

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON 6th DAY OF SEPTEMBER, 1966, AT 7:30 P.M.

On the 6th day of September, 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. Dewyth Beltz, Pastor of First Lutheran Church, who left immediately after being thanked by Mayor for his participation.
2. Minutes of regular meeting of August 16, 1966, were read and approved after correcting motion in Item 11 to read "at no cost to City" and one other minor correction. Minutes of special meeting of August 22, 1966, were read and approved.
3. Charles Vansau of Dallas and formerly of Lufkin appeared before the City Commission to advise he was interested in an ambulance franchise if details could be worked out. Briefly he stated that if granted such a franchise his firm would have three units operating, equipped according to state laws, which would give the City and County 24 hours of ambulance service. He stated that prices for calls would be increased approximately \$10.00 which would make a City call \$15.00 plus \$.40 per mile and \$17.50 for emergency calls plus \$.40 per mile.

Mr. Vansau stated he would desire a 5 year franchise with subsidy of \$250.00 each to be paid by the City and County monthly. He stated this subsidy should only last for the first year since he did not think it would be necessary after that period. He further stated that he would be able to start operations October 1, 1966, if the franchise was granted.

Mr. Vansau was questioned in detail by the City Commission members and a local visitor in attendance inquired as to who the stock holders would be. Mr. Vansau advised he was unable to give such information at this time. City Commission suggested that City Attorney meet with Mr. Vansau and any other prospective ambulance operators and to furnish them all requirements for such operations according to present laws and the Mayor requested Mr. Vansau to work up a proposal showing the names of his company's stock holders and type of equipment to be used and rates, and to meet with the City Commission in special meeting scheduled for Monday, September 12, 1966, at 2:00 P.M.

4. City Attorney read Ordinance changing zone from NR District to LB District by M. H. Conner on parts of Lot 7 and 8, Block 16, North Lufkin, lot size being 50 ft. x 100 ft. facing on Wilson Street in the 1000 Block, for approval on first reading. City Secretary stated this zone change application was considered by City Planning and Zoning Commission in meeting held August 11, 1966, and it was their recommendation

that City Commission approve the zone change. Mayor inquired if any persons present to object to the change and there were none.

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

5. City Manager presented Estimate No. 3 from Layne Texas Co. in the amount of \$20,267.08, covering pipe in connection with Water Well No. 9 which had been approved by our Inspector and by Mr. Robert K. Burchard of Bernard Johnson Engineers, Inc., and recommended that same be approved for payment. Before action was taken Mr. Burchard was questioned in great detail by the City Commission members and especially by Commissioner Basil E. Atkinson, Jr., M.D. and Commissioner Dayle V. Smith as to why the increase in cost over original contract for the new Well was not brought back to the City Commission before Change Order was presented for approval. Mayor stated that additional cost due to abandonment of the site of original Well No. 9 was discussed in meeting of June 21, 1966, and City Commission was advised of the additional cost at that time.

Mr. Burchard stated that his Company was doing their utmost to save the City money and to look out for the City's interest in all these matters and had never tried to misrepresent or hold back any information from the City Commission.

Commissioner Basil E. Atkinson, Jr., M.D. stated the City was paying the Consulting Engineers good fees and thought City should be informed immediately if any changes in contracts in order that approval or disapproval might be given thereon. Commissioner Dayle V. Smith stated indications were that Bernard Johnson Engineers, Inc. were favoring the Contractor rather than the City.

Mayor requested Mr. Burchard to bring all detailed information together on this particular job and discuss personally with Commissioner Basil E. Atkinson, Jr., M.D. Commissioner Gene H. Nerren made motion that this Estimate No. 3 in the amount of \$20,267.08 by Layne Texas Company be approved for payment. Motion seconded by Commissioner William F. Prince and a unanimous affirmative vote was recorded.

6. City Attorney recommended that City Commission authorize the State Highway Department to go ahead with the appraisal work of property to be purchased by City in improvements on Loop 287 where it intersects Highway 94 and Highway 69, which would save the City having to have the appraisals made at their own expense.

Commissioner Byron McNeil made motion that City authorize this procedure to be followed in the appraisal work. Commissioner Basil E. Atkinson, Jr., M.D. seconded the motion and a unanimous affirmative vote was recorded.

7. Open items were gone over and status discussed.

A. In connection with status of plans for City Hall, Police Station and Fire Stations, City Manager stated would be unable to purchase additional site joining our property at Shepherd due to property not being available. Commissioner William F. Prince suggested that Mayor appoint a committee to check into other possible sites since he thought City Commission action should be started on this project as soon as possible. Mayor appointed City Manager, City Attorney and himself to check into this matter and would report back as soon as any information was available.

B. Commissioner Basil E. Atkinson, Jr., M.D. stated he had received several calls regarding Land O'Pines Dairy washing down their trucks and allowing milk to run down present drainage ditches. He stated that this was one of the items on which no definite plans had been reached as of yet, but suggested that City Manager have the Health Inspector check on this condition of washing their trucks and allowing old milk to drain in ditches.

8. Mr. Robert K. Burchard presented Change Order No. 1, dated August 30, 1966, to Gulflin Constructors, Inc. covering Water Distribution System Improvements which would allow a saving to the City of \$2,616.00 in the contract now in force.

Commissioner Earl Nisbet made motion that Change Order No. 1 to Gulflin Constructors, Inc. covering a saving to the City of \$2,616.00 in present contract on Water Distribution System Improvements and recommended by Bernard Johnson Engineers, Inc. be approved. Before action was taken Commissioner Basil E. Atkinson, Jr., M.D. directed several questions to Mr. Burchard with regard to work already in progress or completed on this line and as to why these changes were not foreseeable at the time details of contract were being completed and stated he would like to know exactly what had been put in the ground before approving this Change Order.

Commissioner Basil E. Atkinson, Jr., M.D. suggested that action be withheld on this Change Order No. 1 until Mr. Burchard could furnish some detailed information on what has already been done and why these changes were not foreseeable at the time contract was being worked out. Commissioner Earl Nisbet withdrew his motion that Change Order No. 1 be approved and made new motion that Change Order No. 1 be considered for approval at special meeting scheduled for Monday, September 12, 1966, at 2:00 P.M. Motion seconded by Commissioner Gene H. Nerren and a unanimous affirmative vote was recorded.

9. Benton Musslewhite, Attorney, along with a number of Firemen were present and requested permission to be heard with regard to previous request for City Commission to recognize, by Ordinance or Resolution, the Lufkin Fire Fighters Association as representatives of local Firemen to handle grievances. He stated he had furnished City Attorney with information on procedure on methods of handling grievances by other Texas Cities. The City Commission agreed to hear Mr. Musslewhite.

City Attorney stated he had checked on the legality of the request and it was perfectly legal; however, from his research, there was no certain method of handling grievances by firemen in other Texas Cities. It was brought out in discussion that present method of handling grievances is the same as requested by Mr. Musslewhite, except that no particular group is named as the representatives to handle such grievances. City Attorney further stated that it was his recommendation that City Manager should be given the opportunity to make a recommendation on how he would desire such grievances be handled since he is charged in the City Charter to manage such affairs for the City.

Commissioner Basil E. Atkinson, Jr., M.D. stated he was not in favor of changing our present method of handling grievances. Commissioners Dayle V. Smith and Byron McNeil were also of the same opinion. City Manager stated he would recommend that no change be made in method of handling grievances whereby one fireman or group of firemen can present their case to Fire Chief and if no satisfaction is reached, to present their case to the City Manager, and if no satisfaction reached to present their case to the City Commission.

Commissioner Dayle V. Smith made motion that City Manager's recommendation be followed by the firemen in handling grievances in the future. Commissioner Basil E. Atkinson, Jr., M.D. seconded the motion and a unanimous affirmative vote was recorded.

10. Mr. Merle Selman, owner of Selman's Wrecker Service, was not on the Agenda but requested permission to be heard with regard to a franchise for ambulance service in the City and County. The Mayor requested Mr. Selman to present information at meeting scheduled for Monday, September 12, 1966, at 2:00 P.M. as had been requested of Mr. Vansau earlier in the meeting.
11. Commissioner Basil E. Atkinson, Jr., M.D. stated it was his understanding a meeting had been held recently in the City Hall with the Mayor and other City Officials, with representatives of the Southern Pacific Railroad Company, Texas Power & Light, United Gas, Lufkin Telephone Exchange and Southwestern Bell Telephone Co. with regard to the widening of Angelina St. and the construction of underpass on Dozier. He stated that he did not think any meeting should be attended by one elected City Official without all other elected City Officials being invited to attend and he thought the City Commission members who were not present should be brought up to date on decisions reached at the meeting.

Mayor stated there was a meeting at the City Hall as mentioned by Commissioner Atkinson but he was only invited to attend himself and no definite decisions reached on any matter pertaining to the widening of Angelina St. and the underpass on Dozier.

Commissioner Gene H. Nerren made motion that a progress report be given by the City Attorney within two weeks on the present status of the underpass and Dozier St. project as well as widening of Angelina St. in order that the City Commission may have definite information on the progress and what is holding up the work. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

12. Commissioner Earl Nisbet made motion that should a point be reached on any City project whereby it is deemed necessary to spend money over and above the amount originally agreed upon, that such matter be brought back before the City Commission for approval or disapproval before proceeding further on the project. Commissioner Byron McNeil seconded the motion and a unanimous affirmative vote was recorded.
13. Commissioner Earl Nisbet made motion that any written contract involving and obligating the City of Lufkin for \$2,000.00 or more (as set forth in City Charter) be read to and approved by the City Commission before it is signed. Motion seconded by Commissioner Dayle V. Smith and a unanimous affirmative vote was recorded.
14. Commissioner Earl Nisbet stated he had checked with the local State Highway Department and was advised that an actuated traffic light could be installed on Frank and Bynum. City Manager stated that information he had received previously was that State Highway Department was not in favor of installing such traffic signal but would check into to determine if recommendation had been changed.
15. Commissioner Basil E. Atkinson, Jr., M.D. made motion that City Commission meeting be called for 6:30 P.M. on Friday, September 9, 1966, in the Council Room at City Hall with the

City Manager and any other Department Head that he may desire to call in to go over the 1966-67 Budget and that other meetings be scheduled as necessary until the Budget is finally approved. Motion seconded by Commissioner Gene H. Nerren and a unanimous affirmative vote was recorded.

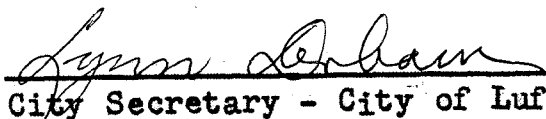
16. Commissioner Byron McNeil inquired if any action being taken on right-of-way to open Second Street to Denman and also if decision reached on whether traffic signal or 4 way stop signs should be installed at Second Street and Burke. City Manager will check on these two items.
17. City Attorney stated he had checked on the legality of Mr. Coy Read being allowed to tie onto Fuller Springs Water even though he was in the City Limits of Lufkin. He stated this could be done but the City Commission would have to give written authority for such action and that the City should have control over the portion of the line in the City Limits.
18. City Attorney stated that District Judge had ruled in favor of City on Colman Standley Case whereby he was discharged from the services of the Police Department several months ago. City Attorney further stated that Mr. Standley had a certain length of time to appeal the case if he so desired.
19. Mayor stated he had been invited to represent the City of Lufkin in Nacogdoches on September 30, 1966, by the Texas Oil Centennial Association and would like permission from the City Commission to attend this meeting at his own expense.

Commissioner Byron McNeil made motion that Mayor's request be granted. Motion seconded by Commissioner William F. Prince and a unanimous affirmative vote was recorded.
20. There being no further business for consideration, meeting was adjourned at 11:15 P.M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas