

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY
OF LUFKIN, TEXAS, HELD ON THE 6th DAY OF FEB. 1962, AT 7:30 PM

On the 6th day of February, 1962, 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
Victor V. Bruce	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 Drew Perkins	City Attorney

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

1. Meeting opened with prayer by Rev. Raymond Dunkin, pastor of Parkview Baptist Church.
2. Minutes of previous meeting were read and approved after minor correction.
3. Mayor Jim Waters welcomed a large number of visitors who were in attendance.
4. Commissioner Victor V. Bruce made motion that police cars be purchased from Joe Lackey Motor Co. since they were described as specially built police cars, although bid was higher than Angelina Chevrolet-Cadillac Co. and car for Fire Chief be purchased from Gibbs Motor Co. Commissioner Beamon S. Cook seconded the motion.

Mr. R. A. (Sally) Hunter, owner of Angelina Chevrolet-Cadillac Co. was present and advised the cars he quoted on in his bid were specially built police cars and could not be purchased for any other purpose, and presented descriptive literature to substantiate his remarks.

Commissioner Victor V. Bruce stated his motion was made because he did not understand from the minutes and information he had received that the cars were specially built for police service. Commissioner S. Harry Kerr requested City Manager to give his recommendation.

City Manager stated that since the prices quoted by dealers were so close, he would like to call in Police Chief, Assistant Police Chief, and Sergeant on duty for their recommendations. This was done and Police Chief, Walter Billingsley, Assistant Police Chief, R. E. Wiley, and Sergeant, James R. Crain, were asked by City Manager the make of car they desired and each one stated, before the City Commission, they preferred the Chevrolet.

At this point Commissioner Victor V. Bruce withdrew his motion that was made in accordance with his understanding of information received on the cars. Commissioner A. G. Welch made motion that three police cars be purchased from Angelina Chevrolet-Cadillac Co. Commissioner Beamon S. Cook Seconded the motion and the vote was as follows:

Voting Aye:

Mayor Jim Waters
Commissioner Victor V. Bruce
Commissioner Beamon S. Cook
Commissioner A. G. Welch

Voting Nay:

Commissioner S. Harry Kerr

Mayor Jim Waters declared motion carried by majority vote.

Commissioner Beamon S. Cook made motion that car for Fire Chief (Plymouth Valiant) be purchased from Gibbs Motor Co. Commissioner A. G. Welch seconded the motion and the vote was unanimous.

5. City Manager requested City Commission approval of agreement between City of Lufkin and Sun Pipe Line Co. covering street crossing that connects Wildbriar and West Evans. Commissioner Beamon S. Cook made motion that Mayor be authorized to sign agreement on part of City. Motion seconded by Commissioner A. G. Welch and the vote was unanimous.
6. City Attorney read ordinance, which he was previously instructed to prepare, covering regulation of Rest, Convalescent or Nursing Homes in City of Lufkin. After short discussion, Commissioner S. Harry Kerr made motion that ordinance be passed on first reading. Commissioner Beamon S. Cook seconded the motion and the vote was unanimous.
7. Commissioner Beamon S. Cook made motion that ordinance covering zone change from "A" to "F" District, Lots 11 and 12, Block 2, J. C. Smith Addition, located on Kurth Drive and adjoining Yates Superette on east by Sam Crain, be passed on second and final reading. Commissioner Victor V. Bruce seconded the motion and vote was unanimous.
8. Commissioner Victor V. Bruce made motion that ordinance setting water and sewer rates, connection fees, etc., as they were before recent increase be passed on second and final reading. Commissioner Beamon S. Cook seconded the motion. A lengthy discussion developed and a number of suggestions were made for and against passage of the ordinance. One citizen suggested a compromise formula, and one citizen desired to know specifically the items that would have to be deleted from the budget. Mayor Waters called for vote on motion with following result:

Voting Aye:

Commissioner Victor V. Bruce
 Commissioner Beamon S. Cook
 Commissioner A. G. Welch

Voting Nay:

Mayor Jim Waters
 Commissioner S. Harry Kerr

Mayor Jim Waters declared motion carried by majority vote.

9. City Manager, by letter to City Commission, requested that he be authorized to advertise for bids on 2250 feet of 12" and 2250 feet of 8" cast iron or asbestos cement pipe for proposed water line on Ellis Avenue, approval having already been granted by City Commission to proceed with work. Commissioner Beamon S. Cook made motion that City Manager be authorized to advertise for bids on pipe as requested. Commissioner A. G. Welch seconded the motion and the vote was unanimous.
10. City Manager read letter to City Commission regarding expenses City has incurred as result of alleged severe electrical shock received by Doyle Peoples, Sergeant in Fire Department, on July 9, 1960. The cost to City to date for hospital, medicine, surgical and doctors care has been \$5,919.37, in addition to his regular salary of \$300.00 per month. Also, when he is off, it has been necessary to pay \$25.00 additional to man filing his Sergeant job. City Manager stated he was dismissed from Herman Hospital in Houston on Jan. 23, 1962, and entered Hedgecraft Hospital and Rehabilitation Center, 5120 Montrose, Houston, Texas. City Manager stated he had not authorized this latest committment and desired instructions from City Commission on what to do.

Billy Lee Thompson, local Attorney who was present, appeared before the City Commission and stated Mr. Peoples was his client and argued vigorously for Mr. Peoples and stated City was obligated to take care of him and if City refused, he would take necessary legal action.

City Attorney stated he had previously recommended to City Manager, and was recommending now, that City stop all payments for hospital and doctors care as of this date, as well as salary, as he did not feel we could spend such sums of tax payers' money unless City was legally ordered to do so.

Commissioner S. Harry Kerr made motion that all payments of hospital, doctor and drug bills, as well as salary to Mr. Peoples, be discontinued as of this date in line with recommendation of City Attorney. Commissioner Victor V. Bruce seconded the motion and the following vote was recorded:

Voting Aye:

Mayor Jim Waters
Commissioner S. Harry Kerr
Commissioner Victor V. Bruce

Voting Nay:

Commissioner Beamon S. Cook
Commissioner A. G. Welch

Mayor Jim Waters declared motion carried by majority vote.

11. City Manager read letter from Mr. J. M. York, District Engineer of State Highway Dept. advising that work of widening North Raguet to "Y" would begin within next two weeks and would appreciate if all utilities will be altered in order that there will be no delay in work. City Manager stated this had been attended to.
12. Open items were gone over and discussed with following results:
 - a. Proposed straightening of Ellis Avenue where it intersects with North Raguet was deleted due to inability to carry through to completion.
 - b. Commissioner Victor V. Bruce made motion that order be given for publication in newspaper for open hearing in meeting of March 6, 1962, zone change application of John Winston, Jr., from "A" to "F" District covering Block 12, Map 19, located just South of Okay Food Store and Washateria in 700 block of South Bynum. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
13. Commissioner Beamon S. Cook made motion that City Manager Harold Schmitzer be removed from the office of City Manager effective 30 days from this date. Commissioner A. G. Welch seconded the motion. Commissioner S. Harry Kerr stated he would like to know for what reason. Commissioner Beamon S. Cook stated inefficiency. Mayor Jim Waters called for vote on the motion with following recorded:

Voting Aye:

Commissioner Victor V. Bruce
Commissioner Beamon S. Cook
Commissioner A. G. Welch

Voting Nay:

Mayor Jim Waters
Commissioner S. Harry Kerr

Mayor Jim Waters declared motion carried by majority vote.

14. City Manager Harold Schmitzer read letter dated Feb. 6, 1962, addressed to City Commission wherein he requests hearing on his removal from office of City Manager in above item. Content of this letter is as follows:

"I recognize the Charter of the City of Lufkin as the rule and guide governing our relations as City Commission and Manager; also the relation existing between the Manager, the City Commission, and the citizens of Lufkin.

"Therefore, gentlemen, in accordance with Section 25 of this Charter, I acknowledge your authority to remove me from my office at the will of the City Commission on 30 days' notice, and in the language of the Charter in Section 25, I 'demand written charges and a public hearing on the same, before the City Commission at any time between the issuance of the order of removal, and the date on which it is to take effect.'

"I will appreciate the date of the public hearing to be set at 7:30 P.M. on Tuesday, February 20, 1962."

Commissioner Beamon S. Cook asked City Attorney for his opinion regarding the request. City Attorney stated that under Charter Mr. Schmitzer was entitled to the public hearing. Discussion brought out the fact that date of Feb. 20, 1962, requested in letter, was regular meeting night and would not be suitable. Mr. Schmitzer then suggested date of Feb. 27, 1962, at 7:30 P.M. Commissioner Victor V. Bruce made motion that this date and time be set for the public hearing. Commissioner S. Harry Kerr seconded motion and the vote was unanimous.

15. Lee Butler, news director of KTRE-TV and Radio, requested permission of City Commission to set up microphones for live broadcast over KTRE Radio the proceedings of the public hearing of City Manager Harold Schmitzer at 7:30 P.M. on Feb. 27, 1962. Commissioner S. Harry Kerr made motion that Mr. Butler be authorized to set up his equipment in council room to broadcast live the proceedings of this public hearing as requested. Commissioner Kerr's motion was not seconded and no action was taken.
16. Mr. C. M. Cummins appeared before the City Commission and requested that he be heard on previous claim for \$75.00 against City for amount his father expended to clean up some of the sewage that drained onto his property and on which he has not received information as to settlement. Mayor Jim Waters stated that since he was not on the agenda, the City Commission would have to rule on whether or not to hear him at this meeting. Commissioner Beamon S. Cook made motion that he be heard, motion seconded by Commissioner A. G. Welch and vote was recorded as follows:

Voting Aye:

Commissioner Beamon S. Cook
Commissioner Victor V. Bruce
Commissioner A. G. Welch

Voting Nay:

Mayor Jim Waters
Commissioner S. Harry Kerr

Mayor declared motion carried by majority vote.

Mr. Cummins went into detail regarding his claim, for the benefit of Commissioner Victor V. Bruce, who was not familiar with it. City Attorney advised the City Commission that he did not feel City was obligated but felt it was a matter between Mr. Cummins and Mr. Ralph Bargainer and recommended that claim not be allowed.

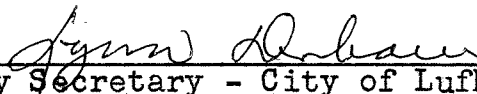
Commissioner Victor V. Bruce stated he would like to check into the matter further on ground and made motion that no action be taken at this time. Commissioner Beamon S. Cook seconded the motion and the vote was unanimous.

17. There being no further business for consideration, meeting adjourned at 10:20 P.M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas