

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON 4th DAY OF OCTOBER, 1966, AT 7:30 P.M.

On the 4th day of October, 1966, 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, to-wit:

Jim Waters	Mayor
William F. Prince	Commissioner, Ward No. 1
Dayle V. Smith	Commissioner, Ward No. 2
Byron McNeil	Commissioner, Ward No. 3
Earl Nisbet	Commissioner, Ward No. 4
Gene H. Nerren	Commissioner, at Large, Place A
Basil E. Atkinson, Jr., M.D.	Commissioner at Large, Place B
Reagan Parker	City Manager
Lynn Durham	City Secretary
David Walker	City Attorney

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

1. Meeting opened with prayer by Rev. Henry Benchhoff, Pastor of the First Presbyterian Church, Lufkin, Texas. Mayor Waters thanked Rev. Benchhoff and invited him to remain for the entire meeting or to feel free to leave when he so desired.
2. Commissioner William F. Prince made motion that minutes of regular meeting of September 20, 1966, be approved as written. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded. Commissioner Earl Nisbet made motion that minutes of special meeting of September 27, 1966, be approved as written. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.
3. Mr. W. G. McGaughey, CPA, and two of his Associates, were present and advised the City Commission that a preliminary study had been made by his firm to see if a cost figure could be determined from City records on producing water and cost for sewer. He stated that a report on the above would not cost over \$150.00 and should be available to the City Commission shortly after audit of City accounts had been completed, which is now in progress.

Some questions were raised by the City Commission members as to whether or not additional study should be made on present garbage costs and charges. However, it was determined that this information could be developed later after Auditors had completed reports on the water and sewer charges and costs.

Commissioner Earl Nisbet made motion that Mr. W.G. McGaughey, CPA, be authorized to complete the study on water cost and sewer charges at a fee not to exceed \$150.00. Commissioner William F. Prince seconded the motion and a unanimous affirmative vote was recorded.

4. Mr. Parker McVicker, Attorney, appeared before the City Commission and stated that since the City Commission was apparently trying to locate a more suitable location to construct City Hall, he was in position to negotiate on a tract of land located in the area of the 5-way light at South First and Denman, consisting of 5.5692 acres. He stated he could not give any figures on his proposal but would be willing to sit down with the City Commission at any time and discuss this proposal. After considerable discussion, Mayor suggested, and City Commission concurred, that Mr. McVicker meet with the City Commission on Tuesday night, Oct. 11, 1966, at 7:00 P.M., when the Consulting Engineers would be present and more detailed study could be given to this subject.
5. City Manager introduced Dr. Frank Leathers, Superintendent of Lufkin Independent School District, who appeared at the request

of the City Manager, to discuss traffic conditions at different schools in the City in order that the City Commission could determine, if necessary, whether any changes in traffic flow could be handled under present Bond Money for Street Improvements.

Dr. Leathers presented a film showing the enormity of the traffic at the different schools and some discussion developed on possible methods to alleviate such conditions. Mayor Waters thanked Dr. Leathers for his appearance and information and stated that this entire problem would be discussed with our Consulting Engineers and others concerned in trying to determine a solution.

6. City Manager presented two Resolutions authorizing Mayor to sign agreement with the State Highway Department for right-of-way on Loop No. 287~~6~~ on State Highway No. 94. Commissioner Earl Nisbet made motion that these Resolutions be adopted. Motion was seconded by Commissioner William F. Prince and a unanimous affirmative vote was recorded.
7. City Manager requested City Attorney to present Ordinance prescribing the taxes to be levied for the fiscal year 1966-67 which was necessary to meet our Interest and Sinking Fund requirements and General Fund requirements.

Commissioner Dayle V. Smith made motion that this Ordinance be passed on first and second reading by suspension of the rules. Motion seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

8. City Manager presented Estimate No. 3 from Gulfline Constructors, Inc., in the amount of \$41,984.94 covering work on Schedules I, II and III and Estimate No. 4 by Layne Texas Company covering work in connection with new Water Well No. 9 in the amount of \$12,406.58. City Manager stated these Estimates had been approved for payment by Bernard Johnson Engineers, Inc., Consulting Engineers, and our City Engineer, and that he also recommended their payment.

After these Estimates were checked by members of the City Commission, Commissioner Earl Nisbet made motion that same be approved for payment. Motion was seconded by Commissioner William F. Prince and a unanimous affirmative vote was recorded.

9. City Manager stated that as a matter of information, arrangements had been made with Lufkin National Bank to handle payment of 3 ambulances without any down payment or interest at a rate of \$375.00 per month for 24 months, plus \$2.00 charge.
10. City Manager gave following information on status of settling right-of-way problem with Mr. Murphy George which was now holding up completion of such preliminary work with Southern Pacific Railroad before starting of the underpass on Dozier Avenue and widening of Angelina Street.

City Manager stated that Mr. George's estimate of cost due to necessity of rearranging his warehouse was \$43,000.00 and that another estimate received was approximately \$35,000.00; however, Mr. Howard Walker, our Procurement Officer, had in mind a figure of about \$7,000.00. City Manager stated he desired instructions on procedure to follow.

City Attorney advised the City Commission on legal steps that could be taken if necessary. However, it was the desire of the City Commission that the local Engineering Advisory Committee, recently appointed by the City Commission to assist the City in such problems, be called on to discuss this matter with Mr. George and make a recommendation thereon. Mayor stated he would contact this Committee and advise them of the City Commission's desires.

11. City Manager stated that new budget approved on the 27th had an item of \$5,050.55 deleted covering a truck and ladder for use by the Property Maintenance Department for use in repairing traffic and street lights. Mr. Delbert Lumbley, Building Inspector, who has charge of this work was present and City Manager requested him to elaborate on use this truck would be put to if same could be approved for purchase.

Mr. Lumbley went into detail on the use for this truck as well as safety features it affords and requested consideration for purchase of same. City Manager stated he concurred with Mr. Lumbley and recommended that the equipment be purchased.

Commissioner Dayle V. Smith made motion that City Manager be authorized to purchase the truck and equipment through regular channels. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

12. Open items were gone over and status discussed.

13. Billy A. Stephens along with approximately 10 other firemen appeared before the City Commission and requested a hearing on additional salary increase for the Fire Department employees. The City Commission agreed to hear Mr. Stephens request.

Mr. Stephens inquired as to how much increase the approved Budget carried for the Fire Department and he was advised that \$15.00 across the board raise was approved, increasing the base pay from \$330.00 to \$345.00 a month. The Firemen were not satisfied with this and requested City Commission to reconsider their previous request to raise the base pay from \$330.00 to \$370.00 as is now the case with the Police Department, it being stated that such increase would be over a two year period.

Commissioner Gene H. Nerren went into considerable detail to explain the decision of the City Commission in approving the Budget, advising the Firemen that the City did not have sufficient revenue to meet the desire for salary increase as well as needed equipment and that a number of items had to be deleted in order to balance same. He stated that this matter had been, and was being, continually studied to see what could be done to increase revenues.

Commissioner Dayle V. Smith directed a number of questions regarding duties of the Firemen and stated that if they were so interested in the work of the Police Department they should make application for such work.

Commissioner Earl Nisbet made motion that City Manager be instructed to furnish at next meeting actual cost for increase requested by the Fire Department in order to determine if any action might be taken on their request at that time. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

14. Mr. R. H. Duncan appeared before the City Commission and again requested the City Commission to advise if City would assist him in cost of additional lift station capacity to handle his Brookwood and Brook Hollow #1 and #2 Additions, which will be over-loaded within the next 1 to 2 years and desired to know how much the City would participate in such cost. No action was taken by the City Commission on Mr. Duncan's request.

Mr. Duncan inquired as to participation the City would enter in cost of bridge over Cedar Creek in his Wooded Acres Second Addition which he estimates to cost in the neighborhood of \$4,000.00. He stated that he would not expect the City to pay more than \$2,000.00 and if the cost was less, that the charge would only be half of the actual cost. City Engineer stated that he would recommend waiting until the bridge was completed before any action taken by City Commission. City Commission did not take any action on Mr. Duncan's request.

15. City Attorney presented Ordinance amending Ordinance #193 to make Second Street a two-way street from intersection of Shepherd Street to intersection of Burke Street and the alley which extends East and West from Second to First Street on the South side of Lufkin National Bank to be made one-way to move traffic East from First Street to Second Street; this in accordance with request made previously by representative of Lufkin National Bank due to enlargement program now under way by this Bank.

Commissioner Earl Nisbet made motion that Ordinance be passed on first reading. Motion seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

16. City Attorney read ordinance which he had prepared in accordance with instructions at last City Commission meeting, providing for the City of Lufkin as a bird sanctuary and making it unlawful to trap, hurt, shoot or attempt to shoot or molest any bird or wild fowl, etc, within the City of Lufkin.

Commissioner Earl Nisbet made motion that Ordinance be passed on first reading. Motion seconded by Commissioner William F. Prince. However, before vote was taken, Commissioner Basil E. Atkinson, Jr., was opposed to such ordinance stating he did not feel this was under the jurisdiction of the City Commission to pass such Ordinance. Mayor called for vote on motion and second with the following results.

Voting Aye:

Mayor Jim Waters  
Comm. William F. Prince  
Comm. Dayle V. Smith  
Comm. Byron McNeil  
Comm. Earl Nisbet  
Comm. Gene H. Nerren

Voting Nay:

Comm. Basil E. Atkinson, Jr., M.D.

Mayor stated motion carried by majority vote.

17. City Attorney stated that City Commission had requested him to investigate the incorporation of the community of Hudson to determine if any State Laws had been violated. City Attorney stated that he had made a check of this and found that Hudson had violated State Laws in their incorporation due to the incorporation being within one mile of Lufkin city limits. He stated it is questionable whether the City has the right to file suit in a case of this nature unless same was filed by the County Attorney or Attorney General's office and that it was his recommendation that no action be taken in this regard.

Parker McVicker, Attorney, who was present, stated it was true certain errors were made but they were honest errors and were due to leaders in Hudson not receiving proper information and advice prior to voting for incorporation. He stated that faulty field notes were used in determining boundaries; however, Mr. McVicker stated the law was not very clear covering incorporation of communities and suggested that no legal action be taken against the community of Hudson since he thought corrections could and would be made in their boundaries.

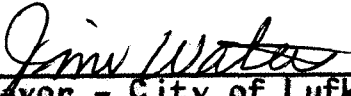
Commissioner Gene H. Nerren stated these boundaries should be redefined and made motion that City Attorney be instructed to write letter of protest to the City of Hudson and a meeting be called with the possibility of redefining their boundaries of incorporation. Motion was seconded by Commissioner Basil E. Atkinson, Jr., M.D., and a unanimous affirmative vote was recorded.

18. Commissioner Basil E. Atkinson, Jr., M.D., stated that since the emergency water shortage was now over, that the order previously placed in effect wherein the public was requested to


water laws, etc., during certain hours of the day when the water shortage was in evidence, should be rescinded.

Commissioner Basil E. Atkinson, Jr., made motion that such order calling for water rationing be rescinded. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

19. Commissioner Earl Nisbet brought up the subject again of an actuated light for installation at Frank and Bynum which had been previously approved by the Highway Department. Mr. Lumbley, Building Inspector, who was present, explained the working of the actuated light and advised that he would try to get something worked out on such installation.
20. Commissioner Earl Nisbet inquired as to policy used in oiling streets since he had received several complaints on dusty condition on Bonner Street from Persimmon to Abney. City Manager stated this was a matter of City and property owners participating in cost and that he would get information on whether this oiling could be done.
21. Commissioner Earl Nisbet called attention to our City Attorney being appointed as a Board member of the recently voted Junior College and that the City Commission should go on record as commending Mr. Walker for his appointment. The City Commission concurred in this commendation.
22. There being no further business for consideration, meeting was adjourned at 10:45 P.M.

  
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Mayor - City of Lufkin, Texas

ATTEST:

  
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City Secretary - City of Lufkin, Texas