

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON THE 18th DAY OF OCTOBER, 1966, AT 7:30 PM

On the 18th day of October, 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
David Walker	City Attorney

being present, and

Lynn Durham

City Secretary

being absent, constituting a quorum, when the following business was transacted:

1. Meeting opened with prayer by Rev. Henry Benchhoff, Pastor of the First Presbyterian Church, Lufkin, Texas. Mayor thanked Rev. Benchhoff for his participation and invited him to remain for the entire meeting or to feel free to leave when he so desired.
2. Commissioner William F. Prince made motion that minutes of regular meeting of October 4, 1966, be approved as written. Motion was seconded by Commissioner Earl Nisbet and a unanimous affirmative vote was recorded.
3. Mr. Floyd McCormick was present and advised the City Commission that he was strongly complaining of the drainage situation which existed as a result of the Land O'Pines Dairy washing their milk trucks and the water running down the curb in front of his property. Mr. McCormick stated that he felt that the City Commission should take some action requiring Land O'Pines to correct this situation.

This matter was discussed at considerable length and it was brought to the attention of the City Commission that this matter had been discussed many times and Mr. B. M. E. Smith of Land O'Pines Dairy had appeared before the City Commission and it appeared he felt the City should correct this problem. It was also brought to the attention of the City Commission that Mr. B. M. E. Smith of Land O'Pines Dairy had told the City Manager and the City Health Inspector, Mr. Paul McWilliams, that he plans to build a wash rack for his trucks which will have a drain into the sanitary sewer that will prevent part of the water from running down the curb.

City Commission was in agreement that we need some definite date as to when Mr. Smith plans to construct this wash area for his trucks. It was agreed that Commissioner Earl Nisbet was to contact Mr. Smith of Land O'Pines Dairy in order to obtain a definite date in writing as to when this wash area for his trucks will be constructed. City Commission stated that if Mr. Nisbet was unsuccessful in obtaining necessary definite information, that the City Attorney contact Mr. Smith and try to obtain a definite commitment from him concerning this drainage problem. The City Commission also instructed the City Manager to keep the present drain clean in the curb until some disposition of the problem is made.

4. Mr. Sumner Williams, a local Attorney, appeared before the City Commission representing himself and some of his neighbors concerning their wanting to install curb and gutter on the streets in front of their property. Mr. Williams explained to the City Commission that they desired a curb with an 18" base. However, the City Engineer stated that he felt that he could not recommend anything less than a 24" base curb, as he considered the 24" curb standard, although it was brought to the attention of the City Commission that there are no records that indicate that 24" base curb is standard. City Engineer stated why he felt that a 24" curb is more desirable.

Commissioner Dayle V. Smith made motion that we should officially adopt 24" base curb as the City's standard curb on all future streets, however, that on residential streets now existing that are not thoroughfare streets, that the City Engineer be allowed to put an 18" base curb in these residential areas. Commissioner Byron McNeil seconded the motion and a unanimous affirmative vote was recorded.

5. Bids were opened for one 1/2 ton Pick-up Truck and bids were as follows:

Tipton-Billingsley Ford	\$1,712.11
Angelina Truck & Tractor	\$1,626.44
Angelina Chevrolet-Cadillac (1966 Model Pick-up)	\$1,650.00
Angelina Chevrolet-Cadillac (1967 Model Pick-up)	\$1,799.23

Commissioner Dayle V. Smith made motion for City Manager to check bids and the warranty of the Companies and see that bids met specifications and recommend the bid to be accepted at the next meeting, considering price and warranty. Commissioner William F. Prince seconded the motion. Before vote was taken, Commissioner Basil E. Atkinson, Jr., M.D. made statement that he definitely wanted the warranty checked since he felt this was an important factor in considering the best bid. A unanimous affirmative vote was recorded.

6. Bids were opened for the paving of the new extension of Spence Street and they were as follows:

Moore Bros. Construction Co.	\$11,640.30
Dobson Construction Co.	\$12,460.30

There was much discussion concerning these bids as they were considerable more than what the City had anticipated this street paving would cost. It was pointed out that the Southern Pacific Railroad Co. agreed to pay \$3,500.00 of this cost as a result of a prior agreement between the City of Lufkin and the Southern Pacific Railroad Co. It was the agreement of the City Commission that the City Engineer check out the bids and discuss them with the Southern Pacific Railroad Co. and explain the situation concerning the higher cost and see if the Southern Pacific Railroad Co. would participate more than the \$3,500.00 in the project. No action was taken concerning the bids.

7. City Attorney read Ordinance for ~~first~~ reading changing zone from R-1 District to HM District by Texas Foundries, Inc. covering tract of land East of Hill Street, North of Lotus Lane and West of the T.S.E. Railroad and surrounded by property owned by Texas Foundries, Inc. and described in application by field notes.

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

8. City Attorney read Ordinance for second reading amending Ordinance No. 193 making Second Street two-way and designating an alley for one-way traffic.

Commissioner Earl Nisbet made motion that this Ordinance be passed on second and final reading. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

9. After second reading of Ordinance designating City of Lufkin as a Bird Sanctuary and which provides for protection of birds within the City of Lufkin, considerable discussion by the City Commission was had concerning the fact that this was probably not a practical Ordinance to pass since it could not and would not be enforced.

Commissioner Basil E. Atkinson, Jr., M.D. said he had no objection to Lufkin being named a bird sanctuary but objected to the other provisions of the Ordinance. Commissioner Basil E. Atkinson, Jr., M.D. made motion that a Resolution be drawn up by the City Attorney designating City of Lufkin as a Bird Sanctuary. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

Commissioner Basil E. Atkinson, Jr., M.D. then made motion that no action be taken on the Ordinance concerning the protection of birds within the City of Lufkin. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

10. City Manager had requested that the right-of-way procurer, Howard Walker, be present to make report on property acquisitions and progress of various projects to the City Commission. Mr. Walker made an oral report to the City Commission and various questions were asked by the Commissioners and the projects discussed as to the progress being made on the various projects.

In connection with this the City Manager read report from the TSPE concerning the right-of-way problem of William George Produce and the City of Lufkin not being able to reach an agreement as to damages to William George Produce. The report from the TSPE Advisory Committee is quoted below:

"The TSPE Advisory Committee to the Lufkin City Commission met on Friday, October 14, 1966, to discuss cost of remodeling the George Warehouses above as estimated by the Angelina Lumber Yard.

In order for the Commission to properly evaluate the fair cost of remodeling of the buildings in question the following action is recommended:

1. A layout plan of the present buildings should be prepared on which is detailed the necessary proposed changes intended by the owners.
2. A brief written summation as to reasons for change of each storage facility, building modification, and road work should accompany the layout plan.
3. Steps 1 & 2 above should be undertaken by Mr. George and submitted to the Commission. The plans do not have to be elaborate, but should be roughly to scale and so instructed that the intent is clearly understood. Fees for drawing or sketching such a plan should be moderate and chargeable to the City.

4. When the above plans and summation are received, the City should review them with Mr. George and consider whether proposed changes and modifications are replacement and relocation of present facilities and not improvements. If improvements are desired they can be incorporated at Mr. George's expense.
5. Upon agreement of above, Mr. George should be requested to obtain at least three (3) competitive bids from local reliable concerns who will undertake the work. Bids should be broken down into three main categories as follows:
 - a. Building changes.
 - b. Relocation of handling and storage facilities.
 - c. Roadwork.

Each category should be itemized as to specific changes or relocations being considered.

This committee feels that if the above is accomplished, an equitable solution to the problem can be had to the mutual satisfaction of all concerned. The above recommendations have been carefully considered by the Committee and it is felt that this is as far as we should go on this particular matter. We, will, however, be glad to advise on any particular point in question during your discussions."

Commissioner Dayle V. Smith made motion that TSPE Committee recommendations be followed in order to see if a solution could be worked out to this problem. Commissioner Basil E. Atkinson, Jr., M.D. seconded the motion and a unanimous affirmative vote was recorded.

11. City Manager brought before the City Commission proposal from William George concerning land for the location of the new City Hall, this property being located at the corner of Lufkin Avenue and Chestnut Street. City Manager stated that he had not received a price from William George on this property and stated that Mr. George would like to know if the City Commission is interested before he would submit any price.

Commissioner Basil E. Atkinson, Jr., M.D. stated that he personally thought it would be a good location for the new City Hall. Commissioner Dayle V. Smith and Commissioner William F. Prince stated that they would like to know the price of the property before seriously considering the location.

Mayor asked how many would like for the City Manager to check on the price of this property. Commissioners Dayle V. Smith, William F. Prince and Basil E. Atkinson, Jr., M.D. stated they would like to know the price of the property, considering the possibility of a trade of the City lot on Shepherd Street. Commissioners Gene H. Nerren and Byron McNeil opposed this as they felt it was a waste of time and that the City would be unable to pay the price for that tract of land.

12. City Manager reported to the City Commission as a result of the prior request of the City Commission that it would cost \$8,546.54 to raise the firemen to the \$40.00 per month raise that had been requested originally by the firemen instead of the \$15.00 raise which had been approved by the City Commission.

Considerable amount of discussion resulted concerning the raise. Commissioner Earl Nisbet made motion that City of Lufkin grant this pay raise making a total of \$40.00 increase for most firemen, being the same requested by them, which

would cost the City \$8,546.54. Commissioner William F. Prince seconded the motion and the following vote was recorded:

Voting Aye: Commissioner Earl Nisbet
Commissioner William F. Prince

Voting Nay: Commissioner Dayle V. Smith
Commissioner Byron McNeil
Commissioner Gene H. Nerren
Commissioner Basil E. Atkinson, Jr., M.D.
Mayor Jim Waters

13. City Manager gave report on the various R. H. Duncan Additions. This report, being obtained from the Tax Department, stated the evaluation of the property in these Additions; these evaluations being as follows:

"As per your request in regard to information on several Residential Additions adjacent to City of Lufkin, I am pleased to submit the following information from observation and records available:

Brook Hollow Addition (31 Vacant Lots)	\$79,100
Brookwood (3 Vacant Lots)	\$69,150
Wooded Estates (6 Vacant Lots)	\$39,350.
Wooded Estates (2nd) (2 Vacant Lots)	\$36,650
1 Acre J. A. Bon Ton (4 Under Construction)	\$ 8,500 <u>\$17,250</u>
Total Valuation	\$250,000
Net Revenue	\$4.375/00

Trusting that the above information will be in line with your request."

City Manager also gave report prepared by the City Engineer concerning these same Additions provided they were taken into the City Limits. This report is quoted below:

"As per request of City Commission at regular meeting on September 20, 1966, I have made a survey of Wooded Estates No. 1 and 2, Brookwood Addition and Brook Hollow Addition to determine the amount of expenditure necessary to bring these Additions up to City of Lufkin subdivision standards.

My survey indicates an expenditure of approximately \$30,000.00 would be required. This figure is based on providing "standard curb and gutter section" on all streets which do not have the City's standard curb and gutter section, and certain drainage improvements.

No allowance has been made for paving below the City's standard as this would require coring the paving and making a detailed study to determine if it does or does not meet City of Lufkin requirements."

This matter of taking these areas into the City Limits of Lufkin was discussed considerably.

The majority of the Commissioners requested the City Engineer to present additional field notes at the next City Commission meeting describing the property considered for annexation.

14. City Manager presented a report prepared by the City Engineer and copies of three letters from J. A. Bryan concerning the Englewood Terrace Subdivision and the amount Bryan-Stewart, Inc. owes the City of Lufkin as a result of the paving of this Subdivision. Quoted below are the three letters from Mr. J. A. Bryan of Bryan-Stewart, Inc.

"It has been some time since the matter of the shortage in the amount of concrete used on the streets in Englewood Terrace Addition was brought to the attention of the City Commission.

We would appreciate very much if you would ask the City Commission to advise Bryan-Stewart, Inc. what the City intends to do, since Bryan-Stewart, Inc. has paid to the City an amount of money based upon there being poured 6 inches of concrete on all streets, and the fact being that 6 inches of concrete has not been so poured."

"It is our understanding that the City of Lufkin, Texas, desires to know what the intention of Bryan-Stewart, Inc. may be regarding its participation in the cost of rebuilding the Bridge on Jones Street, located in Englewood Terrace Addition to the City of Lufkin, Texas.

We, of Bryan-Stewart, Inc., feel that this bridge was an existing bridge on a public street in the City of Lufkin, and as such, its rebuilding and maintenance should not be the expense of Bryan-Stewart, Inc."

"You have asked that Bryan-Stewart, Inc. give you a letter setting forth the intentions of Bryan-Stewart, Inc. regarding the "extras" that the City paid Blanton Construction Company on the paving work done in Englewood Terrace Addition to the City of Lufkin, Texas. Bryan-Stewart, Inc. is of the opinion that these "extras" were not necessary, and that it should not bear the costs of the paying for any of them, and it is the intention of Bryan-Stewart, Inc. not to pay for any of such "extras". "

Mr. J. A. Bryan was present and this matter was discussed in detail by the Commissioners and the City Engineer. Commissioner Dayle V. Smith made motion that Bryan-Stewart, Inc. be requested to pay the \$10,463,166 as shown by the Engineer's breakdown that Bryan-Stewart, Inc. owes the City of Lufkin and that other items be checked into by the City Attorney and a decision be made as to whether these items should be paid by Bryan-Stewart, Inc. or not. Commissioner Gene H. Nerren seconded the motion. Commissioner Byron McNeil abstained from voting because of possible personal interest and a unanimous affirmative vote was recorded other than the abstaining of Commissioner McNeil.

15. Parker McVicker, local Attorney, appeared before the City Commission in regard to property on South First and Denman Street and made three different proposals to the City in the event they would like to have property in this location for the new City Hall. The three proposals were as follows:

(1) That 60,000 sq. ft. being located on the middle of the back portion with easements to both streets, of the property in exchange for the lot on Shepherd Street now owned by the City of Lufkin, with the City paying \$5,000.00 for leveling of the property or the City could do the leveling itself.

(2) Would give the City 2 1/2 acres with about 400 ft. frontage on South Raguet Street with easement to other streets in exchange for the lot on Shepherd Street and the present City Hall or \$20,000.00 in lieu of present City Hall.

(3) Would exchange 60,000 sq. ft. along South First Street, 200 ft. South First and 300 ft. depth, for the lot on Shepherd Street and the present City Hall or \$20,000.00 in lieu of present City Hall.

City Attorney David Walker was asked if he had an opportunity to talk to Mrs. Largent concerning property near the Shepherd Street lot. City Attorney stated he had discussed this with Mrs. Largent and that she stated that if she could not obtain enough to pay off a bank loan that she had that it probably would not benefit her to sell. However, City Attorney stated that she had been discussing this matter with Commissioner Dayle V. Smith and would like to talk to him before any decision was reached. Commissioner Dayle V. Smith stated he would contact Mrs. Largent.

16. Mr. Ray Terrell and Mr. Brian Sparks of Bernard Johnson Engineers, Inc. appeared before the City Commission to request whether or not the City Commission would like to have alternate bids on Angelina Street as to concrete paving or asphalt.

Commissioner Earl Nisbet made motion that alternate bids be obtained and motion was seconded by Commissioner Basil E. Atkinson, Jr., M.D. and a unanimous affirmative vote was recorded.

It was also discussed and Commissioner Basil E. Atkinson, Jr., M.D. pointed out that he felt that Angelina Street should primarily direct traffic down Laural Street instead of carry all the traffic into Abney Street. It was discussed that the City Engineer and the Consulting Engineers should check this matter out.

17. Commissioner Gene H. Nerren made motion that he wants a monthly report from Bernard Johnson Engineers, Inc. showing the fees, amount paid and owing to them with a breakdown on each project. Commissioner Dayle V. Smith seconded the motion and a unanimous affirmative vote was recorded.

Commissioner Gene H. Nerren made motion that the City Commission have a special meeting Tuesday, October 25, 1966, at 7:00 P.M. to discuss the terminating of the present contract with Bernard Johnson Engineers, Inc. Commissioner Basil E. Atkinson, Jr., M.D. seconded the motion and a unanimous affirmative vote was recorded.

City Attorney made request that Jerry Dietrich of Bernard Johnson Engineers, Inc. be present. Mr. Terrell stated that Mr. Dietrich would be here for the meeting.

18. Mr. Ray Terrell of Bernard Johnson Engineers, Inc. gave a report of the Sanitary Sewer Project and stated that this would be ready to let for bids during the month of November. Some discussion was had as to what meeting this could be done since our second regular meeting in November would be changed due to the T.M.L. meeting in Ft. Worth, Texas.

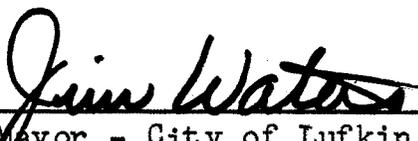
19. Commissioner Earl Nisbet asked the City Manager about the actuated light for Bynum and Frank Streets and desired cost. City Manager stated it would cost the City approximately \$2,500.00 to have this installed. Some discussion was had on the installation of the light and it was brought out that the actual cost in money would approximately \$1,700.00 as the labor would be done by City Employees. It was also brought out that a slight change would be necessary when Frank Street is widened.

Commissioner Earl Nisbet made motion that the actuated light be installed on Frank and Bynum. Commissioner Byron McNeil seconded the motion and the following vote was recorded.

Voting Aye: Mayor Jim Waters
Commissioner William F. Prince
Commissioner Dayle V. Smith
Commissioner Byron McNeil
Commissioner Earl Nisbet

Voting Nay: Commissioner Gene H. Nerren
Commissioner Basil E. Atkinson, Jr., M.D.

20. City Attorney brought to the attention of the City Commission proposed Water Contract for water service outside the City Limits. This Water Contract was for 2" water line to be connected with the City near Loop 287 and extended about 891 ft. along the Old Diboll Highway for Mr. W. E. Goode and Mr. George Greenville. Commissioner Earl Nisbet made motion that Mayor be authorized to execute this contract. Commissioner Byron McNeil seconded the motion and a unanimous affirmative vote was recorded.
21. There being no further business for consideration, meeting was adjourned at 12:05 A.M.



Mayor - City of Lufkin, Texas

ATTEST:



Acting Secretary - City of Lufkin, Texas