

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF
THE CITY OF LUFKIN, TEXAS, HELD ON THE 21st DAY OF
NOVEMBER, 1961, AT 7:30 P.M.

On the 21st day of November, 1961, 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
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 Drew Perkins	City Attorney

being present, and the following absent: none, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. D.W. Hancock, Pastor of First Assembly of God Church, Lufkin, Texas, Rev. Hancock left immediately, due to other commitments, after being thanked by Mayor Jim Waters for his participation.
2. Mayor Waters welcomed several visitors who were present in connection with items on the agenda.
3. Phillip Leach, Attorney, appeared before the City Commission to again present claim of Mr. A.O. McQueen for payment to him for value of buildings that were removed from old City Airport property by City in 1960. These buildings were removed by City in accordance with provisions of lease agreement between City and Mr. McQueen, dated May 15, 1945, which City has on file. Mr. McQueen had previously appeared before the City Commission to file his claim for reimbursement, but City Commission in regular meeting of August 16, 1960, disallowed the claim by three to two majority vote. Mr. Leach presented a brief covering the claim, copies of which had been mailed to City Manager, City Attorney and members of the City Commission prior to this date. Mr. Leach also presented a copy of a supplemental lease agreement dated April 27, 1954 between the City and Mr. McQueen which he contended superceded the original lease agreement, under which provisions, the buildings were removed. Mr. Leach stated that, in his opinion, Mr. McQueen had a valid claim and requested City Commission's favorable action for payment of \$1,200.00 for the old buildings removed. There was considerable discussion on the matter and City Attorney stated that although the supplemental agreement could not be found in City's files, the copy presented by Mr. Leach which was signed by the Mayor and attested to by City Secretary (without seal) was a valid document and entered into in good faith. Commissioner E. Kurl Shirey stated the City should honor any valid previous agreements. Commissioners Beamon S. Cook and A G Welch stated they were in agreement as to City's obligation. Mayor Jim Waters and Commission S. Harry Kerr both stated the amount requested by Mr. McQueen was too high. Commissioner Beamon S. Cook made motion that City pay Mr. McQueen \$1,200.00 for the buildings demolished and removed by the City, as requested by Mr. Leach. Motion seconded by Commissioner A G Welch and the following vote recorded:

Voting Aye:	Commissioner E. Kurl Shirey Commissioner Beamon S. Cook Commissioner A G Welch
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Voting Nay:	Mayor Jim Waters Commissioner S. Harry Kerr
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Mayor Jim Waters declared motion carried by majority vote.

4. Parker McVicker, Attorney, appeared before the City Commission to answer any questions, before second and final reading of Ordinance covering zone change from "A" to "F" District on Lots 5, 6 and 7 in Block 4, Woodland Heights Addition and Lots 8, 9 and 10 in Block 3, Oakland Addition to City of Lufkin, as requested in application of Mrs. H.W. Ragland. There being no persons present to protest, Commissioner S. Harry Kerr made motion that Ordinance be passed on second and final reading. Motion seconded by Commissioner E. Kurl Shirey and following vote recorded:

Voting Aye:	Mayor Jim Waters Commissioner E. Kurl Shirey Commissioner Beamon S. Cook Commissioner S. Harry Kerr
Voting Nay:	Commissioner A G Welch

Mayor Jim Waters declared motion carried by four to one majority vote.

5. Before action was taken on second and final reading of Ordinance covering increase in water rates inside and outside City Limits and increase in water and sewer tap fees outside City Limits only, City Manager presented tabulation of data he had prepared on income from water and sewer charges on a per capita basis and per meter basis, with other cities of comparable size to Lufkin and gave his comments thereon. W.O. Ricks, Jr. was present and offered some protest to advisability of increasing tapping fees. Mr. P.P. Stringer and C.R. Thomas were present and protested the doubling of water rates to customers outside City Limits over rates inside City Limits. City Manager, as well as City Attorney, went into detail to explain the necessity for this action. Commissioner E. Kurl Shirey made motion that Ordinance be passed on second and final reading. Motion was seconded by Commissioner S. Harry Kerr and the following vote recorded:

Voting Aye:	Mayor Jim Waters Commissioner E. Kurl Shirey Commissioner S. Harry Kerr
Voting Nay:	Commissioner Beamon S. Cook Commissioner A G Welch

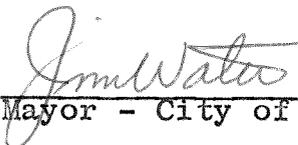
Mayor Jim Waters declared motion carried by majority vote.

6. City Manager advised had not prepared Progress Report for month of October but would cover both October and November in next Report.
7. City Manager read letter from Mr. R.E.L. (Bob) Johnson of Turner & Collie to which was attached Estimate No. 5 (final), Contract No. 4, West Side Trunk Sewer, from Wilks, Dake and Steed, in amount of \$46,870.21, which has been approved by Mr. Johnson and City Engineer. Mr. Johnson also called attention to the fact that even though this job got off to a slow start, it was completed well within the time allotted and at considerably less cost than was anticipated and had been a very satisfactory job. Mr. Johnson also attached Contractor's Affidavit and Turner & Collie's Certificate of Acceptance. City Manager also read letter from City Engineer stating this job was now satisfactorily completed. City Manager requested that he be granted authority to pay this final Estimate in amount of \$46,870.21, and Mayor be authorized to sign letter of Acceptance covering the job. Commissioner Beamon S. Cook made motion to this effect, seconded by Commissioner A G Welch and voted unanimously.

8. City Manager read letter from Mr. R.E.L. (B0b) Johnson of Turner & Collie to which was attached statement from Layne Texas Company, Houston, Texas, in amount of \$8,474.27, covering repairs to Water Well No. 3. Mr. Johnson stated in his letter that work had been completed for less than the original estimated cost of \$9,500.00 and recommended invoice be paid. City Manager stated that we had a credit of \$7.87 for taxes charged and \$161.00 for reel returned for total of \$168.87, leaving net amount of invoice due of \$8,305.40. Commissioner E. Kurl Shirey made motion that this invoice in amount of \$8,305.40 be ordered paid, motion seconded by Commissioner Beamon S. Cook and voted unanimously.
9. City Manager's recommendation of employing a Finance Officer was discussed in some detail. However, in order that more study could be given to this matter, Commissioner S. Harry Kerr made motion that no action be taken until first meeting in January. Commissioner E. Kurl Shirey seconded the motion and the ensuing vote was unanimous.
10. City Manager requested authority to secure prices and proceed with work in connection with installing necessary additional water lines on Ellis Avenue from Franklin Street to "Y" and from "Y" to Brookshire Brothers' new warehouse. Stated Mr. Arthur Temple had agreed to pay City for portion of expense. Commissioner Beamon S. Cook made motion that City Manager be granted this request. Motion seconded by Commissioner A G Welch and the vote was unanimous.
11. City Manager read letters from A.K. Anderson and Paul C. McWilliams, commenting on the compliance of Mr. Ralph Bargainer with plumbing code and sanitary code on septic tank installations at his houses on Branch Street which was requested by City Commission due to complaint filed by Mr. C.M. Cummins. City Manager stated that Mr. Cummins was now satisfied with what has been done and these letters verify the fact that the unsanitary condition has been rectified. City Commission members were in agreement and item could be considered closed.
12. City Manager read letter from Ralph Bargainer, Street and Garbage Department Superintendent, requesting permission to connect his rent property on Branch Street to Sewer line if this was feasible. City Manager stated City Engineer had made a survey of cost on extending sewer line to this property but felt we should wait and see how the area develops before authorizing any expenditure. City Commission did not take any action.
13. City Manager advised he would be absent from City next two weeks on vacation and upon his return, City Secretary would take his vacation.
14. Mayor Jim Waters stated he had been holding off in making request that City Commission appoint a Zone Board member to take the place of Commissioner S. Harry Kerr until study could be given to recommendations of City Planning firm now preparing Comprehensive Plan. However, now feels that definite action should be taken on this matter since Pat McCann, Jr., Chairman of Zoning Board, had moved from the City and was not available to participate as a member. Mayor stated he had given considerable thought to this matter and recommended that the above two vacancies on the Zone Board be filled by Howard Noland, local General Insurance Agent, and Ed Wareing, Engineer with Texas Foundries, Inc.; also that Mr. E.L. Bartlett be named Chairman of the Zoning Board. After some discussion, Commissioner E. Kurl Shirey made motion that Mayor Waters' recommendation be followed. Commissioner Beamon S. Cook seconded the motion and the vote was unanimous.

15. City Attorney brought up question of Lease Agreement with Noon Lions Club and Sheriff's Posse organization covering property for their use at Old City Airport in the construction of Rodeo Arena. Stated this organization had requested a 10-year lease with two 5-year options. The City Commission decided, after some discussion, that a lease of 10 years with one 5-year option be granted and motion to this effect was made by Commissioner Beamon S. Cook, seconded by Commissioner E. Kurl Shirey and unanimously voted.
16. W.O. Ricks, Jr. called attention to a hazard existing at intersection of Hoskins and Timberland Drive, due to low hanging limbs on tree obstructing vision. City Manager will handle.

There being no further business for consideration, meeting was adjourned at 10:30 P.M.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas