

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD ON AUGUST 2,
1960, AT 7:30 P.M.

On this the second day of August, 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
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constituting a quorum when the following business was transacted:

1. Meeting opened with prayer by Dr. Arthur DeLoach, Pastor of First Baptist Church, who, due to other commitments, left immediately after being thanked by Mayor Waters for his participation in the meeting.
2. Minutes of the previous meeting were read and approved.
3. Vernon Berry, Local Attorney, again appeared before the Commission in behalf of Captain and Mrs. Joseph McAndrews and presented signed statements by the following persons advising that Zone Change from "A" to "C" District covering lot at the corner of South First Street and Kerr Avenue was approved by the City Commission in 1946:

Barney Franklin,	(Chairman Zoning Board 1946)
P. W. McCann, Jr.,	(Member of Zoning Board 1946)
C. E. Brazil,	(City Attorney 1946)

Mr. Berry also called the City Commission's attention to an official Zone Map which was located in Mr. A.K. Anderson's office and which was presented to the Commission showing this lot as being marked Zone "C". Mr. Berry felt that with the above information before it the City Commission could declare the zone change was made in 1946. After some discussion Commissioner Bayo Hopper made motion that this City Commission go on record, from the information presented, and declare the Zone Change was passed by the City Commission in 1946. Commissioner A.G. Welch seconded the motion, and the vote was unanimous.

4. Mr. A.O. McQueen again appeared before the Commission regarding his claim to buildings the City recently removed from the airport grounds in accordance with lease agreement with Mr. McQueen the City has on file. Mr. McQueen contends that, in accordance with an agreement he had with the City, the buildings belonged to him, even though no record can be found in the City's files substantiating his claim. He stated he would settle for the two buildings removed by the City for \$600.00 each. Mr. McQueen also produced a statement, which is quoted in part below and acknowledged to be true and correct by Messrs. C.E. Brazil, former City Attorney, E.A. Gibbs, former City Secretary, Jack Nerren and L.C. Brittain, former City Commissioners and W.W. Scott, former Mayor:

"This certifies that during a meeting in May, 1955, with City Manager, Commissioners, Mayor, Attorney and Secretary of the City of Lufkin, Texas, with reference to settlement of expiring lease held by A.O. McQueen, lessee of City Airport. It was determined by conditions of lease that the City of Lufkin owed lessee \$3300 on four buildings constructed on said Airport by lessee.

- 1 60 x 60 steel and sheet iron airplane hanger
- 1 45 x 60 steel and sheet iron airplane hanger
- 1 frame building, class room lounge, office and rest rooms
for men and ladies 24 x 36
- 1 14 x 28 frame building, 2 rooms guard house and utility room.

It was unanimously voted by the managing body of the City of Lufkin that due to the city's financial condition, it would please them if leasee would accept above buildings in lieu of \$3300.

Leasee accepted the buildings on the following terms:

That the buildings was to remain on City Airport as it would take some time before Leasee could turn them into Cash by disposing of them probably one at a time.

The governing body voted on this unanimously under the following conditions:

The buildings could remain on Airport Property until such time that they would become a henderance to the City's plans, such as selling or leasing the property for industrial use or any other planning. In this case former leasee was to be notified to move the buildings.

The leasee agreed that upon receipt of such notice from the governing body of the City of Lufkin, the buildings would be removed promptly.

Then leasee advised governing body that the Hay had been cut and Bailed for hay year by year and if Leasee may have the hay that was about ready to be Bailed.

The governing body voted unanimously on this and granted leasee that he may cut and bail the hay for his own use for that haying season.

The above statement is a strue Statement as to what took place during above described meeting.

(Signed) A.O. McQueen Leasee"

Mr. McQueen also produced the following statement signed by Clyde Jordan:

"I Clyde Jordan testifies that I was at the meeting on other business, when the City of Lufkin Texas conceded the Ownership of the Buildings on City Airport to A.O. McQueen in lieu of \$3300., and give A.O. McQueen indefinate time to dispose of the buildings, unless notified to move them if they should become detrimental to City's planning in that area. (Signed) Clyde Jordan."

Considerable discussion developed and Mayor Jim Waters was of the opinion the City was not obligated due to agreement between the City of Lufkin and Mr. McQueen wherein it was stated that after 15 years life of buildings same would revert back to the City; also the minutes did not show the City was obligated. Commissioner Bayo Hopper concurred with the Mayor in his thinking. Commissioner Beamon S. Cook made motion that the matter be gone into thoroughly by members of the Commission before any action is taken. Commissioner A.G. Welch seconded the motion, and the vote was unanimous.

5. Dan Brazil, Local Attorney, appeared before the Commission in behalf of Mrs. H.W. Ragland and Mr. and Mrs. Frank Ragland who were also present to hear a report from the City Attorney regarding information he had received from the Texas Municipal League's Legal Counsel regarding the Commission passing by a majority vote of three to two an 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. The City Attorney stated that Mr. Olsen, Attorney for Texas Municipal League was in agreement with his own thinking. However, he wanted it understood that this could not be counted as final, since the courts are the only source of final answer. Frank Ragland, on behalf of Mrs. H.W. Ragland, stated that he did not desire court action but that there were several questions on which he would like information regarding the number of persons protesting, the property involved, and the relative position of the property. The City Attorney stated that he was going to give the matter further study and would discuss it with Mr. Ragland.

6. Mayor Waters declared an open hearing for the purpose of hearing protesters against the City's action in proposing to pass an ordinance covering assessment of a portion of the cost for paving certain streets. He stated that notice of this hearing had been duly published in the newspaper. Mayor Waters asked if any visitors present were there for the purpose of protesting. None entered protests, however, Messrs Harold B. Morris, Hector Wark, J.B. Byars and Hardy were present in favor of the paving and desired the project pushed all possible. Mayor Waters thanked these gentlemen for their presence and interest and then declared the open hearing closed and requested the City Attorney to read the ordinance. Commissioner Bayo Hopper made motion that the ordinance be passed on first reading, seconded by Commissioner A.G. Welch and voted unanimously. The City Attorney stated that the emergency clause could be invoked due to the urgency of getting paving started, at the Manager's request, and Commissioner Bayo Hopper made motion that the ordinance be approved on second and final reading, seconded by ^{Comm}A.G. Welch, and unanimously approved.
7. Commissioner Beamon S. Cook made motion that the ordinance making it unlawful to throw beer cans, bottles, etc. on streets or property within the City limits be passed on second and final reading. Commissioner A.G. Welch seconded the motion, and the vote was unanimous.
8. Commissioner Beamon S. Cook made motion that the ordinance making it mandatory for Body Shops and Garages to report to Police Department any repairs to automobiles involved in accidents be approved on second and final reading. 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 approved by Mr. R.E.L. Johnson of Freese, Nichols, Turner & Collie, Consulting Engineers, and certified to by our City Engineer, and requested authority to pay. These statements are:
 - (a) Contract No.1, Estimate No.7, Sewage Treatment Plant,
Howard Pool Company \$18,463.39Commissioner Bayo Hopper made motion that payment be authorized, seconded by Commissioner Beamon S. Cook and unanimously voted.
 - (b) Contract No.2, Estimate No.6, East Side Trunk Sewer,
Howard Pool Company \$22,682.27Commissioner A.G. Welch made motion that payment be authorized, seconded by Commissioner Beamon S. Cook, and unanimously voted.
 - (c) Contract No.3, Estimate No.4, West Side Trunk Sewer and Lift
Station - Temple Associates \$23,138.01Commissioner Beamon S. Cook made motion that payment be allowed, seconded by Commissioner A. G. Welch and voted unanimously.
10. The City Engineer, who was present at the meeting, advised that progress on Contracts 1 and 2 of Sewer Improvement Program was slow and that he had assurance from Mr. Tellepsen, head of Howard Pool Company, that better results would be forthcoming soon as more equipment and better trained personnel would be furnished. He stated that Temple Associates were moving along fairly well with Contract No.3, but had not met with difficulties the other Company had encountered. Mr. R.E.L. Johnson also stated that he had contacted the Houston Office of Howard Pool Company and that Mr. Tellepsen had also assured him that better results would be forthcoming. The City Manager felt we should use the services of our Consultant Engineers in Houston more often than in the past as they should be able to secure more tangible results for us in keeping proper progress in the work.
11. Open items were gone over and discussed.
12. There being no further business for consideration, the meeting adjourned.

ATTEST:


City Secretary, City of Lufkin, Texas


Mayor, City of Lufkin, Texas