

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON JUNE 6, 1961, AT 7:30 PM

On this the 6th day of June, 1961, the City Commission of the City of Lufkin, Texas, convened in regular session in regular meeting place in said City, with following members thereof, to-wit:

Jim Waters	Mayor
E. Kurl Shirey	Commissioner, Ward No. 1
Beamon S. Cook	Commissioner, Ward No. 2
S. Harry Kerr	Commissioner, Ward No. 3
A. G. Welch	Commissioner, Ward No. 4
Harold Schmitzer	City Manager
Lynn Durham	City Secretary
William D. Perkins	City Attorney

1. Meeting opened with prayer by City Manager Harold Schmitzer.
2. Minutes of previous meeting were read and approved after minor correction.
3. A number of visitors were present as observers and were welcomed by Mayor Waters.
4. Mr. Joe Stephano appeared before the City Commission regarding reimbursement for water-sewer taps made to city, even though he claims there was a verbal agreement with former City Manager that City would not charge for taps due to his granting City easement for sewer right of way.

Some discussion developed and it was the feeling that City Commission should have more data before any decision could be reached. Commissioner S. Harry Kerr made motion that City Attorney present details at next meeting. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.

5. Commissioner Beamon S. Cook made motion that ordinance covering zone change from "A" to "H" District on Lot No. 2, Block No. 31, Denman Addition to the City of Lufkin, as requested in application of A. W. Conn, be passed on first reading. Commissioner A. G. Welch seconded motion and the vote was unanimous.
6. City Manager stated ordinance had been prepared to cover authority to pave a number of streets in City and to assess abutting property owners with their portion of the cost and City Attorney read in its entirety. City Manager suggested that this ordinance be passed on first and second reading by applying emergency clause in order that paving could be started without delay. Some discussion followed and Commissioner E. Kurl Shirey made motion that ordinance be passed on first reading. Motion was seconded by Commissioner Beamon S. Cook and vote was unanimous. Commissioner E. Kurl Shirey made motion that ordinance be passed by suspension of rules due to emergency nature, on second and final reading. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
7. City Manager called attention to recent holiday situation in City of Lufkin wherein majority of merchants observed May 30, Memorial Day, as a holiday. City did not observe this day as a holiday since it was not on the approved list of holidays, and it caused some adverse publicity. City Manager advised he had given this matter considerable thought and it was his recommendation that Memorial Day, May 30, be added to our approved list of holidays to be observed, making a total of seven, as follows:

New Years Day	Labor Day
Memorial Day	Armistice Day
Independence Day	Thanksgiving Day
Christmas Day	

Commissioner Beamon S. Cook made motion that Memorial Day be added to our approved list of holidays. Commissioner E. Kurl Shirey seconded motion and the vote was unanimous.

8. City Manager stated he would like for the minutes to reflect approval granted to him to sell 1929 Pirsch Fire Truck to City of San Augustine. This approval was granted in letter to City Manager dated May 17, 1961, which was signed by the Mayor and Commissioners. Commissioner E. Kurl Shirey made motion that this information be entered in the minutes for record purposes, motion seconded by Commissioner Beamon S. Cook and vote was unanimous.
9. City Manager read letter from Walter A. Billingsley, Chief of Police, advising that a study had been made by his Department at request of City Manager to continue traffic one way north for one block on North Second Street; this recommendation having been previously made by Central Church of Christ. Stated he concurred with recommendation, except extension should be made on all four parallel one-way streets. City Manager suggested ordinance be prepared to cover, to be read to two meetings, which would allow all interested people to come down and express their views. City Attorney suggested it be included in ordinance he has prepared for study by City Commission covering traffic control for entire City. City Commission concurred with City Attorney's suggestion and this proposed extension will be included.
10. City Manager read letter from Attorney for Howard Pool Company to City Attorney regarding final closing out of Contract No. 2, East Side Trunk Sewer, advising that the \$9,150.00 assessed for damages were felt to be entirely out of line, but if City Commission would not assess damages for ninety-seven (97) days against Contract No. 1, Sewage Treatment Plant, and let the \$9,150.00 assessed against Contract No. 2 cover both Contracts, they would abide by decision. However, if City Commission assessed 97 days against Contract No. 1 in addition to the \$9,150.00, it would be contested in court. City Manager felt this was fair offer and would probably be best for City rather than going to court. City Attorney felt, from strictly legal standpoint, City had a good case but there were other factors involved. After considerably more discussion, Commissioner S. Harry Kerr made motion that offer of Howard Pool Company be accepted. No second was given the motion and Commissioner S. Harry Kerr rescinded the motion. Commissioner E. Kurl Shirey and Commissioner Beamon S. Cook desired cost information on inspection and engineering before decision reached. Mayor instructed City Manager, City Attorney and City Engineer to compile this information and report back at next meeting for City Attorney to start negotiations for settlement.
11. City Manager stated final inspection on Contract No. 3, West Side Trunk Sewer & Lift Station, with Temple Associates was made on May 18, 1961, and it was now in order to close out. He stated City assessed \$1,350.00 liquidated damages and withheld \$7,000.00 for cleanup. We now owe them \$7,000.00 and recommended payment. He also recommended that Mayor be authorized to sign letter accepting release covering completion of contract. Commissioner E. Kurl Shirey made motion that final payment of \$7,000.00 be authorized and that Temple Associates give us release on \$1,350.00 on liquidated damages. Commissioner Beamon S. Cook seconded motion and vote was unanimous. Commissioner E. Kurl Shirey made motion that Mayor be authorized to sign letter of acceptance by City releasing Contractor. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
12. Mayor Jim Waters felt policy should be established for receiving items for the agenda of City Commission meetings. He stated this subject had been discussed on several occasions in the past but no definite decision reached as to policy to follow. It was his suggestion that any person desiring to get on the agenda should make arrangements with City Secretary prior to 5:00 P.M. on Friday before the meeting on Tuesday.

Mayor Waters further advised he was not trying to discourage anyone from getting on the agenda or attending our meetings, but the Commission members should have sufficient time to become familiar with any subject on which a decision was required at the meetings.

Commissioner S. Harry Kerr stated that he felt any citizen should have the right to appear before the City Commission at any meeting and ask for a hearing since there might be times, due to an emergency, when a person might not be able to make the arrangements for getting on the agenda prior to the meeting. The Commission was in agreement with the Mayor's suggestion that the following policy will be adhered to in the future:

Anyone desiring to be placed on the agenda should contact the City Secretary prior to 5:00 P. M. on Friday before the meeting, giving subject matter on which he or she desires to be heard. The City Secretary will then place the person and subject on the agenda. The agenda will be typed and furnished to members of the City Commission on Monday in order that they may become familiar with items to be discussed at the meeting. However, anyone appearing at meeting with an emergency item may be heard if Mayor and Commissioners so desire.

13. City Attorney inquired of the City Commission if they desired him to follow through with enforcement of zone ordinance. No motion was made to this effect, but in discussion the City Attorney was given this authority.
14. Open items were gone over and discussed and City Manager read letter from City Attorney calling attention to counter offer made by Mr. E. L. Callahan through his attorney regarding claim against the City regarding sewer line laid across his property. Mr. Callahan now desires that this sewer pipe be covered with dirt 3 ft above the pipe, extending 50 ft. on each side and then sloped off. It was the feeling of the City Commission that our previous offer mentioned in minutes of meeting dated Jan. 17, 1961, was the City's final offer and the City Attorney was instructed to so advise Mr. Callahan's attorney to this effect.
15. City Engineer stated that on some GI and FHA approved subdivisions it was necessary for him to affix his signature as a professional engineer on questionnaires, etc. Since this was necessary, City Engineer desired to know if the concrete specifications set out in regular meeting of May 16, 1961, were to supercede the concrete specifications contained in ordinance found to be in effect but, of which, no mention was made at the May 16, 1961, meeting. Also in this meeting, no definite instructions were set out covering the curing of concrete, although this matter was discussed. After discussion by City Commission and suggestion of City Engineer, the following specifications will be observed in curing concrete:

"Cured with 15# roofing felt, anchored securely for 3 days. Immediately after the forms have been removed, if prior to 3 days, the front and back sides of the curb section to be back filled with dirt and left damp for the 3 day period."

Commissioner Beamon S. Cook inquired if the City Engineer could definitely follow these specifications and if necessary instructions to all contractors and interested people that said specifications would have to be complied with until new ordinance might be passed, could be issued. He felt this would eliminate the possibility of anyone claiming discrimination.

The City Commission was in agreement that these specifications^{are} to be complied with and instructions issued to all interested people. However, if and when new ordinance is passed a transition period will be allowed. Commissioner E. Kurl Shirey made motion that the item of curing as set out above, be made a part of our concrete specifications by adding to those specifications included in minutes of meeting of May 16, 1961, which supercede specifications contained in present ordinance and that these specifications will now read:

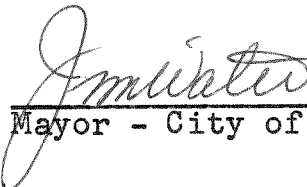
"4.5 sacks of cement per cubic yard: Expansion joints every 40' using 1/2" Cellotex or Temple Board;

"Use dowel rods in expansion joints to keep together, one end wrapped with building paper;

"Cured with 15# roofing felt, anchored securely for 3 days. Immediately after the forms have been removed, if prior to 3 days, the front and back sides of curb section to be back filled with dirt and left damp for the 3 day period."

Motion seconded by Commissioner S. Harry Kerr and the vote was unanimous.

16. There being no further business for consideration, meeting adjourned at 10:45 P.M.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas