

MINUTES OF SPECIAL MEETING OF THE CITY COMMISSION OF THE CITY
OF LUFKIN, TEXAS, HELD ON 31st DAY OF MAY, 1966, AT 7:30 P.M.

On the 31st day of May, 1966, the City Commission of the City of Lufkin, Texas, convened in special meeting of 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 Commissioner Earl Nisbet.
2. Mayor stated special meeting was called for the purpose of acting on three items as listed on the Agenda.
3. Mayor stated that City Commission should officially approve opening Second Street from Jodie to Denman which confirms previous agreement of City Commission members in discussion of this subject.

Commissioner William F. Prince made motion that City Commission approve securing right-of-way and opening Second Street from Jodie to Denman as previously agreed on and requested by Mayor. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

4. Mayor stated action should be taken on awarding contract to cover work in connection with City Water Distribution System, bids on such work having been opened in regular meeting of May 17, 1966.

Messrs. E. C. Kobs, Jr., Vice-President, and Robert K. Burchard, Engineer, representing Bernard Johnson Engineers, Inc., Houston, Texas, City's Consultants in Capital Improvement Program, were present and Mayor called on Mr. Kobs for comments and recommendations on awarding the contract for the work. Mr. Kobs stated that very good bids were received and the same had been given extensive study in order that City might be able to profit by single or combination of award of contract on the schedule of work. Mr. Kobs recommended that work covering Schedule I be awarded to Gulflin Constructors Inc., Beaumont, Texas, using A.C. Pipe, in amount of \$209,227.00 and that work covering Schedules II and III be readvertised, unless City desired to take advantage of lower price of paint proposed by Chicago Bridge and Iron Works of \$17,415.00, Schedule II, which paint is approved by American Water Works Association. However, Mr. Kobs stated it was not the recommendation of Consultants that this be done, as it was their thought that the higher priced paint included in bid would be the cheapest for the City over the years. This matter resulted in a very intensive discussion with regard to location of lines, cost of rehabilitating of water wells, water supply, etc.

Mayor recommended that City proceed and award contract as proposed by Mr. Kobs. Commissioner Gene H. Nerren made motion

that City Commission table the recommendation of Consultants and take no action thereon and readvertise for bids later after determining facts and costs on rehabilitating our wells. Commissioner Basil E. Atkinson, Jr. M.D. seconded the motion. However, further discussion developed resulting in Commissioner Gene H. Nerren withdrawing the motion and amending same to read that "City Commission withhold any action on awarding contract until further briefing had been given by Consulting Engineers on new water lines, etc., in sufficient time to allow for such action within stipulated time limit of 20 days from bid opening." Commissioner Basil E. Atkinson, Jr. M.D. seconded the motion. However, before vote was taken, decision was made that City Commission would meet with Bernard Johnson Engineers, Inc., at 6:30 PM, Thursday, June 2, 1966, for briefing and then special meeting of City Commission scheduled for 9:00 AM Friday, June 3, 1966, to take action on awarding contract. Mayor called for vote on above motion and second and a unanimous affirmative vote was recorded.

5. Mayor stated that final item to be acted upon in this special meeting was Blanton Concrete Construction Company's final invoice of \$36,993.00 on Englewood Terrace Subdivision paving. He called attention to City Engineer's letter to City Manager recommending that all paving in Englewood Terrace Subdivision which is 5 inches or more should be accepted by the City and that all paving less than 5 inches should be rejected by the City. This subject also resulted in a very intensive and lengthy discussion by the City Commission members, City Manager, City Engineer, J. A. Bryan and his Attorney, Curtis W. Fenley, Jr. and Mr. Zane Blanton.

Mr. Blanton went into detail explaining the extra charges of \$6,638.82, which he claimed was necessary due to poor subgrade. City Commission inquired of Mr. J. A. Bryan if he would participate in paying for these extras and he stated that he did not feel justified in doing this although he would be willing to pay for the paving he actually received in his Subdivision.

Mayor recommended that City pay this final invoice inasmuch as mistakes had been made by the Developer, the Contractor and the City in this regard. City Manager stated that,

- (1) If City Commission thought Contractor was trying to defraud the City that invoice not be paid,
- (2) If City Commission thought Contractor had acted in good faith to accept Engineers recommendation as a reasonable compromise to a difficult situation, and
- (3) If City Commission could not accept No. 2, above, then should set out standards of approval of the job.

Contractor advised there could be no compromise on his part and that the entire final invoice should be paid or the matter would have to be settled outside the Council Room.

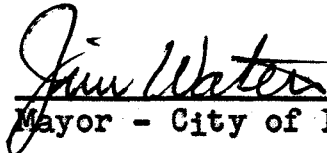
Commissioner Gene H. Nerren made motion that City accept Blanton Concrete Construction Company's final invoice in the amount of \$36,993.00 and authorize payment thereon. Motion was seconded by Commissioner William F. Prince and the following vote was recorded:

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

Voting nay: Commissioner Byron McNeil

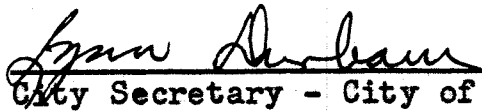
Mayor declared motion carried by majority vote.

6. There being no further business for consideration, meeting was adjourned at 10:45 P.M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas