

MINUTES OF REGULAR MEETING OF THE CITY
COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON NOVEMBER 1, 1960, AT 7:30 P.M.

On this the 1st day of November, A.D. 1960, 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:

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

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

1. Meeting opened with prayer by Commissioner Bayo Hopper.
2. Minutes of previous meeting were read and approved after correction of Items 4 and 5.
3. Charles Ruth, Attorney, appeared before the Commission to request favorable action on zone change application of John Kelly Bennett and Wife from "A" to "F" District, covering Lot 4, Block 2, of the J.P. Bennett Addition. The City Secretary stated that the Zoning Board had held an open hearing on this application and had recommended that same be rejected by the City Commission, which recommendation had been concurred in by the City Planning Commission. Considerable discussion developed and no action was taken by the City Commission except to suggest that Mr. Ruth go before the Zoning Board with his request to see if they desired to reopen the case.
4. Mr. Delbert Parrott, President of Local Branch No.2279 of National Association of Letter Carriers, along with approximately 15 other members of this organization, appeared before the Commission to seek assistance against attacks by vicious dogs that are prevalent throughout the City. The City Manager advised that Mr. Parrott had been by to see him previously and that he had requested the City Attorney to check over the present ordinance. The City Attorney stated that the present ordinance requires that all dogs be kept on premises and not allowed to run loose and, if found to be running loose, could be picked up. The City Attorney felt the present ordinance, with possible exception of revision of fine schedule, would be sufficient if rigidly enforced. The Commission was in sympathy and the City Manager, City Attorney and others will meet with a Committee of Letter Carriers to work out a solution, to be submitted at the next meeting of the City Commission.
5. The City Attorney read ordinance covering annexing of property between Tanglebriar Addition and Southern Pacific Railroad which has been gone over by the City Planning Commission, and they recommended annexing. The City Manager stated a petition, with sufficient signatures, had been presented to the Mayor in proper form. Charles Ruth, a local Attorney, vigorously opposed the annexing of this property, stating that he and a number of other property owners were not given previous notice nor had they signed the petition. The City Attorney stated the manner of annexing was legally in order and that when he (Mr. Ruth) refused to sign the petition when requested to do so, he had been notified and had voted no. Commissioner Bayo Hopper made motion that the ordinance be passed on first reading, seconded by Commissioner E. Kurl Shirey, and the following votes were recorded:

Voting Aye: Jim Waters, Mayor
Bayo Hopper, Commissioner
E. Kurl Shirey, Commissioner

Voting Nay: Beamon S. Cook, Commissioner
A. G. Welch, Commissioner

Motion carried by majority vote.

6. The City Attorney read ordinance for approval on first reading covering zone change from "A" to "C" District on the following property, the changes having been recommended by the Zoning Board:

Lot No.1, Block No.2, Bonton Addition, located at 1002 Jordan;

Lot No.2, Block No.2, Jordan-Marcus Addition, located at 707 Jordan;

90' x 139.8' off south end of Lot No.3, Block No.28, Denman Addition, located at 520 South Third Street; and

Lot No.2, Block No.3, Robb Addition, located on Jack Street.

Mr. A.J. Thiboutot appeared before the Commission to oppose passage of ordinance on change at 1002 Jordan. Some discussion developed and decision was made to withhold action on all four proposed changes until the next regular meeting in order that the City Planning Commission could take note of and concur in the Zoning Board recommendation. Commissioner A.G. Welch made motion to this effect, seconded by Commissioner Beamon S. Cook and the vote was unanimous.

7. Messrs. Nat Turner and R.E.L. Johnson of Turner & Collie, Consulting Engineering firm on our sewer improvement program, were present, as well as Mr. Howard Tellepsen, owner of Howard Pool Company, one of the contractors, and were welcomed by Mayor Waters. The City Manager stated these gentlemen had been invited to appear before the Commission to discuss overage of time used in present contracts. Mr. Nat Turner went into detail in explaining the contract and how the minimum liquidated damages could be applied, etc. Considerable discussion developed and the general feeling was that:

Contract No.1 as of November 3rd, 1960, was over the 270 calendar days set out in contract by 41 days, or 311 days which were granted, but any additional time in excess of the 311 days would be at liquidated damages as indicated by Contract.

Contract No.2 as of October 31, 1960, was 274 days and the calendar days covered by contract were 240. Eight days had been requested and granted to the Contractor, making 248 days granted. Therefore, Contract No.2 was 26 days over contract as of October 31, 1960, and the Contractor is liable for liquidated damage from that date.

Contract No.3 is over the 180 calendar days in contract and that no request had been received from the Contractor for extension of time.

The minimum penalty, of \$50.00 per day, for exceeding the time stipulated for completion of sewer improvement contracts Nos. 1, 2 and 3, shall be imposed. The time allowed for completion shall be the number of days stated in each contract plus the extensions of time already officially requested and already approved by the City Manager.

It is to be understood that the actual penalties eventually imposed upon the Contractors may exceed the minimum of \$50.00 per day provided the actual expenses to the City as a result of delays of completion shall exceed the amount collected from the minimum penalties.

The Contractors shall accordingly be notified of the above without delay.

The City Manager to keep the City Commission advised on the status of these three contracts as regards future overage on time.

Mr. Howard Tellepsen, owner of Howard Pool Company, spoke briefly and stated that work on Contract No.1 should be completed by Thanksgiving and that work on Contract No.2 should be completed by January 1, 1961, and that he was going to check into the situation as to why only eight days extension had been requested on Contract No.2.

8. The City Manager presented three monthly estimates by Contractors performing work in connection with our sewer improvement program which have been approved by Mr. R.E.L. Johnson of Turner and Collie, and certified by the City Engineer, and requested approval of authority to pay:

(a) Contract No.1, Estimate No.10, Sewage Treatment Plant,
Howard Pool Company \$22,776.44

Commissioner Bayo Hopper made motion that same be approved for payment, seconded by Commissioner E. Kurl Shirey, and voted unanimously.

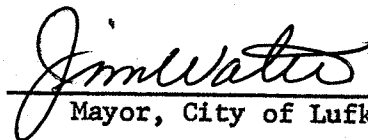
(b) Contract No.2, Estimate No.9, East Side Trunk Sewer
Line, Howard Pool Company \$13,723.88

Commissioner Beamon S. Cook made motion that same be approved for payment, seconded by Commissioner Bayo Hopper, and voted unanimously.

(c) Contract No.3, Estimate No.7, West Side Trunk Sewer and
Lift Station, Temple Associates \$12,631.64

Commissioner E. Kurl Shirey made motion that same be approved for payment, seconded by Commissioner A.G. Welch, and voted unanimously.

9. The City Manager called attention to a letter he had written to Mr. Milton Hickman regarding zone violation by Mr. Buford Maddux in that a lumber shed had been constructed on property that did not carry proper zone designation. Mayor Waters stated he was familiar with the matter and that Mr. Maddux had submitted a request for zone change and felt the matter should stand until the application has been acted upon by the Zoning Board.
10. The City Manager called the Commission's attention to the closeness of actual figures on income and expense as compared to budget for the fiscal year ending September 30, 1960. The Manager was complimented on this accomplishment.
11. Open items were gone over and discussed.
12. There being no further business for consideration, the meeting adjourned.



Mayor, City of Lufkin, Texas

ATTEST:



City Secretary, City of Lufkin, Texas