

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE  
CITY OF LUFKIN, TEXAS, HELD ON SEPT. 5, 1961, AT 7:30 PM

On this the 5th day of September, 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
Wm. D. Perkins	City Attorney

being present.

1. Meeting opened with prayer by Rev. W. A. Wagstaff, pastor of Bethel Church of the Nazarene. He was thanked by Mayor Waters for his participation and invited to remain for entire meeting.
2. Mayor Waters welcomed a number of visitors who were present in connection with items on the agenda.
3. Minutes of previous meeting were read and approved.
4. R. V. Welch, Postmaster, appeared before the City Commission and requested consideration be given to renaming Henderson Street in Jordan-Henderson Addition in Lufkin to eliminate confusion in mail delivery. Stated there was a street in Keltys named Henderson Street which continued outside city limits of both Keltys and Lufkin. This street has 30 to 40 houses on it and the people desire it be a continuation of Henderson Street in Keltys. The present Henderson Street in Lufkin has only two or three houses.

Some discussion developed and, before any decision is made, Negro Chamber of Commerce will be contacted for their thoughts and recommendation. City Manager stated there were a number of other streets in Keltys carrying same name as present Lufkin streets which might create similar situations in future.

5. Parker McVicker, attorney, appeared before the City Commission regarding zone change passed by City Commission on final reading on July 19, 1960, by three to two majority. This change being 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 by Mrs. H. W. Ragland. Stated that since there was a question on part of City Attorney on the validity of its passage on three to two vote, City Commission might desire to reconsider and ratify vote on final passage. Commissioner S. Harry Kerr made motion that vote be ratified. Motion seconded by Commissioner Beamon S. Cook 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 Waters declared motion carried by four to one majority.

6. Commissioner Beamon S. Cook made motion that ordinance be passed on first reading from "A" to "H" District covering a part of 45.1 acre tract located just west of intersection of Sayers Street and Kurth Drive and north of T P & L property as

requested by Johnnie Childers; also that 15' set back allowed by variance as suggested by City Planning Commission. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.

7. Commissioner Beamon S. Cook made motion that ordinance be passed on second and final reading covering zone change from "B" to "L" District on property located between Maple and Sayers Streets as requested by Dixon Abney. Motion seconded by Commissioner E. Kurl Shirey and vote was unanimous.
8. City Manager presented statement for month of August covering professional services of Turner & Collie in connection with Contract #4, West Side Trunk Sewer & Lift Station, in amount of \$2,043.12 and recommended approval to pay as was in line with contract. Commissioner E. Kurl Shirey made motion that payment be authorized, seconded by Commissioner S. Harry Kerr and vote was unanimous.
9. City Manager presented Estimate #4, Contract #4, West Side Trunk Sewer & Lift Station from Wilks, Dake & Steed in the amount of \$39,633.05 covering period of August 1, to 31, 1961. Said estimate had been checked for accuracy by City Engineer and approved by Mr. R. E. L. Johnson of Freese, Nichols, Turner & Collie and recommended authority to pay. Commissioner Beamon S. Cook made motion that estimate be approved for payment, seconded by Commissioner A. G. Welch and vote was unanimous.
10. City Manager advised he had received definite information on cost that would be necessary to place pump and motor in Water Well No. 3 in good order, this pump and motor being damaged by lightning recently. City Manager requested Mr. R. E. L. Johnson of Freese, Nichols, Turner & Collie, who was present and who developed the information, to give the City Commission this data. Mr. Johnson stated pump and motor had been shipped to Houston and inspection showed cost would be approximately \$9,000.00 which would include a motor exchange.

Some discussion developed and Commissioner S. Harry Kerr asked a number of questions as to why local shops were not given opportunity to inspect and repair pump and motor before same was shipped to Houston; also who authorized shipping this material to Houston. R. E. L. Johnson said he ordered this done. City Manager stated he had made contacts in this regard but local shops were not equipped to handle such work. City Manager said he felt the recommendation of Mr. R. E. L. Johnson was a good one and recommended City Commission approve same. Also expenses of repairing would be handled out of 1955 Revenue Bond Fund and not current revenue. Commissioner Beamon S. Cook made motion that recommendation of R. E. L. Johnson be followed as recommended by City Manager. Commissioner A. G. Welch seconded motion and vote was unanimous.
11. City Manager read letter from Mr. John S. Redditt expressing appreciation to the City Commission in their recent action of naming West Side Loop "John Redditt Drive".
12. City Attorney stated he had checked into ordinance in other cities of comparable size in Texas regarding license for photographers and from information received, was of opinion that no action be taken on Mr. Mowan's request for special license unless general public demands same. Motion to this effect made by Commissioner S. Harry Kerr, seconded by Commissioner Beamon S. Cook, and the vote was unanimous.
13. City Attorney stated that it was his belief that we should try to settle with Sullivan Packing Company on boundary line rather than going through with suit. After some discussion Commissioner S. Harry Kerr made motion that City Attorney be authorized to make offer of settlement of boundary property line. Commissioner Beamon S. Cook seconded motion and the vote was unanimous.

14. City Manager read letter received from Everett W. Griffith, Jr., professional engineer, regarding estimate of cost of engineering fee to determine cause of drainage damage which Dr. L. H. Denman alleges has been done to his property on Davisville Road. Said this cost would be from \$500.00 to \$1,000.00. It was decision that City Attorney should advise Mr. Ned Shands, Jr., by letter that City cannot authorize this expenditure.
15. City Attorney called attention to letter from Hulon Brown to Chief of Police with copy being furnished City Commission members, regarding filing of first offense DWI in Corporation Court and assessing a fine. Mr. Brown stated this was illegal and not in accordance with state law and requested practice be stopped. City Attorney stated Chief of Police had turned letter over to him for instruction as to what to do. City Attorney stated this practice had been followed in City for a number of years but, in his opinion, was illegal and such practice should be discontinued. However, he stated he did not agree with District Attorney in giving publicity to the matter before City Commission had chance to act on it. It was brought out in discussion that City Officials had been unjustly criticized and Mayor Jim Waters felt they should be given an opportunity to appear before the grand jury regarding this matter. It was the feeling of the City Commission that if Mayor or any city official should be requested to do so, to immediately go before the grand jury. Commissioner E. Kurl Shirey made motion that Chief of Police Walter Billingsley be instructed to comply with state law in connection with DWI cases and that City Attorney be instructed to write District Attorney advising him of their decision. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
16. The question of Police Department issuing parking meter tickets to automobiles belonging to any law enforcement agency was brought up by Commissioner Beamon S. Cook and discussed thoroughly. Commissioner Beamon S. Cook made motion that any car properly identified as belonging to any law enforcement agency be exempted from receiving parking meter ticket and that Police Department be instructed of this policy. Commissioner S. Harry Kerr seconded the motion and the vote was unanimous.
17. The question of setting policy of securing easements across property in new subdivisions, as requested by City Planning Commission recently, was discussed. Commissioner E. Kurl Shirey made motion that policy be that easement may or may not be secured and each subdivision requirement be handled according to its own merits. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
18. Mayor Waters read letter from Angelina County Negro Chamber of Commerce recommending that permission be allowed to use Jones Lake Park area for skating activities during the fall for an unlimited time and advising that Paul McWilliams, park superintendent, concurred with this recommendation. Commissioner S. Harry Kerr made motion that permission be granted for a limited time and not an unlimited time as requested. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.
19. Mayor Waters stated he had received complaints that ambulances in City travelled at excessive speeds. City Attorney will draw up penal ordinance for consideration at next meeting setting speeds at 1-1/2 times regular speed limits but not to exceed 60 miles per hour.
20. City Attorney requested City Commission's instruction to take necessary action in cases of non-compliance with zone ordinance regulation--having in mind particularly, Buford Maddux. Mayor Waters said he wanted to try again to get parties involved in this particular case to come to some agreement as they previously did but failed to carry through. Commissioner Beamon S. Cook said that since City Commission had already made

decision in the case, we should see that same is enforced and City Attorney instructed to take action immediately and made motion to this effect. Commissioner E. Kurl Shirey seconded motion and the following vote recorded:

Voting Aye:

Commissioner Beamon S. Cook  
Commissioner E. Kurl Shirey

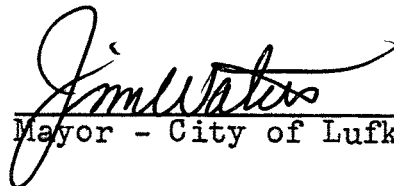
Voting Nay:

Mayor Jim Waters  
Commissioner S. Harry Kerr  
Commissioner A. G. Welch

Mayor Jim Waters declared motion failed to carry by majority vote.

Commissioner S. Harry Kerr made motion that if Mr. Maddux has not complied with provisions of ordinance within 60 days, that City Attorney be instructed to take necessary steps to enforce same. Motion seconded by Commissioner E. Kurl Shirey and vote was unanimous.

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

  
Mayor - City of Lufkin, Texas

ATTEST:

  
City Secretary - City of Lufkin, Texas