

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, HELD ON JANUARY 17, 1967, AT 7:30 P. M.

On the 17th day of January, 1967, 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
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, and

William F. Prince	Commissioner, Ward No. 1
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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. Minutes of regular meeting of January 3, 1967 and Special meeting of January 9, 1967, were approved as written after motion to this effect was made by Commissioner Byron McNeil and seconded by Commissioner Basil E. Atkinson, Jr., M.D. and a unanimous affirmative vote recorded.
3. Mayor opened and City Manager read following bids on automobiles for Police Department which were recently advertised for by the City of Lufkin.

Angelina Chevrolet-Cadillac Co.

4 Chevrolets	\$2,318.96 ea. (without air-conditioning)
4 Chevrolets	\$2,575.84 ea. (with air-conditioning)
1 Chevrolet for Police Chief with air-conditioning	\$2,587.24

Tipton-Billingsley Ford

4 Fords	\$2,442.93 ea. (without air-conditioning)
4 Fords	\$256.80 ea. additional with air-conditioning \$35.00 ea. additional with power brakes
1 Ford for Police Chief with air-conditioning	\$2,696.28

Ralph New Motor Co.

4 Delmont Oldsmobiles	\$2,565.00 ea. (without air-conditioning)
4 Delmont Oldsmobiles	\$2,876.40 ea. (with air-conditioning) \$76.00 additional (power steering)

City Manager requested that he be given time to check over the bids with the Chief of Police before making recommendations to purchase these automobiles. City Commission granted this request.

4. City Attorney read Ordinance covering increase in water and sewer rates of \$.10 per 1000 gallons on water used after minimum of 3,000 gallons and \$1.00 increase in sewer rates.

Dr. Granville Wright's three daughters were in attendance and commented to some extent on why the budget was showing a deficit. They stated that during the period their father was City Manager, 1963, 1964 and 1965, the budget had never shown a deficit even though the local press and some of the City Commission members had indicated such.

Commissioner Gene H. Nerren went into detail on how a deficit could actually be experienced if the City carries out its present budgeted expense and should additional emergencies arise that were not budgeted. He called attention to figures worked up by auditors leaving out interest rates on bond money that is now invested. He stated this interest would not be available much longer and that City Commission should take immediate action to guarantee additional revenue in order that improvements the City is in need of could be carried out.

Dr. Wright's three daughters requested that the press as well as the City Commission members correct the indication that there had been a deficit in the City of Lufkin budget during the time their father was City Manager.

Commissioner Dayle V. Smith stated he could not follow the thinking of Commissioner Gene H. Nerren with regard to a deficit and that he did not think the City should take any immediate action on additional revenue until it is definitely known that the City would experience a deficit in present budget.

Mayor Jim Waters reiterated his previous statement that he could not vote for the increase in water and sewer rates due to the fact that the citizens were promised at the time the recent bond issue was voted that it would not be necessary to increase such rates. Mayor stated that he would suggest a committee be appointed to study the needs of the City and that each member of the City Commission appoint five men to serve on such committee to advise the City Commission on such proposed increases.

Commissioner Gene H. Nerren stated he did not agree with this suggestion since it was "passing the buck" back to the citizens and that it was the City Commission's business to take whatever action that was necessary to meet the City's increased needs. Commissioner Gene H. Nerren made motion that the Ordinance as presented by the City Attorney be passed on first reading. Motion was seconded by Commissioner Basil E. Atkinson, Jr., M.D. and the following vote recorded.

Voting for motion: Commissioner Byron McNeil
Commissioner Gene H. Nerren
Commissioner Basil E. Atkinson, Jr., M.D.

Voting against motion: Mayor Jim Waters
Commissioner Dayle V. Smith
Commissioner Earl Nisbet

Mayor advised the motion did not pass due to above tie vote.

5. City Attorney read Ordinance, copy of which had been previously furnished to the City Commission members, covering the regulation of Trailer Houses in the City of Lufkin. City Attorney stated this matter was brought before the City Planning and Zoning Commission in their regular meeting of January 12, 1967, and it was their unanimous recommendation to the City Commission that a Trailer House Ordinance as presented or similar to the one presented by the City Attorney be passed as pertaining to that section which controls the location of trailers outside a trailer park. The City Planning and Zoning Commission only considered that portion of the proposed Ordinance since this is the only section applicable to the City Planning and Zoning Commission and made the following comments in connection with this section of the proposed Ordinance.

- (1) Might consider having some other body or person act on this section instead of the City Commission, such as the Building Inspector or the City Planning and Zoning Commission.
- (2) Might make it a violation to rent Trailer Houses.

The City Commission were in accord with the recommendation of the City Planning and Zoning Commission and Commissioner Dayle V. Smith made motion that Ordinance be passed on first reading to include the recommendations of the City Planning and Zoning Commission mentioned above, however, in connection with item one, that the City Planning and Zoning Commission be the party to act. Commissioner Byron McNeil seconded the motion and a unanimous affirmative vote was recorded.

6. Mr. R. C. Musslewhite, Attorney, appeared before the City Commission along with a number of citizens from Herty requesting that City Commission approve a Resolution stating that the City of Lufkin had no objection to the Community of Herty installing a water and sewer system known as Herty Water and Sewer Supply Corp. Mr. Musslewhite stated that he had appeared before the City Planning and Zoning Commission in their regular meeting of January 12, 1967 and he assumed the City Commission had been advised of the City Planning and Zoning Commission's recommendation.

City Engineer, who was present, stated that the City Planning and Zoning Commission had considered this matter after he had advised them that pipe and other materials to be used were in accordance with the City of Lufkin standards. However, it was the City Planning and Zoning Commission's recommendation that the possibility of relocating the proposed Sewer Treatment Plant to the North be studied.

Mr. Musslewhite stated that in order for the citizens of Herty to get started on this proposed system and obtain a government loan, that it was necessary for the City of Lufkin to agree to such system before application could be made for such loan.

There were a number of citizens from Herty, consisting of a group who are now tied onto the City water after the installation of an 8" line had been completed in 1963. The cost of this line is now being paid for by these citizens and they vigorously objected to the City passing a Resolution granting the request by Mr. Musslewhite. It was their suggestion that the group of people represented by Mr. Musslewhite tie onto the existing City facilities in Herty which, over a long period, would be cheaper than the proposed system.

These two groups from Herty waged a very extensive controversial discussion on the matter. Commissioner Dayle V. Smith made motion that no action be taken by the City of Lufkin until the next regular meeting in order that the situation could be looked into further and discussed by the City Commission members. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

7. Mr. Ray Terrell of Bernard Johnson Engineers, Inc. appeared before the City Commission with plans covering work to be done at the intersection of Ellis Ave. and Raguet St. and ask for authorization to proceed with the work.

Commissioner Earl Nisbet inquired if Mr. Terrell had discussed the plans with Mr. Elliott Cavanaugh of Cavanaugh-Peden, as requested by the City Commission in previous meeting. Mr. Terrell stated that he had not, but would see that Mr. Cavanaugh was acquainted with the plans and would ask the City Engineer and Bernard Johnson representative in Lufkin to discuss with Mr. Cavanaugh.

Commissioner Gene H. Nerren made motion that authority be given to the Consulting Engineers to proceed with the work subject to same being shown to Mr. Elliott Cavanaugh, and receiving his concurrence of the plans. Motion was seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

Mr. Ray Terrell then requested City Commission to authorize the advertising of bids for this work to be received and opened on February 7, 1967.

Commissioner Earl Nisbet made motion to this effect subject to plans being shown to Mr. Elliott Cavanaugh and receiving his concurrence. Commissioner Byron McNeil seconded the motion and City Engineer was instructed to confer with Mr. Cavanaugh on the matter.

8. City Attorney stated that petition presented to the City Commission in regular meeting of December 20, 1967, requesting starting pay for Firemen of \$450.00 had been checked and found to have sufficient signatures and had prepared Ordinance and Order calling for election within the 90 day period as covered by Law from the date of presentation of the petition.

Discussion brought out that the date of March 7, 1967, would be the most convenient and Commissioner Dayle V. Smith made motion that Ordinance and Order calling for the increase in the Firemen starting rate to \$450.00 a month be set for March 7, 1967, with Mr. Claud Cook being appointed Judge and Falcor Perry as Assistant Judge. Motion seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.

9. City Manager presented the following four invoices which he recommended for payment and which had also been approved by the City Engineer and Bernard Johnson Engineer's, Inc., Consulting Engineers.

Bernard Johnson Engineers, Inc. covering field survey
by Everett Griffith, Jr. on sewer lines\$1,532.01

Gulflin Constructors, Inc. covering Water Distribution
Improvements, Schedule No. 2, Ground Storage Tanks and
Schedule No. 3 Plant Work (corrected Invoice No. 760
dated 1-12-67) in amount of\$24,734.79

Layne Texas Co., Estimate No. 2 covering work on
Well No. 5 in amount of\$2,157.12

Layne Texas Co., Estimate No. 6 rehabilitating of
Wells in amount of\$3,596.67

Also R. H. Duncan Construction Co. covering bridge across Cedar Creek on Copeland in the amount of \$2,000.00, which Mr. Duncan stated would be the City's portion of the cost which he advised the City sometime ago.

City Manager stated City Engineer and Street Superintendent had accepted the bridge for maintenance purposes. Commissioner Dayle V. Smith made motion that City Manager be authorized to pay the above invoices. Commissioner Earl Nisbet seconded the motion and a unanimous affirmative vote was recorded.

10. City Manager stated that Well No. 7 had gone out of service, which placed the City in a very bad situation since with this well out we could not supply enough water for the City's use. City Engineer stated that examination revealed that the trouble was either in the cable, motor or both and would have to pull same to find out, which he estimated would cost approximately \$3,000.00. City Engineer recommended that Layne Texas Co. be authorized to go ahead with pulling the motor and cable and that the motor at Well No. 8 be placed in Well No. 7 in order to get back in service as soon as possible.

Commissioner Dayle V. Smith made motion that City Manager be authorized to have the City Engineer follow the above procedure getting Well No. 7 back in service. Commissioner Earl Nisbet seconded the motion and a unanimous affirmative vote was recorded.

City Engineer stated that it would be several days before this work could be accomplished. Commissioner Basil E. Atkinson, Jr., M.D. stated that the paper as well as other large industrial plants should be apprised of the condition in order that proper preparations could be made to meet such conditions.

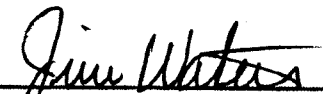
11. Open items were gone over and discussed.

A. With regard to drainage situation at Land O'Pines Commissioner Basil E. Atkinson, Jr., M.D. stated that Land O'Pines had not started any corrective measures as outlined in letter to City Attorney stating such work would start on January 9, 1967. He further stated that this was a serious matter and made motion that City Sanitary Officer serve notice on Land O'Pines Dairy that they would be expected to comply with their proposal within 30 days and if not be penalized \$100.00 per day each day thereafter that they did not comply. Commissioner Gene H. Nerren seconded the motion and a unanimous affirmative vote was recorded.

B. Commissioner Basil E. Atkinson, Jr., M.D. commented on the acquiring of right-of-way on Second Street and stated that he had discussed the matter with a property owner who desired \$30,000.00 for his property instead of a Life Estate as recommended at last meeting.

C. City Manager was instructed to make periodic checks on compliances of our present Ordinance covering chicken processing plants.

12. Mayor stated he had received a request from property owners to name a street running off Loop 287, South of Oddfellows Lodge, Mossfield Road, and recommended this request be granted. Commissioner Earl Nisbet made motion to this effect, seconded by Commissioner Byron McNeil and a unanimous affirmative vote was recorded.
13. Mayor called attention to meeting of TML, Region 16, to be held in Beaumont, Texas, on Thursday evening, January 19, 1967, at State Fair Grounds and requested all who could to be in attendance.
14. City Attorney called attention to request from Texaco Co. with regard to gasoline pump in Texaco Service Station on Frank Ave. which would be 18" closer to the street than normally permitted, after proposed widening and the Texaco Co. desired assurance that pump would not have to be moved, etc. City Attorney stated that Building Inspector had no objection to this request since the City was causing the situation to exist by the widening of Frank Ave.
- Commissioner Byron McNeil made motion that the Texaco Co. be assured that their request would be honored. Motion was seconded by Commissioner Basil E. Atkinson, Jr., M.D. and a unanimous affirmative vote was recorded.
15. There being no further business for consideration, meeting was adjourned at 10:30 P.M.



Mayor - City of Lufkin, Texas

ATTEST:



City Secretary - City of Lufkin, Texas