MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 6TH DAY OF JANUARY, 1970, AT 7:30 PM

On the 6th day of January, 1970, 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:

Earl Nisbet	Mayor
Carl Liese	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
Byron McNeil	Commissioner, Ward No. 3
Edgar C. Wareing	Commissioner, Ward No. 4
W. O. Ricks, Jr.	Commissioner at Large, Place A
Basil E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Harvey Westerholm	City Manager
Lynn Durham	City Secretary
Robert L. Flournoy	City Attorney

being present, constituting a quorum, when the following business was transacted.

1. Meeting opened with prayer by Rev. W. C. Harding, Pastor of First Assembly of God Church, Lufkin, Texas and was thanked by Mayor for his participation.

2. Mayor welcomed several visitors who were in attendance as observers or in connection with items on the Agenda.

3. LD stated minutes of previous had not been prepared in final form for approval but would be ready for approval at next regular meeting. DVS made motion that this item be passed until next regular meeting. BMcN seconded the motion and a unanimous affirmative vote was recorded.

4. RLF read caption of Ordinance for second reading covering zone change from R-2 District to C District covering Lots 7 and 8 and 4' of Lot 9, Block No. 1, Vinson Addition, located at intersection of Hoskins Street and North Timberland Drive, by Dr. J. H. Wade, Jr. Mayor inquired if any persons present to object to change and there were none. WOR made motion that Ordinance be passed on second reading. ECW seconded the motion and a unanimous affirmative vote was recorded.

5. RLF read caption of Ordinance for second reading covering zone change from R-2 District to C District covering Lot 9, Block No. 2, and a portion of abandoned alley adjoining Lot 9, Vinson Addition, by H.L.H. Enterprises, located at intersection of Hoskins Street and North Timberland Drive. Mayor inquired if any persons present to object to change and there were none. DVS made motion that Ordinance be passed on second reading. CL seconded motion and a unanimous affirmative vote was recorded.

6. RLF read caption of Ordinance amending present Zoning Ordinance and increasing parking space for dwelling units in A District from 1½ spaces to 2 spaces for second reading. ECW stated he still did not think the extra space should be allowed because of the manueverability requirement. BEA stated he thought would be an improvement over present arrangement and made motion that Ordinance be passed on second reading. CL seconded the motion and following vote was recorded:

Voting Aye	BEA CL WOR BMcN
Voting Nay	EN DVS ECW

Mayor declared motion carried by majority vote.

7. RLF read Ordinance for first reading, amending present Zoning Ordinance by creating "MH" District as recommended by City Planning and Zoning Commission. After some discussion CL made motion that Ordinance be passed on first reading. Motion seconded by WOR and a unanimous affirmative vote was recorded.

8. RLF read Ordinances for first reading covering following zone changes as covered in one application by Paul E. Ryan, which was considered in public hearing by City Planning and Zoning Commission and recommended for passage:

From R-2 District to C District on Lots 1, 2 & 3, Homewood Addition to City of Lufkin. Some discussion developed and Mayor inquired if any persons present to object to change and there were none. BMcN made motion that ordinance be passed on first reading, WOR seconded the motion. Before vote was taken, ECW stated that although he was voting for the change, did not think it was good zoning practice to have the zoning different on one side of the street from the other side. The following vote was unanimous in the affirmative.

From NR District to C District on Lots 8, 9, 10 and 11, Homewood Addition to City of Lufkin. Mayor inquired if any persons present to object to change and there were none. BMcN made motion that Ordinance be passed on first reading. ECW seconded the motion and a unanimous affirmative vote was recorded.

9. RLF read Ordinance for first reading amending present Ordinance, Section 2, regulating the discharge of industrial wastes into the public sewers of the City of Lufkin, promulgating requirements, etc., by changing the requirement of 300 PPM biochemical oxygen demand to 80 pounds per day demand and the addition of the word OR and changing the requirement of 250 PPM of suspended solids per day to 30 pounds per day. After some discussion, ECW made motion that Ordinance be passed on first reading with wording under Paragraph 2 reading as follows:

> "suspended solids content greater than at the rate of 30 pounds per day".

WOR seconded the motion and the following vote was unanimous in the affirmative.

10. RLF stated that as of January 1, 1970, the new Tort Claims Act as passed by Legislature went into effect which takes away a considerable amount of immunity Cities previously experienced with regard to suits. Mr. E. L. Bartlett, Jr., was present and explained as much as possible how cities would be affected and recommended City Commission take necessary protective steps until all data as to rates, etc., could be determined, including Workmen Compensation which City does not carry and which was recommended by HW. Mr. Bartlett stated necessary binder could be issued to give City the necessary coverage. CL made motion that HW be authorized to secure the binder for necessary coverages to be put into effect until requirements, rates, etc., have been finalized. ECW seconded the motion and a unanimous affirmative vote was recorded.

11. RLF stated had met with Attorneys and Officials of Lufkin Telephone Exchange, Inc., regarding recent request for rate increase and suggested that we now schedule a hearing in order that public could express their desires. Discussion was had as to time, date, and place for such public hearing, and decision was made that same be scheduled for January 27 or 28 at Junior High School Auditorium at 7:00 PM if proper arrangements could be made. LD was instructed to handle and advise all concerned in order that sufficient advance information could be given to the general public by the local news media (press, radio and T.V.).

12. RLF stated had been discussing with Municipal Judge the jury fees that have been paid by City in the past of $1.00, and it was the recommendation that these jury fees be increased to $3.00. After some discussion DVS made motion that recommendation of RLF and Municipal Judge that jury fees for City be increased to $3.00 be authorized. BEA seconded the motion and a unanimous affirmative vote was recorded.

13. HW requested authority to advertise for bids on two rear end loading garbage collection units, specifications being similar to loaders now is use. HW stated that bids would be received, opened and tabulated prior to regular meeting of February, 1970. CL made motion that HW be authorized to advertise for bids on the above two garbage units as requested. WOR seconded the motion and a unanimous affirmative vote was recorded.

14. HW called attention to cost of operating ambulances which had been furnished City Commission members per request at last meeting and would keep City Commission members informed on such costs.

15. HW stated that we have been charging $1.50 for copy of accident reports but that state statute establishes a charge of $2.00 and requested City Commission approval for setting a charge of $2.00 for copy of accident reports. BEA made motion that charge of $2.00 be set for copy of accident reports. WOR seconded motion and a unanimous affirmative vote was recorded.

16. HW stated that he had received a offer from City of Pearland of $1,950.00 for old asphalt distributor we have on hand and which cost the City $2,000.00. DVS made motion that HW be authorized to sell the distributor to City of Pearland for $1,950.00 . BMcN seconded the motion. Discussion developed that competitive bids should be taken for this equipment, as well as old roller and broom. DVS withdrew motion and BMcN his second, and CL made motion that HW advertise for bids on this old asphalt distributor, roller and broom. ECW seconded the motion and a unanimous affirmative vote was recorded.

17. HW suggested that a date be set for formal opening of Fire Station No. 4 on Loop 287 near Mall, details of which could be worked out later. Decision was reached that opening be set for 10:00 A. M., Thursday, January 15, 1970.

18. HW stated that he had been discussing the Texas Municipal Retirement System with employees and the Tax Department, who are not now covered, and they desired to be covered but would require City Commission approval. Also the majority of City Employees desire to contribute on maximum earnings instead of $3,600.00 per year as is now the case. HW stated if contribution on maximum earnings were allowed, the City's matching portion would be lower than now. Some discussion was had and no action was taken and HW was requested to bring in some hypothetical cases of retirement under present as against retirement under proposed larger contribution for consideration at next meeting.

19. HW stated that meeting of TML, Region 16, was scheduled to be held at Silsbee Country Club, Silsbee, Texas, on Thursday, January 22, 1970, and further information will be developed later on number planning to attend.

20. CL inquired as to status of meeting in Diboll today with Deep East Texas Development Council, attended by EN and HW. EN stated City of Lufkin's application for grant was considered and met with favorable consideration from the Executive Committee and Board of Directors. CL stated from correspondence he had seen, news reports, etc., the whole matter was very confusing regarding proposed grant under Public Law 660 and read a number of letters, excerpts, etc. EN stated had invited Senator Charles Wilson to appear before the City Commission at next regular meeting and he should be able to clarify some of the misunderstanding now existing. DVS inquired if City Commission was invited to be in attendance at the hearing in Diboll. EN stated that all members of City Commission had been advised of the hearing by HW.

21. WOR stated would like for HW to inquire into the possibility of having North Raguet Street widened from Abney to Frank and to Angelina. Further stated had discussed this matter with State Highway Department and thought there were possibilities. HW will check into and advise at later meeting.

22. ECW stated that he had noticed that 55 gallon drums are still being used as garbage cans and Ordinance prohibits their use. Did not think such containers should be handled by the Garbage Department and requested HW to check into this item and have present Ordinance enforced. HW will handle.

23. DVS called attention to large holes in downtown streets. HW will have checked out and filled in.

24. DVS inquired as to status of present Audit of City Records by Axley & Rode, Certified Public Accountants. HW stated report was now in the process of being printed.

25. WOR called attention to condition of railroad crossings in City Limits and particularly the crossing at North end of Abney Avenue. HW will follow through on this item.

26. BEA called attention to drainage condition on Barto Drive and stated this was an item that had been before the City Commission previously. HW and Public Works Director will check this item on the ground and handle.

27. BMcN suggested that a survey be run on need of traffic light at Chestnut Street and Lufkin Avenue as this was a very dangerous intersection.

28. There being no further business for consideration, meeting was adjourned at 10:30 PM.

Paul Nisbet

Mayor - City of Lufkin, Texas

ATTEST:

Lynn Anham

City Secretary - City of Lufkin, Texas