

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY  
OF LUFKIN, TEXAS, HELD ON 17th DAY OF MAY, 1966, AT 7:30 P.M.

On the 17th day of May, 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 thereof, 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. T. W. Berry, Pastor of Mt. Calvary Baptist Church, Keltys, Texas. Mayor thanked Rev. Berry for his participation and invited him to remain for the entire meeting or to feel free to leave when he so desired.
2. Minutes of previous meeting were read and approved after correcting Item 15 to read "Bynum Street instead of Southwood Drive."
3. Mayor opened and Robert K. Burchard, representative of Bernard Johnson Engineers, Inc., read bids on improvements to our Water Distribution System which are shown attached as appendix to these minutes.

Mayor recommended that Consulting Engineers be given sufficient time to study the bids, tabulate and make recommendations to City Commission at a later meeting on awarding of contract. Commissioner Byron McNeil made motion that Mayor's recommendation be followed, seconded by Commissioner Basil E. Atkinson, Jr. M.D. and a unanimous affirmative vote was recorded.

4. Benton Musslewhite, Attorney, along with a number of firemen, as well as Mr. Jack Bostick, Secretary of Texas Fire Fighters Association, were present and Mr. Musslewhite, acting as spokesman for the group, requested City Commission to recognize the Lufkin Fire Fighters Association as representatives of the local firemen to handle grievances. The method to be followed in handling such grievances would be:

- (1) Meet with the Fire Chief and if no conclusion reached;
- (2) Meet with the City Manager and if no conclusion reached;
- (3) Meet with the City Commission.

He stated this was the method of handling grievances by firemen in practically all Texas cities and quoted laws under the State Statutes wherein such procedures could be followed. Mr. Musslewhite stated that this request was not for bargaining purposes since it was unlawful for firemen to strike. Mr. Musslewhite requested City Attorney to check out the provisions of the laws referred to.

Mr. Bostick addressed the Commission and gave details on handling grievances by other Texas cities and the number who were represented by the Fire Fighters Association in such methods of handling grievances.

Discussion brought out that the method proposed by Mr. Musslewhite was now actually being followed by the City of Lufkin in handling grievances by the firemen but it was the request of Mr. Musslewhite that City Commission pass Resolution recognizing representatives of Lufkin Fire Fighters Association as the official grievance committee and outline method of handling.

Commissioner Basil E. Atkinson, Jr. M.D. made motion that City Attorney be instructed to check into this matter and advise on the legality before action is taken by the City Commission. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

5. City Attorney read caption of Ordinance changing zone from R-3 District to C District covering property located at 1911 North Raguet Street, described in application by field notes, by Jack Koon.

City Secretary stated that this application was considered by the City Planning and Zoning Commission in regular meeting of April 14, 1966, and it was the unanimous recommendation of the City Planning and Zoning Commission that zone change be approved by the City Commission.

Mayor inquired if any persons present to protest the change and there were none. Commissioner Earl Nisbet made motion that Ordinance be passed on first reading approving this zone change. Motion seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

6. City Attorney read caption of Ordinance changing zone from R-1 District to C District covering property located at 2403 North Raguet Street, described in application by field notes, by Reagan English.

City Secretary stated this zone change application was considered by the City Planning and Zoning Commission in regular meeting of April 28, 1966, and it was the recommendation of the City Planning and Zoning Commission that City Commission approve the zone change.

Mayor inquired if any persons present to protest this zone change and there were none. Commissioner Earl Nisbet made motion that Ordinance be passed on first reading approving this zone change. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

7. City Attorney read caption of Ordinance to be considered on second and final reading covering the location of Liquefied Petroleum Gas Station Construction and sales within the City Limits of Lufkin.

Fire Chief, Fire Marshall and Building Inspector were present and were requested to participate in discussion of items brought up by Commissioner Basil E. Atkinson, Jr. M.D., which he opposed being included in the Ordinance. These items in particular were Nos. 6, 8, 9 and 10. Discussion brought out that these items could be deleted from the Ordinance which adopts Docket 1 of Railroad Commission Regulations which covered such items.

Commissioner Basil E. Atkinson, Jr. M.D. made motion that Ordinance be passed on second reading after deleting Items 6, 8, 9 and 10 from Ordinance which adopts Docket 1 of the State Railroad Commission Regulations. Motion was seconded by Commissioner William F. Prince and a unanimous affirmative vote was recorded.

8. City Manager read letter from Mr. H. J. Shands, Jr., requesting City Commission to appoint one of its number as a Member of the Board of the Neches River Development Association.

Commissioner Dayle V. Smith made motion that Commissioner Basil E. Atkinson, Jr. M.D. be appointed a member of this board and the City Manager so advise Mr. Shands. Commissioner William F. Prince seconded the motion and a unanimous affirmative vote was recorded.

9. City Manager stated that Tax Assessor-Collector had contacted five local citizens, namely, Messrs. Harry T. Bowers, M. F. Braden, L. E. Caraway, L. E. Palmore and W. B. Rogers, who agreed to serve on the Board of Equalization for City for this year and City Manager recommended that they be appointed by the City Commission.

Commissioner William F. Prince made motion that these gentlemen be appointed as members of the City's Board of Equalization as recommended by the City Manager. Commissioner Byron McNeil seconded the motion and a unanimous affirmative vote was recorded.

10. City Manager presented two copies of proposed agreement between the State Highway Department and the City of Lufkin covering concrete curb and gutter and storm sewer from U.S. 59 (Timberland) to South First Street as covered by Minute Order #56835; the City's share of the cost of such work being \$13,470.00.

Commissioner Dayle V. Smith made motion that City enter into this agreement with the State Highway Department as proposed. Commissioner Basil E. Atkinson, Jr. M.D. seconded the motion and a unanimous affirmative vote was recorded.

11. City Manager stated that property owners on Wilson Alley, east from Fourth Street, three or four hundred feet, had submitted their portion of cost for paving and the City's portion amounted to 1/3 of the cost, which was \$812.08. He stated that bids had been taken by the property owners for such paving as follows:

D & H Construction Co.	\$2,466.00
Kenneth Koon	\$2,436.25

City Manager stated the property owners awarded the bid to D & H Construction Company but that City's portion of the cost of \$812.08 was figured on the low bid. City Manager recommended this paving project be approved by the City Commission.

Commissioner Dayle V. Smith asked if this particular project had been approved. City Manager stated it was approved under our paving policy. Commissioner Dayle V. Smith made motion that this paving project be approved. Motion was seconded by Commissioner Earl Nisbet and a unanimous affirmative vote was recorded.

12. City Manager presented invoice of Blanton Concrete Construction Company covering final figures on paving cost in Englewood Terrace Subdivision amounting to \$36,993.00, which was the balance owing on this project. He stated that Blanton Concrete Construction Company had been previously paid \$135,000.00. City Manager stated that Bryan-Stewart, Inc., Developers, had put up \$100,000.00 and the City \$50,000.00 on this project and that the total figure amounted to \$171,993.00.

Mr. J. A. Bryan and Mr. Zane Blanton were both present and there was considerable difference of opinion between them on the final invoice to the City.

Mr. Zane Blanton requested City Attorney to ask Commissioner Byron McNeil to refrain from participating in any discussion or decisions by the City Commission with regard to this matter. City Attorney stated that Commissioner McNeil was familiar with this entire subject. Commissioner McNeil stated that he did not desire and therefore would not refrain from participation in discussion or decisions in this matter as suggested by Mr. Zane Blanton.

City Attorney recommended that no action be taken at this meeting on this matter and that a special meeting be called for this item only in order that more time could be given the matter in reaching a final decision by City Commission. Commissioner Basil E. Atkinson, Jr. M.D. made motion to this effect, seconded by Commissioner Dayle V. Smith and a unanimous affirmative vote was recorded.

13. Open items were discussed and status developed.

At the suggestion of the City Manager, the two items of providing water and sewer to residents who do not now have such services and street paving program were deleted.

City Manager stated that Dr. J. H. Sorells of Texas A & M University had visited our Sewer Treatment Plant as authorized by the City Commission and the City would have a report from him later.

14. Commissioner Dayle V. Smith made motion that invoices for the month be ordered paid. Commissioner Basil E. Atkinson, Jr. M.D. seconded the motion and a unanimous affirmative vote was recorded.
15. Mrs. Joe Stegall, not being on the Agenda, requested she be heard with regard to the proposed underpass at Dozier and Angelina Streets and was granted the request. She presented each City Commissioner with a plat and requested that City Commission reverse its stand on location of the railroad underpass from Dozier Street to South Raguet Street by the Lufkin Foundry. She went into some detail for her reasoning and stated she attended the hearing of Dr. J. H. Wade before the State Highway Commission in Austin recently.

Mayor advised Mrs. Stegall that the City of Lufkin and State Highway Department had entered into an agreement for the proposed widening of Frank Avenue and Dozier Street and did not feel any consideration could be given to her request, since the City has already procured right-of-way from approximately 90% of the property owners for this widening project as well as expending considerable amount of bond money for purchase of such right-of-way. Also that the citizens of Lufkin, in the recent Bond Election, were advised prior to the election where the proposed underpass would be located.

Mayor also recommended that the present City Commission pass Resolution confirming the widening of Frank Avenue and Dozier Street and prior agreement of the City of Lufkin with the State Highway Department for said widening. This was in accordance with letter from Mr. D. C. Greer, State Highway Engineer, Austin, Texas, requesting such official expression of the present City Commission.

City Attorney read Resolution in its entirety as proposed by the Mayor and Commissioner Gene H. Nerren made motion that Resolution be passed and that copies of same be furnished Mr. D. C. Greer in Austin. Motion was seconded by Commissioner Earl Nisbet and a unanimous affirmative vote was recorded.

16. Mr. Johnny Frank Medford, who was not on the Agenda, was granted permission to be heard and requested City remove five trees on City property on Alton Street in order that he might be able to install curb and gutter at his own expense.

Mr. Medford stated he had brought this to the attention of the previous City Manager and Street Superintendent, but no action had been taken.

City Manager stated he was not aware of this request and would cooperate with Mr. Medford in getting the trees removed.

17. Mr. Edward T. McFarland, Attorney, and Mr. W. D. Moseley appeared before the City Commission and requested second reading of Ordinance changing zone from R-3 District to LB District on Mr. Moseley's property located on Highway 69 (Huntington Hwy.) being Block 18, in the J. L. Quinalty League to the City of Lufkin. Mr. McFarland stated that City Commission in meeting of December 1, 1964, passed Ordinance approving the zone change on first reading but requested that Mr. Moseley include in his application all adjoining property owners along Highway 69 before second reading of Ordinance would be considered. Mr. McFarland stated he had received the consent of two additional property owners to include their adjoining property in new application and requested City Commission to pass the Ordinance on second and final reading.

City Attorney quoted from minutes of December 1, 1964, meeting wherein motion stated in part "... that Ordinance be passed on first reading but that second reading would not be considered until all adjoining property owners along Highway 69 agree to have their property changed to LB zone designation and included in new application."

Mr. McFarland stated that certain property in Englewood Terrace Subdivision, owned by Bryan-Stewart, Inc., had been rezoned to A District and LB District, and that Mr. Moseley had an opportunity of selling this property if zoned Commercially; also, the proposed zone change would make Mr. Moseley's property conform to other property in the area on which small businesses were now in operation. Mr. McFarland stated he did not think the minutes reflected the exact thinking of the City Commission at the time.

City Secretary stated minutes reflected exactly the motion made in the City Commission meeting and that these minutes were approved and were official.

City Attorney stated that new application would have to be written in proper form with accurate legal description before any proper Ordinance could be prepared. The City Commission members were in sympathy with Mr. Moseley and Commissioner Byron McNeil made motion that zone change be passed on second reading subject to the legal questions being approved by City Attorney, and all details of the revised application and ordinance worked out by Mr. McFarland in conjunction with City Attorney in order that proper record could be made on the official zone map. Commissioner Gene H. Nerren seconded the motion and the following vote was recorded.

Voting aye: Mayor Jim Waters  
Commissioner William F. Prince  
Commissioner Byron McNeil  
Commissioner Earl Nisbet  
Commissioner Gene H. Nerren  
Commissioner Basil E. Atkinson, Jr. M.D.

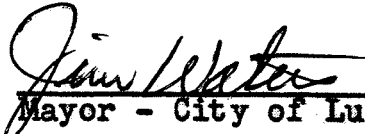
Voting nay: Commissioner Dayle V. Smith

18. Mayor read letter from Walter Atwell, President, Angelina County Chamber of Commerce, regarding population figures for the City of Lufkin. Mr. Atwell stated they had been in contact with the Texas Highway Department and others relative to present population figures for the City. He stated that as of January, 1966, the Chamber of Commerce estimate of Lufkin's population was 20,339 and the Board of Directors of the Angelina County Chamber of Commerce unanimously adopted a motion requesting the City Commission to set new population estimates and have new signs installed on highways entering the City.

Mayor stated that we had information from State Board of Insurance in Austin that the City of Lufkin would be penalized in its key Fire Insurance rate by \$.02 unless total number of firemen was increased by five and recommended that no action be taken on the changes in the population figures until the City has met the requirements of additional firemen to avoid the penalty in the key rate.

Commissioner Byron McNeil made motion that City Manager be authorized to handle with the Fire Department provisions for hiring additional firemen to bring our force up to the number required in order that the City would not be penalized on the key rate before any change is made in the population figures on the highway signs. Motion seconded by Commissioner Basil E. Atkinson, Jr. M.D. and a unanimous affirmative vote was recorded.

19. Mayor called attention to meeting, Region 16, of Texas Municipal League scheduled to be held at the Hardin County Country Club between Silsbee and Kountze on May 19, 1966, and urged all to attend if possible.
20. There being no further business for consideration, meeting was adjourned at 11:45 P.M.

  
\_\_\_\_\_  
Mayor - City of Lufkin, Texas

ATTEST:

  
\_\_\_\_\_  
City Secretary - City of Lufkin, Texas