison stated that curb and gutter paving petition on Ross Avenue from Chestnut Street to existing curb and gutter West of Cunningham Drive had been approved on first reading of ordinance during last regular meeting. There were no persons present appearing in opposition to this request. Comm. W. O. Ricks, Jr., made motion that curb and gutter paving petition for Ross Avenue be approved on second and final reading at a cost not to exceed $2.50 per linear foot with a 30-foot street width. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

7. Parking Meter Ordinance - Approval

Mayor Garrison explained that the City Commission had approved a Parking Meter Ordinance on first reading during regular meeting of June 18, 1974, which would establish prima facie cases against owners of vehicles who received tickets on parking meter violations.

There were no persons present appearing in opposition to proposed ordinance and Comm. Pat Foley made motion that Parking Meter Ordinance be approved on second and final reading. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

8. Lufkin Service League - Request for Additional Space - St. Cyprian's Church Building

Mayor Garrison stated that the Lufkin Service League had recently requested additional rooms in the former St. Cyprian's Church building and called on Mrs. John A. Wood, Museum Chairman, to speak in behalf of this request. Mrs. Wood stated that the old St. Cyprian's Church building was being restored to a Historical & Creative Arts Museum. Mrs. Wood requested the use of two additional small rooms and a bath in the upstairs portion of this building following the completion of the museum construction. Mrs. Wood stated, however, that the Lufkin Service League did not want to interfere with any current use of this building being conducted by the First Baptist Church. Following a brief discussion, it was the opinion among members of the Commission this area was not currently being used by the First Baptist Church. Comm. W. O. Ricks, Jr., made motion that the Lufkin Service League be granted the use of these rooms as requested. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

9. Curb & Gutter Paving Petition - Cunningham Drive

Mayor Garrison explained that the City Planning and Zoning Commission had recently approved a curb and gutter paving petition for Cunningham Drive from 190 feet East of Linkwood Drive to Ford Chapel Road.

A brief discussion developed regarding paving of this particular street in accordance with the 37-foot street width recommendation submitted by the City Planning and Zoning Commission. Comm. Pat Foley recommended that decision regarding approval of this curb and gutter paving petition be withheld until more estimates of total cost and traffic counts could be obtained.

10. Relinquishment of Authority by City of Lufkin to Texas Highway Dept. to Enforce Highway Beautification Act-Resolution Approved

City Manager Westerholm explained that when the Highway Beautification Act first came into being, the City of Lufkin decided to enforce its provisions within the city limits until a period of time this enforcement become a financial burden. City Manager Westerholm further stated that the Texas Highway Department was now condemning certain non-conforming signs which would allow reimbursements to the owners and the City would prefer not bearing these expenses.

City Attorney Flournoy stated that he had talked with Texas Highway Department officials who recommended the City relinquish this authority inasmuch as the City of Lufkin was among the very few cities who assumed this responsibility

Comm. E. C. Wareing made motion that resolution be approved relinquishing the enforcement authority of the Highway Beautification Act to the Texas Highway Department in accordance with information as presented by members of the City staff. Motion was seconded by Comm. Pat Foley and a unanimous affirmative vote was recorded.

11. Weiner, Hill, Morgan & O'Neal - Approval of Statement - Disc. of Soil Compaction at Civic Center Site

Mayor Garrison stated that Mr. Jerry Hill was present representing Weiner, Hill, Morgan & O'Neal Architectural Firm, and Comm. W. O. Ricks, Jr., asked Mr. Hill several questions regarding soil compaction process being conducted by contractors at the new Civic Center site. Comm. W. O. Ricks, Jr., asked Mr. Hill how compactions were being made at this location and if he was in agreement with the method in which contractors were conducting this compaction with a weighted truck. Mr. Hill stated that he was aware of the fact that the contractor was making soil compactions with a weighted truck, which to his knowledge, made no difference as long as compactions were being made in 8-inch layers to produce a compaction percentage of 95 to 98%, as set by engineers for this structure. Mr. Hill further stated that East Texas Soil Testing Lab of Tyler, Texas, was conducting soil test samples every 24 inches and a four-foot layer of clay had already been removed in one area of this foundation.

Comm. W. O. Ricks, Jr., also asked Mr. Hill if he was aware of the fact that little, if any, new soil had been transported in for backfilling purposes. Mr. Hill stated he knew of no new soil that had been transported in for this purpose. Comm. W. O. Ricks, Jr., further expressed his discontent over using a truck for compactions. Mr. Hill stated that the contractor turned in soil tests on a daily basis which were meeting the compaction standards. Mr. Hill further stated that these reports would be available for review by members of Commission.

There were no additional questions asked regarding this subject and Comm. Pat Foley made motion that invoice from Weiner, Hill, Morgan & O'Neal in the amount of $57,094.27 be approved in accordance with recommendation by City staff. Motion was seconded by Comm. Joe E. Rich and a unanimous affirmative vote was recorded. City Manager Westerholm stated that present contract with Weiner, Hill, Morgan & O'Neal stipulated a 7% fee on construction costs with 80% payable at the bid or negotiation phase and 100% at completion of construction phase.

12. Water Rate Study - Various Water Districts Discussed - Herty Water Franchise

City Manager Westerholm reported that members of the Commission had requested a water rate study during last regular meeting which had been prepared in part and information had been provided to members of Commission for review. City Manager Westerholm stated that this report reflected the City's estimated cost for producing water, but additional time would be necessary to submit a detailed study currently being printed from the Texas Municipal League.

City Manager Westerholm further stated that request had been submitted by Mr. L. H. Bridges of the Herty Water Company regarding his proposal to sell his water system to the City of Lufkin since his franchise expires in November, 1974.

Considerable discussion developed regarding these water rate studies and Comm. W. O. Ricks, Jr., expressed his opinion regarding letter from Mr. Bridges. Comm. Ricks stated that it was his understanding Mr. Bridges was given five years by the City Commission to construct his own company. City Manager Westerholm explained that provided members of Commission did not decide to purchase the Herty Water Company, a new franchise would have to be negotiated.

Comm. R. A. Brookshire made motion that an appraisal be made of the Herty Water Company to include information on profit and loss statements from all the surrounding water districts for consideration by Commission at a later meeting prior to making decision regarding request by Mr. Bridges and adjustment of water rates. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

13. City Budget Workshop 1974-75 Fiscal Year - Preliminary Approval <u>Hearing Date Set</u>

Mayor Garrison stated that members of Commission should consider adopting a tentative budget and set a public hearing date by next regular meeting.

Mayor Garrison stated that members of Commission had individually visited the City Manager prior to this meeting to review revised budget from last regular meeting. Mayor Garrison pointed out the fact that previous increase to the Tax Department budget as discussed in an earlier meeting involving the addition of personnel for appraisal purposes had been temporarily deleted from this budget.

Comm. E. C. Wareing asked several questions regarding the Fire Department budget and voiced his particular concern for the $3,000 replacement of a motor on the Seagrave Pumper. It was a unanimous decision of the Commission that prior to removal of this item from the Fire Department budget, an appraisal be made of the present condition of the engine. Comm. E. C. Wareing also voiced his concern for various cuts in the Water Department budget.

Considerable discussion developed regarding the Street Department budget and Comm. W. O. Ricks, Jr., voiced his objection to removing money from the sales tax fund for purposes other then the Street Department, to which 75% had been previously approved by the City Commission. Comm. W. O. Ricks, Jr., was of the opinion that money from the sales tax should go directly into the Street Department budget without dependence upon revenue sharing. Mayor Garrison explained that revenue sharing money would be received by the City through 1976 and the additional monies received from revenue sharing would provide $821,000 for Street Department use. There were no further questions from members of the Commission regarding this budget and no changes were made.

Considerable review was made of the Police Department budget. Mayor Garrison reviewed a detailed salary analysis made by the City staff regarding Police Department salaries from Nacogdoches, Longview and Tyler, and stated that he was of the opinion the 10% proposed pay increase for City employees would bring Lufkin Police Department salaries in line with these cities.

Members of the Commission were of the opinion that uniform allowance consideration should also be studied before decision on final budget at next regular meeting. Members of Commission requested that City Manager Westerholm present information regarding a uniform allowance study at next regular meeting.

Mayor Garrison requested that members of the Police Department, who were present regarding their request, review this consideration by the City Commission. Comm. E. G. Pittman then made motion that City Commission tentatively approve the 1974-75 Fiscal Year Budget and same be advertised by setting public hearing for September 3, 1974, at 7:30 P. M. Motion was seconded by Comm. R. A. Brookshire. Prior to vote on motion, Comm. E. C. Wareing further requested that the Police Department Certification Program also be reviewed for consideration in the Police Department budget at next regular meeting. A unanimous affirmative vote was then recorded on motion made by Comm. R. A. Brookshire.

14. <u>Holleman's Laundry Building-Request for Area Beautification</u>

Comm. Joe E. Rich asked City Manager Westerholm if there was an existing ordinance which would allow clean-up of the old Holleman Laundry building which had recently burned. Comm. Joe E. Rich further stated that it would be in the best interest of the City's beautification effort to clean up this area, if possible. City Manager Westerholm stated that he was of the opinion that the City would be able to assist in cleaning this area as soon as possible.

15. Tennis Shop - Agreement Approved - Chambers Park

Comm. E. G. Pittman stated that he had recently visited with Mr. Jerry Kimmey who had been operating a Tennis Shop on a 90-day agreement approval of the City Commission at Chambers Park. Comm. E. G. Pittman further stated that this agreement had now expired and he was of the opinion this program had been quite successful and recommended a new agreement be considered. City Manager Westerholm then called attention to the fact that members of Commission had been furnished a letter from the Director of Recreation & Parks recommending this agreement with Mr. Jerry Kimmey be continued on a year-to-year basis with the same requirements as previously approved.

Following a brief discussion, Comm. E. G. Pittman made motion that recommendation by Recreation & Parks Director be approved and Mr. Jerry Kimmey be extended a new one-year agreement for the location of a Tennis Shop in Chambers Park. Motion was seconded by Comm. E. C. Wareing and a unanimous affirmative vote was recorded.

16. Request for Emergency Water Supply - Darcey Faircloth

City Manager Westerholm stated that he had received a request from Mr. Darcey Faircloth for an emergency water connection.

Following a brief discussion, Comm. R. A. Brookshire made motion that water connection for Mr. Faircloth be approved under the standard requirements set by the City controlling these connections. Motion was seconded by Comm. W. O. Ricks, Jr., and a unanimous affirmative vote was recorded.

17. Adjournment

There being no further business for consideration, meeting adjourned at 6:55 P. M.

Pitser H. Garrison

MAYOR - City of Lufkin, Texas

ATTEST:

Roger G. Johnson

CITY SECRETARY - City of Lufkin, Texas