

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON APRIL 18, 1961, AT 7:30 PM

On this the 18th day of April, A. D. 1961, the City Commission of the City of Lufkin, Texas, convened in regular session in regular meeting place in said City, with following members thereof, to-wit:

Jim Waters	Mayor
E. Kurl Shirey	Commissioner, Ward No. 1
Beamon S. Cook	Commissioner, Ward No. 2
S. Harry Kerr	Commissioner, Ward No. 3
A. G. Welch	Commissioner, Ward No. 4
Harold Schmitzer	City Manager
Lynn Durham	City Secretary
William D. Perkins	City Attorney

1. Meeting opened with prayer by Rev. H. E. Small, Paster of the Calvary Baptist Church. Rev. Small was thanked by Mayor Waters for his participation and was invited to stay for the entire meeting or feel free to leave when he desired.
2. Minutes of previous meeting were read and approved.
3. A large number of visitors were present and welcomed by Mayor Waters, most of whom were scheduled to appear in connection with items on the agenda.
4. Dan Brazil, Lee Butler, R. R. Romano, Cal Chambers, Mesdames Veta Mae Rowin, Ben Elliott and Jack Tucker appeared before the City Commission to request ad valorem tax exemption on old Lynn Theatre building which has been secured by a non-profit organization known as Community Play House. Dan Brazil was spokesman for the group and gave a resume of the aims of the non-profit organization. City Attorney stated he had not checked the matter from a legal standpoint but, off hand, did not recall any law prohibiting such action.

After some discussion by City Commission, Commissioner Beamon S. Cook made motion that this tax exemption be granted the Community Playhouse property subject to official legal clearance from City Attorney. Commissioner A. G. Welch seconded the motion and the vote was unanimous.

5. Mesdames R. C. Musslewhite, I. D. Fairchild, J. H. Murrell, Lillian Shands, C. B. Richardson, Jack Tucker and Veta Mae Rowin appeared before the City Commission to request the City to furnish a building site on long term lease for City Federation of Women's Clubs. Mrs. Musslewhite was speaker for the group and gave a background on needs for the Women's Club and their aims for the future. Mrs. Shands and Mrs. Richardson also gave additional information. City Manager advised he had accompanied several of these ladies on a tour of several building sites and they desired to lease the property on Timberland Drive which YMCA was to utilize for building but was never carried out, amounting to 4.5 acres. A number of inquiries were directed at the ladies on type of building to be constructed, cost, etc. City Manager also read excerpt from Minutes of City Commission meeting of 4-5-55 wherein the City Federation of Women's Clubs were granted a long term lease for City Park property. Mrs. Musslewhite advised this property was not now suitable for the plans. After considerable discussion Commissioner Beamon S. Cook made motion that a 99 year lease be granted the City Federation of Women's Clubs on the 4.5 acres of City property across from the Armory with stipulation that definite plans and construction be started within seven years.

Commissioner S. Harry Kerr seconded motion and vote was unanimous. City Attorney was instructed to draw up resolution to cover.

6. City Manager presented statement from Freese, Nichols, Turner & Collie covering professional services on Contracts 1, 2, 3 and 4 of sewer improvement program for March in the amount of \$2,411.21 and stated same had been checked and found to be in accordance with contract. Commissioner E. Kurl Shirey made motion that above statement in amount of \$2,411.21 be authorized for payment, seconded by Commissioner Beamon S. Cook and voted unanimously.
7. City Manager read letter from R. C. Trimble to which was attached a petition from Central Church of Christ members requesting consideration of extending one-way traffic on North Second Street north for one block. Discussion brought out fact that study should be given this matter and City Manager was instructed to get with all interested parties and report to City Commission at later date on findings.
8. City Manager called attention to his monthly progress report which was furnished members. At the suggestion of the Manager, it was decided not to read the report at the Commission meeting since all members of the City Commission had a copy.
9. City Manager presented semi-final estimate #14 from Howard Pool Company covering Contract #2, East Side Trunk Sewer, in amount of \$47,665.38 and read letter from Mr. R. E. L. Johnson of Freese, Nichols, Turner & Collie recommending that this estimate be paid less: (1) \$3,000.00 for cleanup; (2) sufficient funds for any claims against contract; and (3) sufficient funds for liquidated damages. It was decided that (1) \$3,000.00 be withheld for cleanup; (2) \$9,150 be withheld for minimum stipulated liquidated damages of \$50.00 per day for 183 days; (3) \$7,000.00 for claim against contractor by W. S. Dickey Clay Manufacturing Company. City Attorney approved and Commissioner Beamon S. Cook made motion that payment of estimate of \$47,665.38 less \$19,150.00 (\$28,515.38) be approved for payment. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.
10. City Manager called attention to letter addressed to him from D. C. McPherson, Fire Chief and Fire Marshall to which was attached list of houses which should be condemned for reasons all are fire hazards. The one exception is 501 Bremond and 1206 North Avenue, J. E. Arrington Estate, which is being handled by David Walker, Tax Attorney. City Commission members were all in agreement that since this was a matter that has been pending for some time, that definite action should be taken. Commissioner E. Kurl Shirey made motion that City Attorney be instructed to write owners of property and advise them of City's intention and give them 20 days for reply, and then start legal proceedings in Court to carry through to conclusion. Commissioner Beamon S. Cook seconded motion and vote was unanimous.
11. Open items were gone over and discussed and City Attorney stated he would have report at next meeting on status of Sullivan property; also had written Mr. Callahan's attorney and furnished agreement for signature of Mr. Callahan, for settling his claim. Mr. Callahan was present and requested what action was being taken on \$100.00 claim for trees destroyed adjacent to right-of-way for sewer across his property. City Attorney recommended this be handled at time other claim is handled.
12. Commissioner E. Kurl Shirey made motion that invoices for previous month be approved for payment. Commissioner A. G. Welch seconded motion and vote was unanimous.

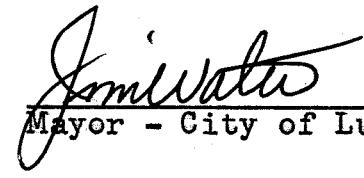
13. A canvass of returns of Special City Election held on April 18, 1961, showed following results:

For Commissioner, Ward #1:

Joe P. Bynum - 787 votes
E. Kurl Shirey - 854 votes

Commissioner S. Harry Kerr made motion that above results be incorporated in Resolution asserting that E. Kurl Shirey having received majority of votes for Commissioner, Ward #1, over his opponent, that he be declared elected to this office. Commissioner Beamon S. Cook seconded motion and vote was unanimous.

14. There being no further business for consideration, meeting adjourned at 9:30 P.M.


Jim Walter
Mayor - City of Lufkin, Texas

ATTEST:


Lynn Durban
City Secretary - City of Lufkin, Texas