

MINUTES OF REGULAR MEETING OF THE CITY COMMISSION OF THE
CITY OF LUFKIN, TEXAS, HELD ON MAY 2, 1961, AT 7:30 PM

On this the 2nd day of May, 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. E. W. Hancock, Pastor of First Assembly of God Church. Rev. Hancock was thanked by Mayor Waters for his participation and was invited to remain for the entire meeting or to feel free to leave when desired.
2. Minutes of previous meeting were read and approved.
3. Application for zone change from "A" to "H" District covering Lot No. 2, Block No. 31, of the Denman Addition to the City of Lufkin, by A. W. Conn was discussed, it having been previously recommended for approval by Zone Board and City Planning Commission. Commissioner Beamon S. Cook made motion that it be authorized for publication in newspaper for open hearing by City Commission in regular meeting of June 6, 1961. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.
4. Messrs. George Guthrie, Aubrey Hughes, R. V. Welch, Milton F. Walther, William Maske and Lloyd G. Schenck appeared before the City Commission to present a problem on drainage in Broadmoor Addition. Mr. Guthrie was spokesman for the group and outlined their drainage problem which he said had been greatly increased recently due to larger volume of water from new Judson Shopping Center flowing into Cedar Creek. Mr. Guthrie stated that during a recent downpour water almost came into their houses due to backing up in Creek and not being able to flow fast enough. The group was appreciative of efforts taken in the past by the City to rectify this condition but felt that the problem had been so magnified recently that some further action would have to be taken. They asked if City would remove two fallen trees from Cedar Creek and straighten out "S" curve of about 60' in length. They felt this would allow water to move out of area faster.

City Manager advised that this problem was recognized by City and that he drove out during above mentioned downpour and noted condition and some effort has been made to remedy the situation by studying on the ground, cleaning out the two culverts under State Highway 94 thru which this water flows, and widening channel upstream approximately 50 feet. Also, he stated, the City did not have the money to handle a drainage problem of such magnitude and the engineering firm employed to prepare a comprehensive plan for Lufkin would, no doubt, give attention to their particular problem in the overall drainage study of Lufkin.

In the meanwhile, City Manager will check into the possibility of removing trees and straightening out "S" curve in Cedar Creek and would also discuss the matter with Mr. Bruce Perry, President of Perry Brothers, to see if his Company, whose property adjoins Broadmoor Addition, might make contribution to assist in improving this condition.

5. Mr. Walter Edelblutt of Howard Pool Company appeared before the City Commission to discuss minimum liquidated damages assessed against his Company on Contract #2 in the amount of \$9,150.00. He felt his Company should have additional time extension and gave his reasons in prepared report requesting this additional time. There was considerable discussion between City Commission members, City Manager, City Engineer, City Attorney and Mr. Edelblutt.

City Attorney advised that according to Contract the above amount was the minimum the City could assess and if there were any other damages, it should be added to this figure. Commissioner Beamon S. Cook made motion that City assess \$9,150.00 damages under Contract #2, seconded by Commissioner E. Kurl Shirey, and vote was unanimous.

6. Mayor advised consideration should be given to appointment of Zone Board member to replace Commissioner S. Harry Kerr, who was elected to the position of City Commissioner, Ward #3, in recent City Election. Commissioner S. Harry Kerr presented the name of Paul Selman and Commissioner A. G. Welch presented the name of Joe P. Bynum. Mayor suggested further study be given this matter before decision reached and appointment made.
7. City Manager advised it was time for appointing a Tax Board of Equalization and read letter from M. F. Braden dated April 28, 1961, recommending Messrs. Harry Bowers, Doyle Anderson, and Jeff Butler. City Manager stated that Messrs. Harry Bowers and Jeff Butler served on this Board last year and that Mr. Anderson has served in the past as a member of the Tax Equalization Board for the City of Lufkin as well as for the Lufkin Independent School District.

After some discussion, Commissioner Beamon S. Cook moved that above three men be appointed on the Tax Equalization Board for the City of Lufkin for the ensuing year. Motion seconded by Commissioner E. Kurl Shirey and vote was unanimous.

8. Mayor Jim Waters called the City Commission's attention to the fact that a Mayor pro tem should be appointed for the next year and that Commissioner E. Kurl Shirey had served during the past year. Commissioner Beamon S. Cook made motion that Commissioner E. Kurl Shirey be reappointed as Mayor pro tem. Commissioner A. G. Welch seconded the motion and the vote was unanimous.
9. City Manager read letter from Mr. R. E. L. Johnson of Freese, Nichols, Turner & Collie, consulting engineers, of Houston, Texas, attaching and explaining change order for Contract #2, East Side Trunk Sewer Line in the amount of \$1,597.30 for 868' of 15" vitrified clay pipe furnished by Contractor.

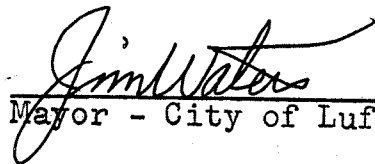
Mr. Johnson stated in his letter that this change order has been approved by Mr. Howard Tellepsen, owner of Howard Pool Company, and should have official approval of the City of Lufkin. Commissioner Beamon S. Cook made motion that Mayor Waters be authorized to sign this change order agreement on the part of the City. Motion was seconded by Commissioner E. Kurl Shirey and vote was unanimous.

10. City Manager presented Estimate No. 15 (final), Contract No. 2, East Side Trunk Sewer Line from Howard Pool Company. Manager stated Estimate had been certified to by City Engineer and recommended its approval for payment. The Estimate is as follows:

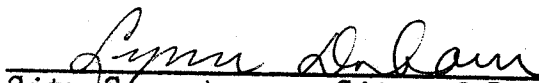
\$26,343.80	less:
- 9,150.00	minimum liquidated damages
- 7,000.00	claim against contractor by
	W. S. Dickey Clay Mfg. Co.
\$10,193.80	net amount due

Commissioner E. Kurl Shirey made motion that this Estimate be paid as set out above and that upon receipt of proper release, the \$7,000.00 claim will be paid to the proper party. Commissioner Beamon S. Cook seconded motion and vote was unanimous.

11. City Manager read letter from Mr. Ray M. Broussard of Lufkin, Texas, advising that the 20' strip of property near McCall Street which Mr. O. C. Lowry, Jr., was granted permission to build fence across in meeting of March 21, 1961, did not belong to the City but was his property and was purchased in 1946 and under provisions of deed, property could not be fenced. City Attorney stated that Mr. Lowry would have to be advised to remove the fence due to above conditions.
12. City Manager read letter from Mr. R. M. Collie of Freese, Nichols, Turner & Collie dated May 1, 1961, to Wilks, Dake & Steed advising them to commence work on Contract #4, West Side Trunk Sewer Extension on May 3, 1961, and requesting that arrangements for initiating the work be made thru City Engineer Willard White and Mr. R. E. L. Johnson.
13. Open items were gone over and discussed.
14. Commissioner S. Harry Kerr felt that State Representative Charles N. Wilson should be contacted by telegram indicating City Commission backing on Senate Bill 403 making the Lufkin Radar Station a State School for Retarded Children. It was the feeling of the City Commission that each individual City Commissioner could send his own telegram but not as a group action.
15. Mayor Waters felt the time had come to contact proper authorities in Washington or elsewhere on the possibility of City acquiring the Post Office building in Lufkin for use as a City Hall. The Mayor was requested by the Commission members to first contact Congressman John Dowdy in this regard and ascertain other steps that should be taken.
16. There being no further business for consideration, meeting adjourned at 10:30 P.M.


Mayor - City of Lufkin, Texas

ATTEST:


City Secretary - City of Lufkin, Texas