

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION
OF THE CITY OF LUFKIN, TEXAS, HELD THE SIXTH DAY OF
OCTOBER, A.D. 1959, at 7:30 P..M.

On this the sixth day of October, A. D., 1959,
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:

<u>Jim Waters</u>	, Mayor
<u>E. Kurl Shirey</u>	, Commissioner, Ward No.1
<u>W. C. Royle</u>	, Commissioner, Ward No.2
<u>Bayo Hopper</u>	, Commissioner, Ward No.3
<u>H. E. Rowin</u>	, Commissioner, Ward No.4
<u>Harold Schmitzer</u>	, City Manager
<u>Lynn Durham</u>	, City Secretary
<u>Dan Brazil</u>	, City Attorney

being present, and the following absent: _____

_____, constituting a quorum when

the following business was transacted:

1. Meeting opened with prayer by Rev. Robert A. Pitman, Pastor of First Presbyterian Church. Mayor Waters expressed the appreciation of the City Commission for his presence.
2. Minutes of regular meeting of September 23, 1959, were read and approved.
3. Mr. Jack Tucker, Chairman, Rev. Robert A. Pitman and Dr. Peyton Denman, members of Chamber of Commerce Civic Affairs Committee appeared before the Commission to seek advice and cooperation from the City Commission in promoting beautification, cleanliness and safety within the City. Mr. Tucker stated that throughout the City open garbage cans are in use, as well as makeshift boxes, and odd size cans. Grass was allowed to grow in downtown areas and in other parts of the City and the citizens seemed to lack proper pride. He felt it was a matter of educating the people on matters of this nature and that civic organizations such as the one his Committee represented, together with City Officials, could start educational programs that would tend to rectify such conditions. He further stated that their visit with the Commission was not for the purpose of being critical but to join hands with all concerned in this project.

Rev. Robert A. Pitman remarked that the situation seemed to boil down to two main points; namely, (1) There seemed to be a great lack of civic pride on the part of our citizenry, and that people just moving to Lufkin notice these conditions immediately and call attention thereto; and (2) The City of Lufkin should be a leader and not follower and should have a program that other cities in this area would desire to follow.

Dr. Peyton Denman called attention to health hazards involved in flies from open garbage cans, mosquitoes from stagnant water and other unsanitary conditions. Dr. Denman further stated the City was doing a good job of spraying and other precautionary measures were being taken, but the public would also have to give wholehearted support to the Program. Dr. Denman stated further that Polio and Sleeping Sickness (encephalitis) were diseases caused by a virus carried by flies and mosquitoes and although vaccines had been developed to fight against these diseases, the eradication of carriers should be continued.

City Manager expressed his appreciation to these men for their presence and thanked them for their efforts. He further stated that, as a matter of record, he is Chairman of the Community and Traffic Safety Committee of Rotary Club and his report on this subject was almost identical to remarks made by Rev. Pitman, Mr. Tucker and Dr. Denman. City Manager also reported on City's efforts in eradicating weeds under our Weed Ordinance.

Mayor Jim Waters expressed his appreciation, as well as other members of City Commission, to Mr. Tucker and his Committee for their presence and pledged wholehearted support and cooperation of the City on this program.

4. First reading of Ordinance changing Zone from "B" to "F" District, Lots 1 and 2, Block 82, Original Townsite of Lufkin, was discussed, it having been noted that original application had been corrected and public hearing held on October 5, 1959 by Zoning Board and officially approved by two members of the Board, with one member abstaining. Miss Maudice Smith and Miss Ina Mae Townsend were present to protest the change and Miss Smith vigorously opposed it and stated that other persons who had previously protested could not be present at this meeting due to circumstances beyond their control. Mr. William D. Winston, Attorney, was present and spoke in behalf of the change. The Commission members had considerable discussion on the subject, after which Commissioners Shirey and Rowin both voicing the opinion that they would vote against passage if it came to a vote since they felt consideration had to be given to the protests. Mayor Waters called for a motion to dispense with the change, either for or against. No motion was made and, after due time, Mayor passed on to other items on the agenda with this item being killed by lack of action.
5. Commissioner Bayo Hopper made motion that second and final reading be given to ordinance changing zone from "B" to "D" District, Lot 6, Block #1, Oakland Addition, as requested in application of L.R. Richardson. Commissioner E. Kurl Shirey seconded the motion and vote was unanimous.
6. Commissioner H.E. Rowin made motion that second and final reading be given to Ordinance regulating movement and transportation of houses and buildings over streets of Lufkin with proviso that caption of Ordinance only be published. Commissioner W.C. Royle seconded motion and ensuing vote was unanimous.
7. Mayor Waters inquired of City Attorney if petitions submitted at last meeting requesting City Commission to take whatever legal steps necessary for election to decide if Police and Fire Department employees would be brought under provisions of Firemen's and Policemen's Civil Service Act of State of Texas, were in order. City Attorney advised such petitions were legally in order. Mayor then instructed City Attorney to prepare Ordinance for passage at next meeting, declaring such election and setting date for same.
8. City Attorney presented Resolution for Commission's approval authorizing the Mayor to accept a Grant from United States Government under provisions of Section 6, Public Law No. 660, 84th Congress, amount of \$250,000.00, and authorizing the Mayor to execute such instruments as are necessary on part of City - this Grant having been approved for Sewer Improvement Program. Commissioner W.C. Royle made motion that Resolution be approved, seconded by Commissioner H.E. Rowin, with following vote recorded:

For Resolution:	Mayor Jim Waters
	Commissioner W.C. Royle
	Commissioner H.E. Rowin
	Commissioner E. Kurl Shirey

Against Resolution:	Commissioner Bayo Hopper
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Mayor declared Resolution's passage by majority vote.

9. Mr. R.E.L. Johnson, Engineer with Turner & Collie, Consulting Engineers, Houston, Texas, who are handling details of City's Sewer Improvement Program, appeared before Commission and presented plans and specifications on first phase of work to be done and requested Commission's approval of these plans and specifications and take official action in authorizing the City Manager to advertise for bids thereon, to be opened in Meeting of November 3, 1959. Plans and specifications were gone over and Commissioner Bayo Hopper made motion that same be approved, Commissioner E. Kurl Shirey seconded same, and the vote was unanimous. Commissioner W.C. Royle made motion that City Manager be authorized to advertise for bids on such work, to be received in his office not later than 5 P.M., November 3, 1959, and to be opened in regular meeting of City Commission at 7:30 P.M. of same date. Commissioner H.E. Rowin seconded the motion and ensuing vote was unanimous.

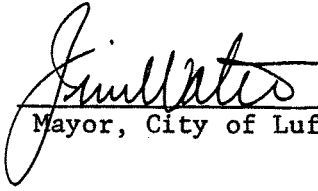
10. City Manager called attention to letter from Mr. J.T. Maroney, Jr. to Mayor and City Commission and Mayor Water's reply thereto, regarding an alleged injury sustained by Mrs. Margaret Osborne. Commissioner Bayo Hopper made motion that Mrs. Osborne be advised through her attorney, Mr. Maroney, to seek her remedy through the courts and that City denies liability in the case. Commissioner E. Kurl Shirey seconded the motion, and the vote was unanimous. Mayor instructed City Secretary to so advise Mr. Maroney of this decision.
11. Open items were gone over and following decisions made:
 - (a) Open and improve Jackson Street from First Street to Second Street: Turn over to City Planning Commission for further consideration and handling.
 - (b) City of Lufkin vs C.L. DuPuy: City Attorney stated that court of Civil Appeals in Beaumont ruled against City. City Manager recommended that City Attorney be instructed to file for Re-hearing and the City Commission could decide further action desired to take. Commission approved.
 - (c) Request Sullivan Packing Company to vacate City Property: Mayor stated that letter had been written to this Company requesting their representative to be present at this meeting; however, City Secretary was advised by Mr. Sullivan that he and his attorney would be unable to attend. Mayor Waters felt some definite action should be taken by City to bring matter to a conclusion. Commissioner E. Kurl Shirey made motion that City Attorney be authorized to file suit against Sullivan Packing Company to remove them from City's property. Commissioner Bayo Hopper seconded motion and vote was unanimous.
 - (d) Easement for Sewer Improvement Program: City Manager advised Sewer Easements should be completed within the next day or so on the Sewer Improvement Program.
12. City Attorney presented following zone change applications which had been approved by Zoning Board, for publication and hearing in regular meeting November 3, 1959:

"A" to "F" District, Lots 6 and 7, Block 3, Oakland Addition, by Dr. B. H. McVicker;
"A" to "F" District, Lots 1 and 2, Block 5, Woodland Addition, by Dr. B.H. McVicker;
"F" to "H" District, Lots 1, 2 and N.½ 3, Block 2, A.P. Johnson Addition, also portion of land formerly called Heath Street, by Ralph Free; and
"A" to "D" District, Lots 15 and 16, Block 3, W.D. Bynum Addition, by Angelina Society for Crippled Children, Inc.

Commissioner W.C. Royle made motion that these zone change applications be ordered published for hearing in Meeting of November 3, 1959. Motion was seconded by Commissioner H.E. Rowin and voted unanimously.
13. Mayor Jim Waters read letter from Mr. E. Gordon Horn, tendering his resignation from the Zoning Board, effective October 7, 1959, due to being a member of the City Planning Commission and expressing his thanks and appreciation to City Commission for the opportunity to serve in this capacity in the past. Commissioner Bayo Hopper moved that this resignation be accepted with regret and that Mayor Waters be authorized to inform Mr. Horn of this action and to express the City's appreciation of his fine service as a Zoning Board member during his tenure of office. Commissioner E. Kurl Shirey seconded the motion and the vote was reluctant but unanimous.
14. Mayor Jim Waters stated that it would be necessary to appoint a replacement member for Mr. Horn on the Zoning Board and that also it was the recommendation of the City Attorney that the Board should be composed of five (5) members instead of three (3) as has been the case during the past several years. The Mayor suggested that present two Members, Messrs. P.W. McCann, Jr. and E. L. Bartlett be reappointed and three additional members be selected and appointed. After some discussion of probable new members, Commissioner Bayo Hopper moved that Messrs. W.P. McCann, Jr. and E. L. Bartlett be reappointed and Messrs. S. Harry Kerr, Tom Melton and E. Lynn Metteauer be appointed and at the first meeting of such Zoning Board, members

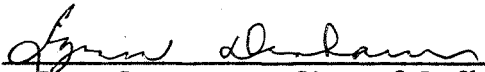
could draw numbers as to term of office (1 to 5 years) and appoint their own Chairman. Commissioner E. Kurl Shirey seconded motion and vote was unanimous. City Secretary was instructed by Mayor to advise these men of their appointment.

15. There being no further business for consideration, meeting was adjourned.



Mayor, City of Lufkin, Texas

ATTEST:



City Secretary, City of Lufkin,
Texas