MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON JULY 5, 1960 AT 7:30 P.M.

On this the fifth day of July, A.D. 1960, the City Commission of the City of Lufkin, Texas, convened in regular session in the regular meeting place in said City, with the following members thereof, to wit:

Jim Waters,	Mayor
Beamon S. Cook,	Commissioner, Ward No.2
Bayo Hopper,	Commissioner, Ward No.3
A. G. Welch	Commissioner, Ward No.4
Harold Schmitzer,	City Manager
Lynn Durham,	City Secretary
William Drew Perkins,	City Attorney

being present, and the following absent:

E. Kurl Shirey,	Commissioner, Ward No.1

constituting a quorum when the following business was transacted:

1. The meeting opened with prayer by Captain Cecil Brown of the Salvation Army. Captain Brown left immediately after the invocation due to other commitments, after being thanked by Mayor Jim Waters.

2. Mr. A.O. McQueen appeared before the City Commission and protested the recent action by the City in authorizing the demolition of buildings at the old City Airport which were constructed by him in accordance with a lease agreement with the City, which he claims made these buildings his property. The City Manager stated that Mr. McQueen had discussed this matter with him several days ago and that the minutes of the City Commission meetings had been searched and no record found of such an agreement. The City Manager produced a copy of the lease agreement entered into on May 15, 1945, by the City of Lufkin and Mr. McQueen stipulating that the buildings would revert back to the City after 15 years. Mr. McQueen stated that he would leave the matter as it stood and would try to bring evidence to substantiate his claim to the buildings to the Commission at a later meeting. Mayor Waters stated that the Commission would be glad to have him meet with them again on this matter at some future date.

3. Commissioner Bayo Hopper made motion that the Ordinance covering Zone Change from "A" to "F" District covering 3.03 acres of land in the Weaver Tract between Sayers and Kurth Drive be approved on first reading, since no person was present to protest and no protests were received in writing. Commissioner A.G. Welch seconded the motion, and the vote was unanimous.

4. Commissioner A.G. Welch made motion that the Ordinance covering amendment of Zoning Ordinance by removing Beauty Shops from "F" classification and placing them in "C" classification be passed on first reading, since no person was present to protest and no protests were received in writing. Commissioner Beamon S. Cook seconded the motion, and the vote was unanimous.

5. The City Attorney read the caption of Ordinance setting out specifications for railroad crossings within the City Limits of Lufkin and requiring railroads to comply. Considerable discussion developed. The City Manager recommended passage of the Ordinance as he had been unable to get the railroads to maintain their crossings in suitable condition. Commissioner Bayo Hopper made motion that the Ordinance be passed on first reading, which would give ample time for any protests before final passage at the next meeting. Commissioner A.G. Welch seconded the motion, and the following vote ensued:

Voting Aye:	Mayor Jim Waters, Commissioner Bayo Hopper, Commissioner A.G. Welch.
Voting Nay:	Commissioner Beamon S. Cook.

Mayor Waters stated that the motion carried by a majority vote.

6. Mayor Waters stated that second and final reading of Ordinance changing Zone from "A" to "F" District covering Lots 5, 6 and 7, Block 4, Woodland Heights Addition, and Lots 8, 9 and 10, Block 3, Oakland Addition, was on the agenda for this meeting, but the City Attorney had some remarks to make in regard to the legality of passage on first reading. He stated that the vote of three to two for passage on the first reading at the meeting of June 23, 1960, was actually not sufficient and that the vote should have been four to one, according to his interpretation of the Zone Ordinance. Mrs. H.W. Ragland, and Mr. and Mrs. Frank Ragland were present. Mr. Ragland directed several questions to the City Attorney and City Commission, and stated that they certainly desired to stay within the bounds of the present law, but felt more study should be given the matter. The City Attorney stated the above was his opinion, and he would be glad to discuss the matter with Mr. Ragland and his Attorney and then present their findings at the next meeting. The Mayor felt this was the best plan to take and asked if this met with the approval of the Applicant as well as the City Commission. The City Commission and Applicant were in agreement.

7. Mr. R.E.L. Johnson of Freese, Nichols, Turner & Collie, Consulting Engineers, Houston, appeared before the Commission at the request of the City Manager with a recommendation to remedy a condition that occurred at the Sewer Treatment Plant recently. The City Manager requested the City Engineer to elaborate on what happened. The City Engineer stated that the Pumphouse was recently flooded due to failure of antique and obsolete float control. He went on record in asking Mr. R.E.L. Johnson who was responsible for the damage. Mr. Johnson was of the opinion that the Contractor was not to blame. The City Engineer further stated that he was positive that no one would want the Contractor to pay for something that was not his fault, but that he represented the City and it was his desire to have a record of any decision regarding damages.

Mr. R.E.L. Johnson requested approval of the City Commission for authority to discuss with the Contractor and get commitment on the following items which should prevent a recurrence of the above condition, and then prepare a change-order in the present contract for Commission approval at a later meeting:

(a) Add a sluice gate at front end of plant - estimated cost $1,500.00 to $2,000.00;

(b) Install gasoline standby pump - estimated cost $3,500.00;

(c) Change control on present pumping equipment - estimated cost $150.00.

Commissioner Beamon S. Cook made motion that Mr. Johnson's recommendation be followed, seconded by Commissioner Bayo Hoper and voted unanimously.

8. The City Manager called attention to a letter from Mr. S.E. Tanner of Southern Pacific to which was attached agreement between the City of Lufkin and Southern Pacific Railroad Company covering crossing on Dozier Street. Commissioner Bayo Hopper made motion that no action be taken on this agreement at this meeting in order that the City Attorney and City Manager could study same to see that it is in order. Commissioner A.G. Welch seconded the motion, and the vote was unanimous.

9. The City Manager presented three monthly estimates by contractors performing work in connection with our sewer improvement program, which have been certified to by the City Engineer, and requested authority to pay. These estimates are:

(a) Contract No.1, Estimate No.6, Sewage Treatment Plant, Howard Pool Company $27,698.42

Commissioner Bayo Hopper made motion that authorization to pay estimate be granted, seconded by Commissioner A.G. Welch, and voted unanimously.

(b) Contract No.2, Estimate No.5, East Side Trunk Sewer, Howard Pool Company $27,367.43

Commissioner Bayo Hopper moved that authorization to pay estimate be granted, seconded by Commissioner A.G. Welch, and voted unanimously.

(c) Contract No.3, Estimate No.3, West Side Trunk Sewer and Lift Station - Temple Associates $39,907.23

Commissioner A.G. Welch moved that authorization to pay estimate be granted, seconded by Commissioner Bayo Hopper, and voted unanimously.

10. Open items were gone over and discussed.

11. Mayor Waters stated that as of July 1st, 1960, the City Planning Commission will have been in operation one year and, by ordinance, the Chairman and Vice-Chairman are appointed by the City Commission annually. He stated that Cecil W. Simpson was the present Chairman and had done an outstanding job during the first year; E. Gordon Horn acted as Vice-Chairman during the first year and had done a fine job, but had resigned from the City Planning Commission as of June 30, 1960, due to pressure of other duties, and Mr. Carl D. Lively has been appointed to replace him.

    Some discussion developed, resulting in the following action:

    Commissioner A.G. Welch made motion that Cecil W. Simpson be reappointed to serve another year, beginning July 1, 1960, as Chairman of the City Planning Commission, seconded by Commissioner Beamon S. Cook, and voted unanimously.

    Commissioner A.G. Welch made motion that Walter Atwell be appointed to serve as Vice-Chairman of the City Planning Commission for the next year, beginning July 1, 1960, seconded by Commissioner Beamon S. Cook, and voted unanimously.

12. Mr. R.E.L. Johnson advised the Commission that steps have been taken in Houston, through proper channels, to guarantee faster and better results on the sewer improvement program now in progress in Lufkin.

13. There being no further business for consideration, the meeting adjourned.

Jim Waters

Mayor, City of Lufkin, Texas

ATTEST:

City-Secretary, City of Lufkin, Texas