

MINUTES OF REGULAR MEETING OF THE CITY
COMMISSION OF THE CITY OF LUFKIN, TEXAS,
HELD ON JANUARY 17, 1961, AT 7:30 P.M.

On this the 17th day of January, A.D. 1961, the City Commission of the City of Lufkin, Texas, convened in regular session in the 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
Bayo Hopper	Commissioner, Ward No. 3
A. G. Welch	Commissioner, Ward No. 4
Harold Schmitzer	City Manager
Lynn Durham	City Secretary
William D. Perkins	City Attorney

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

1. Meeting opened with prayer by Rev. Marvin Williams, Pastor of the First Presbyterian Church, after being introduced and welcomed by Mayor Jim Waters.
2. Minutes of previous meeting were read and approved.
3. Mrs. Jack Tucker and Mrs. B. G. Massingill, representatives of Parent Teachers Association, along with a number of other citizens, appeared before the City Commission to protest the showing of a picture at Pines Theatre recently which they felt was below moral standards due to its effect on children and teen-agers. The group felt that the advertising of the picture in the newspaper and in front of the Theatre was also below standards. Mr. Lugenbuhl and Mr. Elliott, representing the Theatre, were present and agreed that a complaint was in order and stated they would certainly correct any advertising that was detrimental to the public. They stated it was their desire to always show the best motion pictures but they had to take what they could get from producers. Mr. Lugenbuhl and Mr. Elliott felt that the complaint should be directed to the movie industry and would supply names of people to contact. The general opinion after discussion was that this was a problem for parents in seeing that children and teen-agers do not attend objectionable movies.
4. Mr. Bill Stewart, local teacher, appeared before the City Commission and presented copies of magazines showing ^{in his opinion} lewd pictures that are being sold in Lufkin and stated he was a member of a committee of three appointed by the Ministerial Alliance to talk to newsstands and dealers to try and stop the sale of such magazines. However, he stated there had not been too much accomplished along this line by the committee. He stated he was only bringing this to the attention of Commission for any advice or suggestions they might have to remedy the situation. Discussion brought out the fact that this was a matter for collective action by citizens through committees, service clubs, etc., and Mayor Waters assured citizens that City Commission was behind any worthwhile activity to make Lufkin a better place in which to live.
5. Commissioner Bayo Hopper made motion that notice of public hearing on zone change application of Dr. Felix Peebles, Jr., and Jerry Girard from "A" to "G" District covering Lots 1, 2, 3, 4, and 5, Block 1, Forrest Park Second Addition, be ordered published in newspaper for meeting of February 7, 1961, after such recommendation had been made by Zone Board and City Planning Commission. Commissioner E. Kurl Shirey seconded the motion and the ensuing vote was unanimous.
6. Commissioner Beamon S. Cook made motion that new franchise ordinance covering application of Texas Power & Light Co. in Lufkin for 50 years duration be approved on second and final reading. Commissioner E. Kurl Shirey seconded motion and vote was unanimous.

7. City Attorney read ordinance creating office of Fire Marshall and prescribing the duties thereto. Considerable discussion developed and a few minor changes noted and made. City Manager requested in letter to Commission that ordinance be passed on first and second reading this date. Commission felt some study should be given before final reading. City Manager concurred with this thought. Commissioner E. Kurl Shirey moved same be passed on first reading, seconded by Commissioner Bayo Hopper and following vote ensued:

Voting Aye:

Mayor Jim Waters
Commissioner Bayo Hopper
Commissioner E. Kurl Shirey

Voting Nay:

Commissioner Beamon S. Cook
Commissioner A. G. Welch


Mayor Waters declared motion carried by majority vote.

8. City Manager gave his progress report for month, bring^{ing} up for discussion the main items.
9. City Manager presented statement from Freese, Nichols, Turner & Collie covering professional services in connection with our sewer improvement program for period of Nov. 26, 1960, thru Dec. 25, 1960, in the amount of \$689.53. City Manager stated this was in line with contract and requested authority to pay. Motion to this effect was made by Commissioner E. Kurl Shirey, seconded by Commissioner A. G. Welch and vote was unanimous.
10. City Manager read letter from Freese, Nichols, Turner & Collie to which was attached estimate #9 (final), Contract #3, Temple Associates, on which was due on completed contract \$31,539.78. However, contract lacked approximately \$5,000.00 before 100% completed and recommended this be withheld. City Manager said City Engineer concurred in this recommendation. The question of liquidated damage was discussed and it was noted that contract was 67 calendar days over amount shown in contract.
- It was the feeling that in addition to \$5,000.00 withheld, \$3,350.00 (\$50.00 per day for 67 days) be withheld until some agreement is reached on exact amount to be withheld. Commissioner Bayo Hopper made motion that Temple Associates be paid \$23,189.78 on this estimate which is \$31,539.78 less \$5,000.00 for uncompleted items and \$3,350.00 liquidated damages of \$50.00 per day minimum for 67 days. Commissioner E. Kurl Shirey seconded the motion and the vote was unanimous.
11. Open items were gone over and discussed and definite action will be taken on removing old buildings that are fire hazards.
12. Commissioner Bayo Hopper made motion that invoices for previous month be approved for payment. Commissioner A. G. Welch seconded the motion and vote was unanimous.
13. Mayor Jim Waters, after discussion, set date of informal meeting of City Commission, City Planning Commission, and Zoning Board, and other City Department heads for 7:00 P.M., Jan. 31, 1961, in City Hall Council Room and City Secretary was instructed to advise all concerned.
14. Commissioner Bayo Hopper inquired as to status of below items:
- (a) Rezoning of newly annexed area. City Attorney to write letter to City Manager outlining procedure to follow.
 - (b) Claim against City by E. L. Callahan. Discussion revealed nothing definite has developed since our last offer. It was decision of City Commission, at suggestion of City Attorney, that we prepare an agreement in writing to cover our previous offer of covering sewer pipe with 2' of dirt and feathered off to not more than 50' on each side.

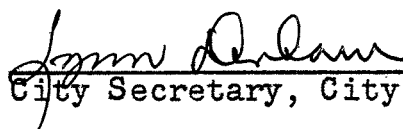
City Engineer to furnish specification of work in order for City Attorney to work up agreement.

(c) Suit against City by Charles Ruth on annexation. City Attorney stated no information was available as to when this would be on docket.

15. There being no further business for consideration, meeting was adjourned at 10:10 P.M.


Mayor, City of Lufkin, Texas

ATTEST:


City Secretary, City of Lufkin, Texas